

Initial Study

Almaden Office Project

File No. SP20-005



Prepared by the



In Consultation with



July 2020

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the Almaden Office project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes to construct two 16-story office towers (totaling approximately 1,727,777 square feet). This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.1.1 Downtown Strategy 2040

On December 18, 2018, the City Council certified the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) (Resolution No. 78942) and adopted the Downtown Strategy 2040 which provides a vision for future housing, office, commercial, and hotel development within the Downtown area. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development. All other environmental impacts were evaluated at a program level.

The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. This Initial Study provides that subsequent project-level environmental review.

1.2 NOTICE OF DETERMINATION

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Almaden Office Project

2.2 LEAD AGENCY CONTACT

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2.3 PROJECT APPLICANT

Boston Properties

2.4 PROJECT LOCATION

The approximately 3.57-acre project site is comprised of 18 parcels located at the northwest corner of South Almaden Boulevard and Woz Way/Balbach Street in downtown San José.

Figure 2.4-1 Regional Map

Figure 2.4-2 Vicinity Map

Figure 2.4-3 Aerial Photograph and Surrounding Land Uses

2.5 ASSESSOR'S PARCEL NUMBERS

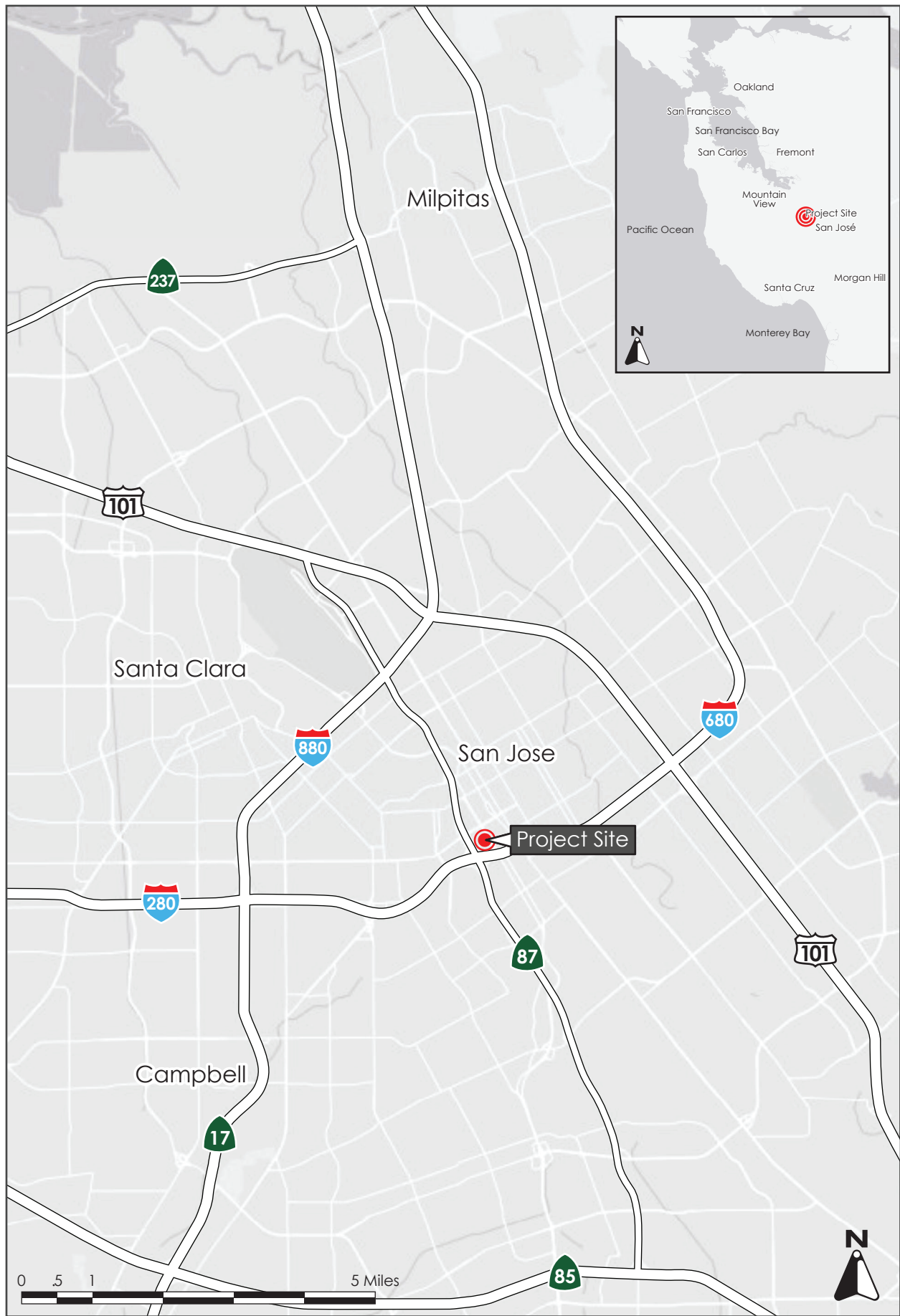
264-28-019	264-28-149	264-28-169
264-28-022	264-28-152	264-28-172
264-28-023	264-28-153	264-28-173
264-28-024	264-28-160	264-28-174
264-28-025	264-28-167	264-28-175
264-28-028	264-28-168	264-28-176

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The proposed project is designated *Downtown* under the General Plan and is zoned *DC – Downtown Primary Commercial*.

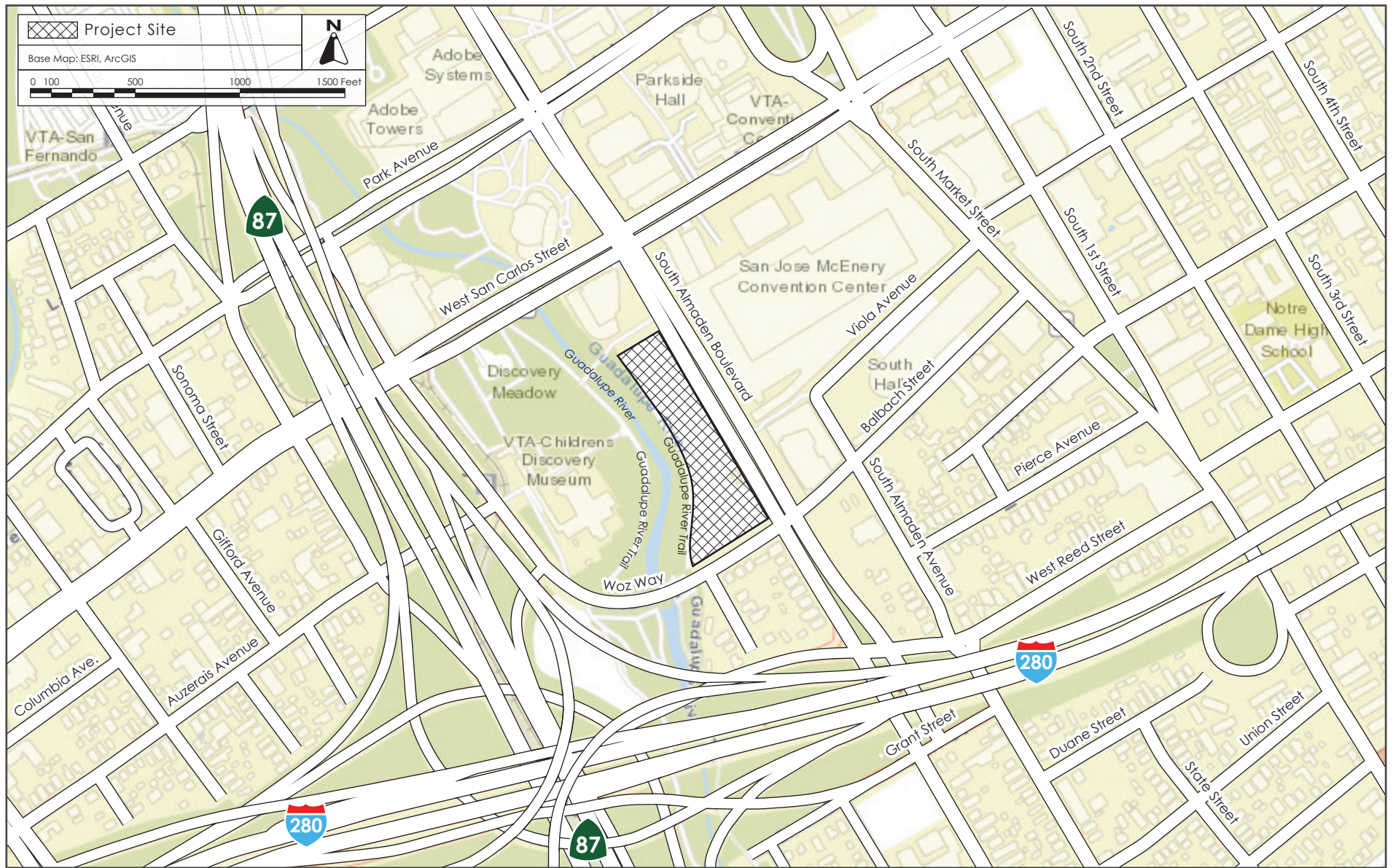
2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Special Use Permit
- Demolition, Grading, and Building Permit(s)
- Other Public Works Clearance



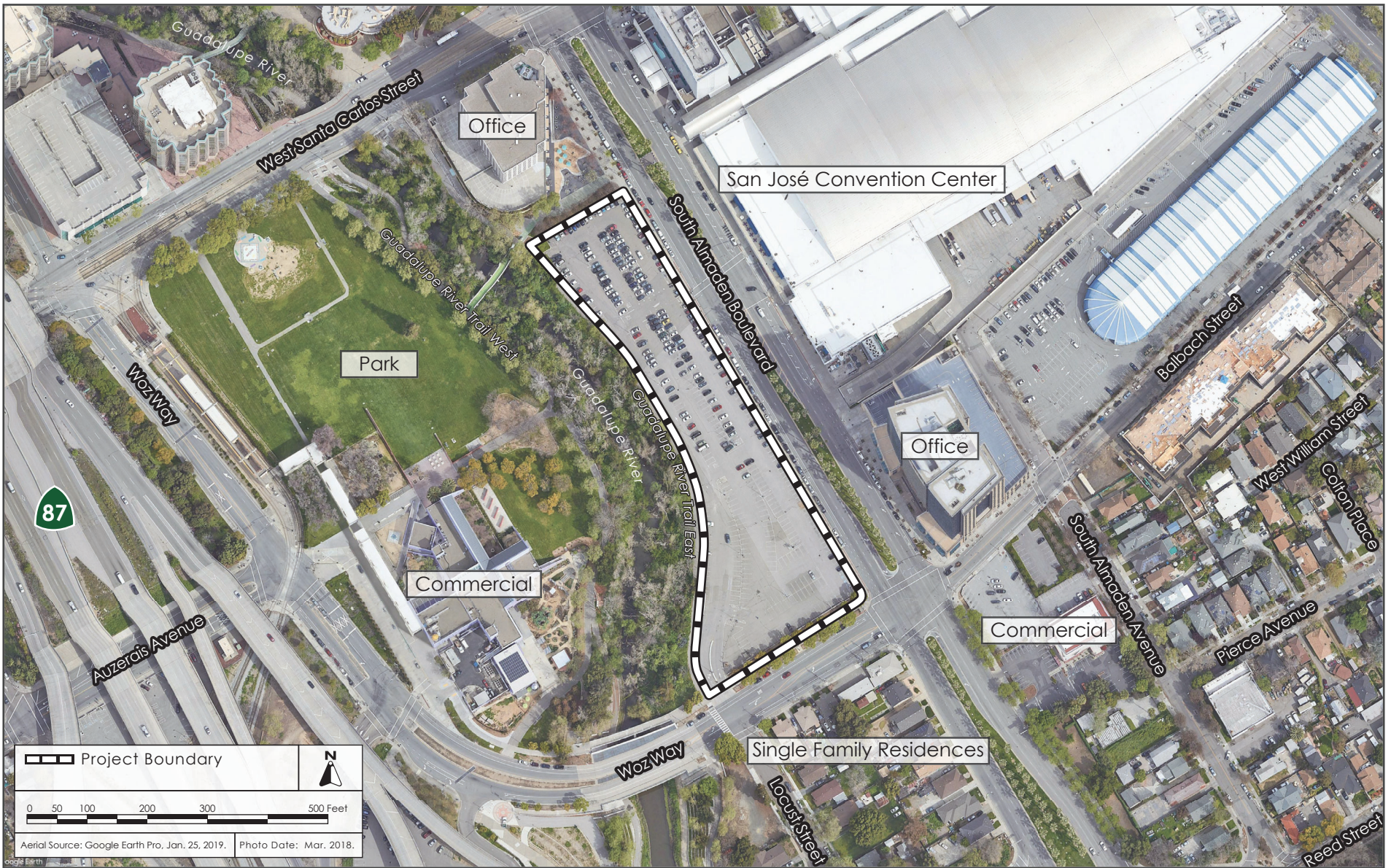
REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

3.1.1 Background Information

The approximately 3.57-acre project site is comprised of 18 parcels (APNs 264-28-019, -022, -023, -024, -025, -028, -149, -152, -153, -160, -167, -168, -169, -172, -173, -174, -175, and -176) and is bounded by Guadalupe River and Guadalupe River Trail to the west, an office building to the north, South Almaden Boulevard to the east, and Woz Way to the south in downtown San José. The site is currently a pay-to-park public parking lot. Vehicular access to the project site is provided via one driveway along Woz Way. The project site is designated as *Downtown* under the City's General Plan and is zoned *DC – Downtown Primary Commercial*.

3.1.2 Proposed Development

The project would demolish the existing parking lot and construct up to approximately 1,727,777 square feet of office in two 16-story¹ towers (North Tower and South Tower). Both towers would have a maximum height of 283 feet to the top of the parapet and would be connected via a podium building on floors one to four. Amenity/food and beverage space would be located on the ground floor of both towers. The total floor area ratio (FAR) of both buildings combined would be 11.1.² Refer to Figures 3.1-1 to 3.1-3 for the site plan and elevations.

The North Tower would be approximately 641,340 square feet and would be comprised of approximately 586,663 office space and 13,885 square feet of amenity/food and beverage space. The North Tower would have approximately 39,046 square feet of terrace space. The proposed office space would be located on floors two to 15.

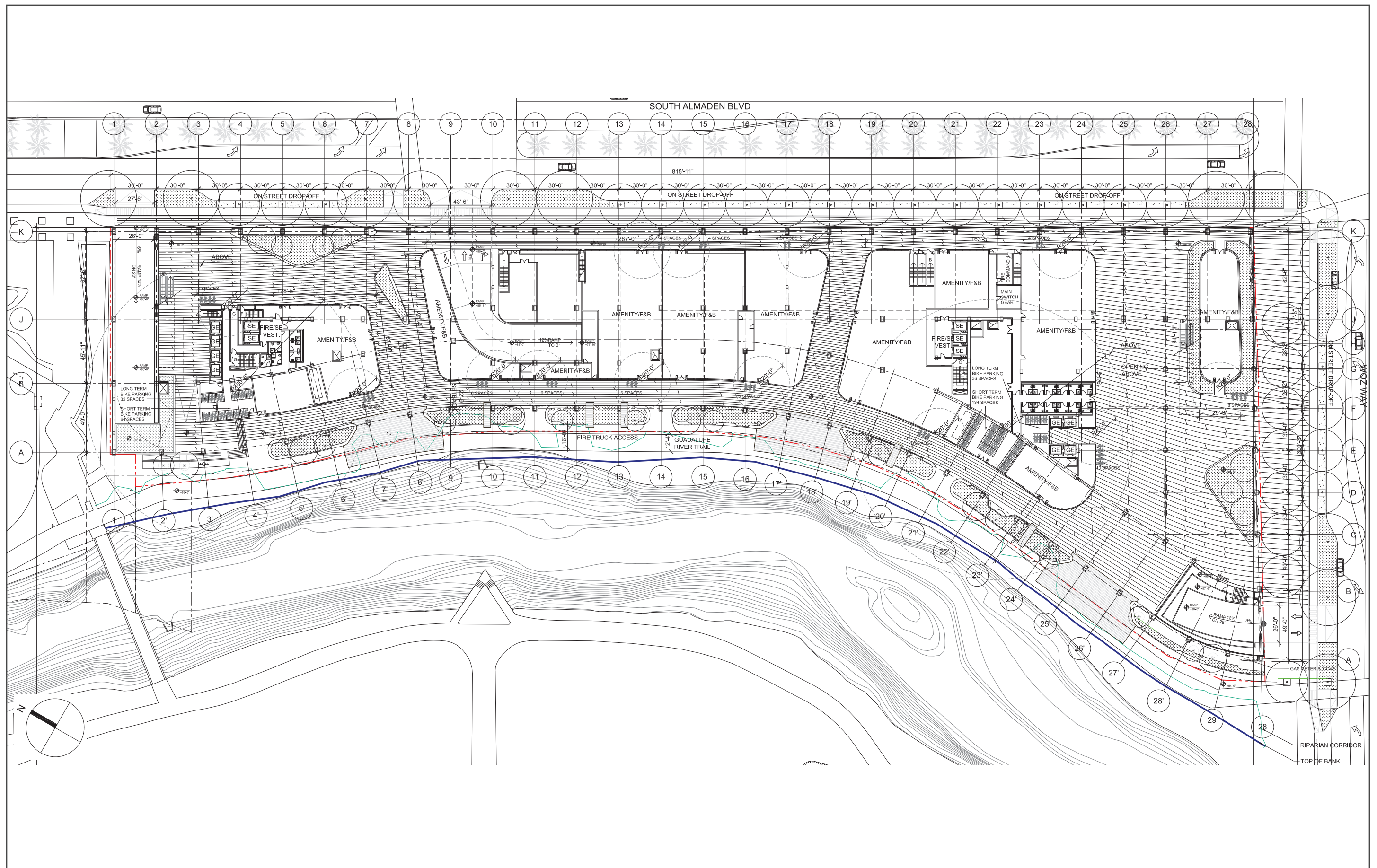
The South Tower would be approximately 984,519 square feet which includes approximately 900,452 square feet of office space and 25,252 square feet of amenity/food and beverage space. The South Tower would have approximately 62,872 square feet of terrace space. The proposed office space would be located on floors two to 15.

Site Access, Parking, and Circulation

The site is currently accessed by a single driveway on Woz Way. The Woz Way driveway would be removed and replaced with a full-access driveway located north of the Locust Street/Woz Way intersection. In addition, a right-in/right-out only driveway along South Almaden Boulevard is proposed at the northeast corner of the project site which would be restricted to trucks only and would provide access to the loading docks on the second below-grade parking garage level. In addition, another full access driveway is proposed at the South Almaden/Convention Center intersection. The project proposes three levels of below-grade parking for a total of 1,343 parking spaces. Additionally, the project proposes a separated bike lane between the sidewalk and drop-off zones along the eastern and southern project frontages on Almaden Boulevard and Woz Way.

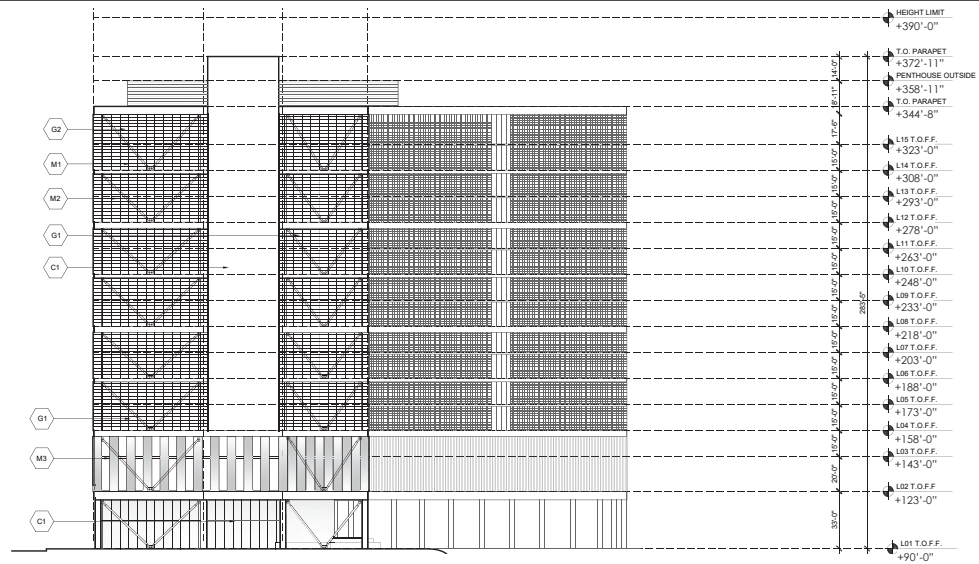
¹ Includes the mechanical penthouse floor.

² 1,727,777 combined square footage of both towers / 155,509 square feet of site area = 11.1 FAR

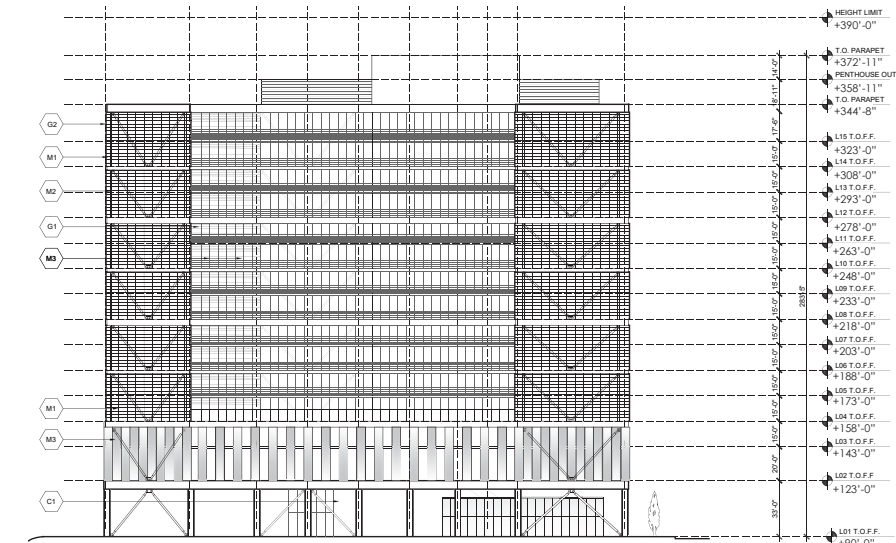


SITE PLAN - GROUND LEVEL

FIGURE 3.1-1



NORTH ELEVATION



SOUTH ELEVATION

ELEVATIONS - NORTH & SOUTH

FIGURE 3.1-2

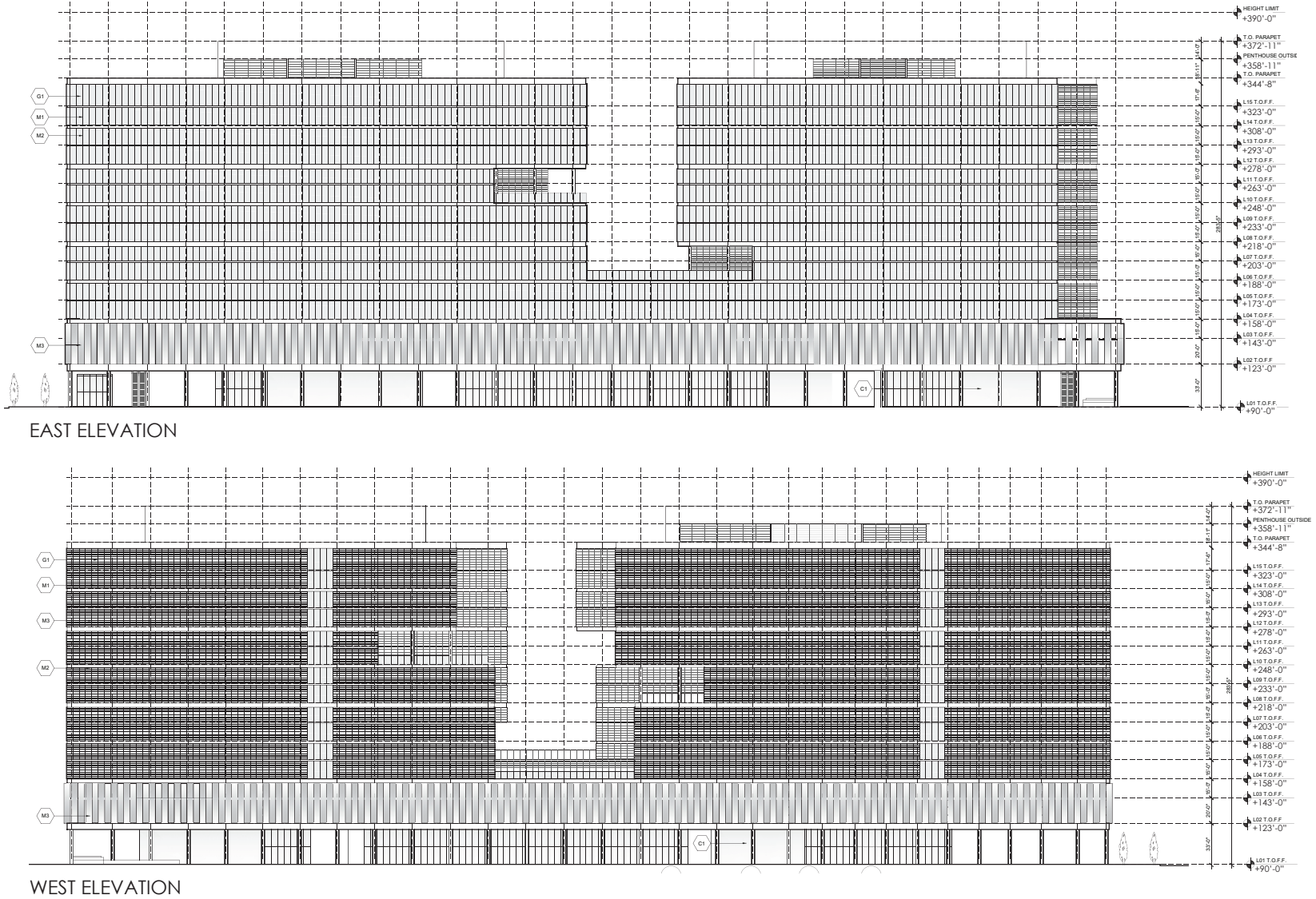


FIGURE 3.1-3

The project proposes a total of 319 bicycle spaces. There would be bicycle parking rooms located on the ground floor and a bicycle rack with space for six to 10 bicycles along the western project frontage.

Utility Improvements

The project includes three storm drain relocation options (Options A, B, and C) as discussed below.³

Under Option A, the current option, a storm drain main head and a sanitary sewer main head is proposed along South Almaden Boulevard. The project would remove the existing 30-inch storm drain that bisects the northern portion of the site and construct a temporary storm drain realignment along the northern and western portion of the site which would connect to the existing outfall. Once the applicant receives approval from the appropriate federal agencies, the portion of the storm drain that runs parallel to the river (west of the site) would be removed and a new outfall north of the site would be constructed.

Under Option B, the storm drain line would be located south of the site, along Woz Way and a new permanent outfall would be constructed north of the bridge at Woz Way.

Under Option C, the storm drain line would remain in its current location (bisecting the northern portion of the site).

Mechanical Equipment

Based on the site plan provided, back of house operations, primary switchgear, pump, service, and substation rooms would be located in the below-grade parking levels. The emergency electrical, emergency generator, and additional back of house operations rooms would be located on the ground floor. Electrical rooms would be located on floors two through 15. A mechanical penthouse which would consist of electrical rooms, cooling towers, and solar panels would be located on floor 16.

General Plan and Zoning Designations

The *Downtown* designation includes office, retail, service, residential, and entertainment uses in the downtown area. All developments within this designation should enhance the “complete community” in downtown, support pedestrian and bicycle circulation, and increase transit ridership. The residential component within the *Downtown* designation should incorporate ground floor commercial uses. Under this designation, projects can have a maximum FAR of 30.0 and up to 800 dwelling units per acre.

Under the *DC – Downtown Core Primary Commercial* zoning designation, development shall only be subject to the height limitations necessary for the safe operation of Norman Y. Mineta San José International Airport. Developments located in this zoning district shall not be subject to any minimum setback requirements.

³ The applicant and project contractor have confirmed that all three options fit within the proposed construction schedule. Verrips, Joanne. Director – Precon & Estimating, Webcor. Personal communications. July 22, 2020.

Please refer to *Section 4.10 Land Use and Planning* for a complete discussion of the project's consistency with the General Plan and zoning designation.

Green Building Measures

The project would be required to be built in accordance with the California Building Code (CALGreen) requirements which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance.

Transportation Demand Management

Transportation Demand Management (TDM) programs are intended to reduce vehicle trips and parking demand by promoting the use of multimodal transportation options. By implementing TDM programs, land use authorities would use available transportation resources more efficiently. The proposed project could propose a number of TDM measures as listed in the City's Municipal Code (refer to Sections 20.90.220.A and 20.70.330.A of the City's Municipal Code). The project proposes the following TDM measures⁴:

- Transit use incentive program for employees
- On-site support services (e.g., ground floor food/beverage-serving uses)
- On-site showers and lockers to serve all employees

Construction

Construction of the proposed project is estimated to begin in 2021 for a period of 51 months. The applicant proposes extended construction hours to include Saturday work from 7:00 AM to 7:00 PM and 24-hour concrete pours for up to 12 days per year over the course of the entire project construction period.

⁴ The tenant occupying the office space (to be determined later) could propose and maintain additional TDM measures. Hexagon Transportation Consultants, Inc. *South Almaden Office Towers Development Transportation Demand Management Plan*. January 23, 2020.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.⁵

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.⁶

In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

⁵ An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 miles of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 14, 2014. Accessed January 21, 2020.

<http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html>.

⁶ California Department of Transportation. "Scenic Highways." Accessed January 21, 2020.

<http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>.

City of San José

Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote the scenic beauty of the city.

Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare.

The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

City Design Guidelines and Design Review Process

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances. The City prepared and adopted guidelines to assist those involved with the design, construction, review and approval of development in San José. Adopted design guidelines include: Residential, Industrial, Commercial, Downtown/Historic, and Downtown Design Guidelines.

City Council Policy 4-2: Lighting

Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late night hours.

City Council Policy 4-3: Private Outdoor Lighting on Private Developments

Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow. The Downtown area is exempt from this policy.

Envision San José 2040 General Plan

The 2040 General Plan identifies "gateways", freeways, and rural scenic corridors where preservation and enhancement of views of the natural and man-made environment are crucial. The segment of Bird Avenue over I-280 adjacent to the Downtown area is designated as a gateway for

scenic purposes. The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetics and are applicable to the project.

General Plan Policies - Aesthetics	
CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.2	Install and maintain attractive, durable, and fiscally- and environmentally- sustainable urban infrastructure to promote the enjoyment of space developed for public use. Include attractive landscaping, public art, lighting, civic landmarks, sidewalk cafes, gateways, water features, interpretive/way-finding signage, farmers markets, festivals, outdoor entertainment, pocket parks, street furniture, plazas, squares, or other amenities in spaces for public use. When resources are available, seek to enliven the public right-of-way with attractive street furniture, art, landscaping and other amenities.
CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Villages, Corridors, or along Main Streets, commercial and mixed-use building frontages should be placed at or near the street-facing property line with entrances directly to the public sidewalk. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street façade and pedestrian access to buildings.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
CD-6.2	Design new development with a scale, quality, and character to strengthen Downtown’s status as a major urban center.
CD-6.8	Recognize Downtown as the hub of the County’s transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest and by fostering active uses and avoiding prominence of vehicular parking at the street level.

General Plan Policies - Aesthetics	
CD-6.9	Design buildings with site, façade, and rooftop locations and facilities to accommodate effective signage. Encourage Downtown businesses and organizations to invest in high quality signs, especially those that enliven the pedestrian experience or enhance the Downtown skyline.
CD-6.10	Maintain Downtown design guidelines and policies adopted by the City to guide development and ensure a high standard of architectural and site design in its center.
CD-10.3	Require that development visible from freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) is designed to preserve and enhance attractive natural and man-made vistas.

4.1.1.2 *Existing Conditions*

Project Site

The project site is currently developed with a pay-to-park public parking lot (Photo 1).

Surrounding Land Uses

The project site is bounded by the Guadalupe River and Guadalupe River Trail and corridor to the west, an office building to the north, South Almaden Boulevard to the east, and Woz Way to the south in downtown San José. The buildings in the area range from one- to 17-stories.

Located north of the project site is a 10-story office building with a landscaped courtyard and benches (Photo 2). The office building is primarily stucco with brown-tinted windows. The building is set back by the courtyard and the sidewalk. The upper levels of the building are set back from the first floor. The main entrance to the building faces the South Almaden Boulevard and West San Carlos Street intersection. The building steps down to nine stories along the southern and western building façade. East of the project site is South Almaden Boulevard, a four-lane divided arterial. East of South Almaden Boulevard is a two-story convention center and parking garage, a 17-story hotel, and a 17-story office building.

The hotel located at the northwest corner of the South Almaden Boulevard and West San Carlos Street intersection is primarily stucco with blue-tinted windows and a flat roof (Photo 3). The northwestern building façade is irregular-shaped. The hotel is connected to the San José Convention Center, a two-story building (Photo 4). An entrance is located on the western building façade. A concrete overhang, supported by columns, is located above the entryway and a balcony is located on the second floor. The roof located on this portion of the building is rounded. The convention center extends along South Almaden Boulevard to the south. The rest of the building to the south is primarily stucco with blue overhangs located on the second floor. An entrance to the convention center parking garage is also located along South Almaden Boulevard, at the southern end of the convention center.

Located south of the convention center is a 17-story building comprised primarily of tinted glass and stucco. The building is set back by the sidewalk and landscaping. The first two floors have colored stucco tiling on the exterior with four metal overhangs (two on the north side and two on the south side of the western building façade). Four silver pillars are located at the center of the building on the



Photo 1: View of project site looking south from the Children's Discovery Bridge.



Photo 2: View of surrounding development looking west from Almaden Boulevard.

PHOTOS 1 & 2



Photo 3: View of surrounding development looking east from Almaden Boulevard.



Photo 4: View of surrounding development looking southeast from Almaden Boulevard.

PHOTOS 3 & 4



Photo 5: View of surrounding development looking east from Almaden Boulevard.



Photo 6: View of surrounding development looking south from Woz Way.

PHOTOS 5 & 6

western building façade. The building materials used on floors two to 17 at the center alternate between stucco and tinted glass (Photo 5).

Immediately south of the project site is Woz Way, a two-lane roadway. South of Woz Way are one-story, single-family residences (Photo 6). The single-family residences have raised porches and are set back from the sidewalk by landscaping. There are steps leading up to the entrances of the single-family residences located on the northern building façade. A chimney is located on the eastern building façade of the residences. The residences located at 282 and 286 Woz Way have driveways that provide access to the rear of the properties.

Located immediately west of the project site is the Guadalupe River Trail (east) and the Guadalupe River riparian corridor. The project site is located approximately 20 feet east from the top of bank of Guadalupe River.

Scenic Views and Resources

Based on the City's General Plan, views of hillside areas, including the foothills of the Diablo Range, Santa Cruz Mountains, Silver Creek Hills, and Santa Teresa Hills are scenic features in the San José area. The project site and the surrounding area are relatively flat and prominent viewpoints, other than the surrounding buildings, are limited. The project area has minimal to no scenic views of the Diablo foothills to the east, Santa Cruz Mountains to the west, and Santa Teresa Hills to the south. No natural scenic resources, such as outcroppings, are present on-site or within the project area.

Light and Glare

Sources of light and glare are abundant in the urban environment of the project site and project area, including but not limited to streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

4.1.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views ⁷ of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: Certain projects within transit priority areas need not evaluate aesthetics (Public Resources Code Section 21099).

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character would differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the Downtown Strategy 2040 FEIR. Similar to the site capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant aesthetics impacts, as described below.

The proposed project would meet the criteria of SB 743 because 1) the project would construct an employment center project and 2) the project is located within a transit priority area.⁸ Consistent with Public Resources Code Section 21099, the project would have a less than significant aesthetics impact. While the project would have a less than significant aesthetic impact, this Initial Study addresses the CEQA checklist questions for informational purposes given the size and location of the project within the downtown.

a) Would the project have a substantial adverse effect on a scenic vista?

The project site is not located within a designated scenic area or corridor as defined by the General Plan. The proposed buildings would not be constructed immediately adjacent to any gateways or freeways. As views of scenic vistas are already limited, the construction of two 16-story office towers would not diminish scenic views or damage any designated scenic resources in the project

⁷ Public views are those that are experienced from publicly accessible vantage points.

⁸ Metropolitan Transportation Commission. *Transit Priority Areas (2017)*. Accessed January 21, 2020. http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-121.930%2C37.306%2C-121.898%2C37.312.

area; therefore, implementation of the project would not result in a substantial impact on any scenic vistas or resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The nearest state scenic highway is SR 9 which is located approximately nine miles southwest of the project site. Therefore, construction of two 16-story office towers would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a State scenic highway. **[Same Impact as Approved Project (Less Than Significant Impact)]**

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is surrounded by a variety of land uses including single-family residences, office buildings, a hotel, and the Guadalupe River and Guadalupe River Trail. The project would demolish the existing parking lot and construct two 16-story office towers which would alter the visual character of the site. The proposed office towers would have a maximum height of 283 feet to the top of the parapet which would be comparable in height to the existing 17-story office building to the east. The proposed buildings would be reviewed for consistency with the City's Downtown Design Guidelines and policies prior to issuance of planning permits. As a result, the proposed project would not conflict with zoning or other regulations regarding scenic quality. **[Same Impact as Approved Project (Less Than Significant Impact)]**

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Sources of light and glare that currently exist on-site and within the project area include streetlights, parking lot lights, vehicular headlights, internal building lights from adjacent buildings, and reflective building surfaces and windows. The proposed building would include internal/exterior building lights, safety lights, and parking garage lighting. Based on the plan set provided by the applicant, all outdoor lighting would be fully shielded, and all lighting would be LED. All outdoor lighting would be used to illuminate walkways and turned down or off after normal business hours. No additional street lighting is proposed on-site. The proposed project would implement bird-safe building design considerations to comply with LEED Pilot Credit 55: Bird Collision Deterrence (refer to *Section 3.2 Biological Resources* of the SEIR). As mentioned above, the project would go through a design review process and would be reviewed for consistency with the Downtown Design Guidelines. Additionally, the project would be required to comply with City Council Policy 4-2. For these reasons, the project would not significantly impact adjacent uses with daytime glare from building materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments.

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁹

4.2.1.2 *Existing Conditions*

Based on the Santa Clara County Important Farmland 2016 Map¹⁰, the project site is designated as "urban and built-up land." Common examples of "urban and built-up land" include residential, institutional, commercial, landfill, golf course, airports, and other utility uses. The project area consists of single-family residences, commercial, and industrial land uses. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.

⁹ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

¹⁰ California Department of Conservation. *Santa Clara County Important Farmlands 2016 Map*. Accessed January 21, 2020. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/sc116.pdf>.

4.2.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the site development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would have no impact on agriculture and forestry resources, as described below.

a) **Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The project site is located within a developed area of the City. Based on the Santa Clara County Important Farmland 2016 Map, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. **[Same Impact as Approved Project (No Impact)]**

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is not subject to a Williamson Act contract. The site is located within the *DC* zoning district and would not conflict with any agricultural zoning. **[Same Impact as Approved Project (No Impact)]**

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site is not zoned as forest land, timberland, or timberland zoned Timberland Production. Therefore, the project would not conflict with existing zoning or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. **[Same Impact as Approved Project (No Impact)]**

d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

As discussed above, the project site is not zoned as forest land. The project site is located within an urbanized area and would not result in a loss of forest land or convert forest land to non-forest use. **[Same Impact as Approved Project (No Impact)]**

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed project would not result in the conversion of forest lands to non-agricultural or non-forest use. For these reasons, the project would not result in impacts to agricultural or forest resources. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

4.3.1 Environmental Setting

The proposed project would demolish the existing pay-to-park public parking lot on an approximately 3.57-acre site and would construct two 16-story office towers.

4.3.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Implementation of the proposed project has the potential to result in significant air quality construction impacts. The projects impacts to air quality are evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

The proposed project would demolish the existing pay-to-park public parking lot on an approximately 3.57-acre site and would construct two 16-story office towers.

4.4.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As proposed, the project would demolish the existing parking lot and construct two 16-story office towers. Implementation of the project has the potential to result in significant impacts to the riparian corridor. The projects impact to biological resources is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.5 CULTURAL RESOURCES

The following discussion is based upon a Literature Search prepared by *Holman & Associates* in April 2019. A copy of the Literature Review is on file at the City of San José Department of Planning, Building and Code Enforcement.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources and are applicable to the project.

General Plan Policies - Cultural Resource	
ER-9.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

General Plan Policies - Cultural Resource	
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.1.2 *Existing Conditions*

Prehistoric Subsurface Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777.

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. The nearest waterway is Guadalupe River, located approximately 25 feet west of the project site.

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during the time which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe.

The pueblo was originally near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The project site is located approximately 0.5 miles southwest of the second pueblo.

Literature Search

In April 2019, Holman & Associates prepared a literature search which identified potential archaeological deposits below the ground surface on-site and within an eighth of a mile of the project site. Four cultural resources have been recorded nearby (P-43-3272, P-43-3273, CA-SCL-128/H, and SCL-672H). P-43-3272 and P-43-3273 are recorded with a single-story wooden residence. None of the single-story residences were determined eligible to the National Register. None of the buildings were evaluated for the City's Historic Resources Inventory. The two remaining recorded cultural resources are archaeological sites. Site CA-SCL-128/H was nominated for listing under the National Register of Historic Places (NRHP) in 1982. Site CA-SCL-128/H has a current NRHP status of 2S2 which is defined as an "Individual property determined eligible for National Register by a consensus through Section 106 process. Listed in California Register of Historical Resources." A historic trash deposit associated with Canoas Creek, a historic channel, was found at SCL-672H. Euroamerican and Chinese artifacts were noted in the site record.

No historic resources and/or properties are listed on the federal, state, or local inventories within or abutting the project site. The project site is located adjacent to the Guadalupe River and, as a result, has a high potential for buried Native American artifacts. The project area has been studied nine times in the past. In 1986, archaeological monitoring was completed on the northern portion of the project area and a shallow subsurface exploration was completed for the parking lot improvements. No archaeological deposits were identified. Historical materials postdated 1900 consisting of trash areas, shell beads, and isolate human bone mixed with recent/historic materials were identified. In 2000, the southern portion of the project area was analyzed which identified an unrecorded archaeological site. Artifacts associated with one of the Chinatowns in the City were found and inventoried. Additionally, Charlene Duval, a local historian, identified a gristmill (used from circa 1840s to mid-1860s) on the southern portion of the land near Guadalupe River and Canoas Creek. The gristmill was covered by a paved parking lot with little soil exposed along the riverbank.

4.5.1.3 *Structures on and Adjacent to the Project Site*

Project Site

As mentioned previously, the project site is currently developed with a pay-to-park public parking lot. There are no historic structures on-site.

Adjacent Structures

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 miles north of a residence located at 533 Locust Street, which is currently listed as a Structure of Merit in the City's Resources Inventory.

4.5.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

In addition to the thresholds listed above, a significant impact would occur in the City of San José if the project would demolish or cause a substantial adverse change to one or more properties identified as a City Landmark or a Candidate City Landmark in the City's Historic Resources Inventory or a structure that is an eligible City Landmark.

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in a less than significant cultural resources impact, as described below.

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

As mentioned previously, there are no historic structures located on-site. The project site is located approximately 0.08 miles northwest of the Market-Almaden Conservation Area and approximately 0.06 miles north of the 533 Locust Street residence which is currently listed as a Structure of Merit in the City's Resources Inventory. The structure at 533 Locust Street would not qualify as a significant historic resource under CEQA. Due to the distance between the project site and the conservation area and adjacent structures listed in the City's Historic Resources Inventory, damage or changes to the surrounding historic structures would not occur. Therefore, the project would have a less than significant impact on adjacent structures. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

The project site is located adjacent to the Guadalupe River which has a high potential of containing prehistoric and historic cultural resources. The project area has been studied numerous times and was found to have high potential for Native American sites, artifacts and features associated with

recorded site SCL-672H, Chinatown, isolate human bone, and the potential for other cultural resources.

Policy ER-10.1 of the General Plan states that for proposed development sites that have been identified as archaeologically or paleontologically sensitive, the City shall require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Consistent with the Downtown Strategy 2040 FEIR and the recommendations of the literature search, the project shall comply with the following standard measures to reduce and avoid impacts to as yet unidentified archaeological and paleontological resources:

Standard Permit Conditions:

- **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.
- **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of these conditions, impacts to unknown subsurface cultural resources would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Refer to the discussion above. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6 ENERGY

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* in June 2020. The report is included in Appendix B of the SEIR.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2019 Title 24 updates went into effect on January 1, 2020.¹¹

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went into effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

¹¹ California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed January 21, 2020. <http://www.bsc.ca.gov/>.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025.

City of San José

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Density our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

Sustainable City Strategy

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency.

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to energy and are applicable to the project.

General Plan Policies - Energy	
MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.
MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
MS-14.2	Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.
MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
MS-14.5	Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.
MS-17.2	Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at

General Plan Policies - Energy	
	minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other 2040 General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.
MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.
LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections, and including secure and convenient bike storage.
TR-1.4 ¹²	Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,883 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available.¹³ Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The

¹² TR-1.4, as shown, is modified in this list to reflect only those items relevant to the discussion of energy.

¹³ United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed April 13, 2020. <https://www.eia.gov/state/?sid=CA#tabs-2>.

breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,817 trillion Btu) for industrial uses, and 40 percent (3,178 trillion Btu) for transportation.¹⁴ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,708 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.¹⁵

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.¹⁶ In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent.¹⁷ Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.¹⁸

Fuel for Motor Vehicles

In 2019, 15 billion gallons of gasoline were sold in California.¹⁹ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.²⁰ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of

¹⁴ Ibid.

¹⁵ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed January 22, 2020. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

¹⁶ California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed January 22, 2020. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

¹⁷ U.S. EIA. "Natural Gas." Accessed January 22, 2020. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.

¹⁸ California Energy Commission. "Natural Gas Consumption by County." Accessed January 22, 2020. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

¹⁹ California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed January 22, 2020. <https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.xlsx>.

²⁰ United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.

35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.^{21,22}

Energy Use of Existing Development

The project site is currently developed with a pay-to-park public parking lot. For the purposes of this analysis, it is assumed that the project site does not currently generate any energy demand. Therefore, the calculations utilized in the analysis are conservatively estimated.

4.6.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Result in a substantial increase in demand upon energy resources in relation to projected supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in a less than significant energy impact, as described below.

-
- a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**
-

Energy Use During Construction

Construction activities would include demolition of the existing parking lot, site preparation, grading/excavation, trenching, building exterior, building interior/architectural coating, and paving. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore,

²¹ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed January 22, 2020. <http://www.afdc.energy.gov/laws/eisa>.

²² Public Law 110-140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed January 22, 2020. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

the opportunities for future efficiency gains during construction are limited. The proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the City's Standard Permit Conditions detailed in *Section 3.1 Air Quality* of the SEIR, would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment.

The Downtown Strategy 2040 FEIR concluded that implementation of General Plan policies and existing regulations and programs would reduce energy loss from construction and demolition. Therefore, the proposed project would not consume energy in a manner that is wasteful, inefficient, or unnecessary during construction.

Operational Energy Use

The proposed project would redevelop a 3.57-acre site in the downtown area. As mentioned previously, the existing land use does not generate any energy demand. The estimated annual energy use of the proposed project is shown in Table 4.6-1, below.

Table 4.6-1: Estimated Annual Energy Use of Proposed Development		
Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
Enclosed Parking with Elevator	2,400,000	0
General Office Building	26,500,000	24,300,000
Strip Mall	418,375	92,755
Total:	29,318,375	24,392,755

The proposed project would use approximately 29,318,375 kWh of electricity and 24,392,755 kBtu of natural gas. Using the U.S. EPA fuel economy estimates (24.9 mpg), the project would result in the consumption of approximately 755,882 gallons of gasoline per year.²³

The proposed project would be required to be built in accordance with CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption. Additionally, the proposed project would be constructed in compliance with City of San José Council Policy 6-32. The project site is located approximately 1,000 feet southwest of the Convention Center Light Rail Transit (LRT) Station, 1,200 feet east of the Children's Discovery Museum LRT Station, and approximately 0.8 miles from the Diridon Transit Center. The nearest bus stops are located at the San Carlos Street/Woz Way intersection (Route 23) and the San Carlos Street/Convention Center intersection (Routes 23, 168, 523). The site's proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Additionally, the proposed project would include 319 bicycle parking spaces consistent with the City's bicycle parking requirement. The proposed project would also comply with existing state energy standards. As a result, the project would not result in a potentially significant environmental impact due to inefficient consumption of energy during project operation.

[Same Impact as Approved Project (Less Than Significant Impact)]

²³ 18,821,453 VMT / 24.9 mpg = 755,882 gallons of gasoline

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Electricity on-site would be provided by SJCE. The project would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements. As a result, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. **[Same Impact as Approved Project (Less Than Significant Impact)]**

c) Would the project result in a substantial increase in demand upon energy resources in relation to projected supplies?

Annual electricity use in California is estimated to increase approximately one percent each year through 2027.²⁴ The project would increase annual electricity use by approximately 29,318,375 kWh and would not result in a substantial increase in demand on electrical energy resources. California uses approximately 2.36 quadrillion Btu of natural gas each year. It is assumed that energy efficiency technology and the RPS targets are likely to reduce demand for natural gas in the state in the future. Additionally, system and drilling efficiencies will continue to enhance production and decrease the overall need for natural gas.²⁵ Based on the relatively small increase in natural gas demand from the project (24,392,755 kBtu per year) and compared to the growth trends in natural gas supply and the existing available supply in California, the proposed project would not result in a substantial increase in natural gas demand relative to projected supplies. **[Same Impact as Approved Project (Less Than Significant Impact)]**

²⁴ California Energy Commission. "California Energy Demand Updated Forecast, 2018-2028." Accessed February 21, 2020. <https://efiling.energy.ca.gov/getdocument.aspx?tn=220615>.

²⁵ CEC. 2013 Natural Gas Issues Trends, and Outlook. Accessed February 21, 2020. <http://www.energy.ca.gov/2014publications/CEC-200-2014-001/CEC-200-2014-001-SF.pdf>.

4.7 GEOLOGY AND SOILS

The following discussion is based upon a Geotechnical Exploration prepared by ENGEO in January 2019. A copy of the report is attached in Appendix F of the SEIR.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of San José

City of San José Policies

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including state Seismic Hazard Zones for Liquefaction.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to geologic and seismic hazards and are applicable to the project.

General Plan Policies - Geology, Soils, and Seismic Hazards	
ES-4.9	Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.
ES-4.10	Update, as necessary, the San José Building Code, Fire Prevention Code and Municipal Code to address geologic, fire, flooding and other hazards, and to respond to changes in applicable State Codes.
EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
EC-3.3	The City of San José Building Official shall require conformance with state law regarding seismically vulnerable unreinforced masonry structures within the City.

General Plan Policies - Geology, Soils, and Seismic Hazards	
EC-3.4	The City of San José will maintain up-to-date seismic hazard maps with assistance from the California Geological Survey (or other state agencies) under the Alquist-Priolo Earthquake Fault Zoning Act and the California Seismic Hazards Mapping Act.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including un-engineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 st and April 30 th .
EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

4.7.1.2 *Existing Conditions*

Regional Geology

The City of San José is located within the Santa Clara Valley, which is a broad alluvial plain that lies between the Santa Cruz Mountains to the west and the Diablo Range to the east. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range.

On-Site Geologic Conditions

Topography and Soils

The project site is relatively flat and consists of alluvial fan deposits and alluvium of Holocene age. These Holocene deposits primarily consist of medium stiff to very stiff silty clays and clayey silts with varying amounts of sand. The Holocene deposits are underlain by late-Pleistocene alluvial fan deposits.

Groundwater

Groundwater at the project site is estimated at a depth of approximately 15 to 20 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the U.S. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in a northwesterly direction. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking is expected to occur at the project site during a major earthquake. Based on a 2015 forecast completed by the U.S. Geological Survey, there is a 72 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area by 2045.²⁶

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone or Santa Clara County Fault Hazard Zone²⁷. As discussed in the General Plan FEIR (as amended), no known surface expressions of active faults cross the site; therefore, fault rupture is not a significant geologic hazard on the project site. Nearby active or potentially active faults include the Hayward, Monte Vista-Shannon, Calaveras, and San Andreas faults. The distance from the project site to these faults is shown below in Table 4.7-1.

Table 4.7-1: Active Faults Near the Project Site	
Fault	Distance and Location from Project Site
Hayward	9.0 miles east
Monte Vista-Shannon	6.9 miles west
Calaveras	8.6 miles east
San Andreas	12.2 miles west

Liquefaction

Liquefaction is a result of seismic activity and is characterized as the transformation of loose, water-saturated soils from a solid state to a liquid state during ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level. Soils susceptible to liquefaction include loose- to medium-dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. Based on the County of Santa Clara's Geologic Hazards Zone map, the project site is located within a liquefaction hazard zone.²⁸

²⁶ U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System. Fact Sheet 2015-3009". March 2015. Accessed January 11, 2019. <http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf>.

²⁷ County of Santa Clara. Geologic Hazards Zones, Map 20. 2012. Accessed January 11, 2019. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

²⁸ Ibid.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or “free” face, such as an open body of water, channel, or excavation. Areas of the City most prone to lateral spreading include lands adjacent to Guadalupe River and Coyote Creek. The project site is located approximately 30 to 45 feet east from Guadalupe River and 1.3 miles west of Coyote Creek.

Landslides

The site is not located within a California Seismic Hazard Zone for landslides or within a Santa Clara County Landslide Hazard Zone²⁹. The project site is relatively flat; therefore, the probability of landslides occurring at the site during a seismic event is low.

4.7.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

²⁹ County of Santa Clara. Geologic Hazards Zones, Map 20. 2012. Accessed January 11, 2019.
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant geology and soils impacts, as described below.

-
- a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?**
-

As mentioned previously, the project site is not located within a designated Alquist-Priolo Earthquake Fault Zone or Santa Clara County Fault Hazard Zone³⁰. During a seismic event, the project site would experience intense ground shaking. Since the project site and surrounding areas are relatively flat, the probability of a landslide is low. Guadalupe River is located approximately 30 to 45 feet west of the project site. The eastern riverbank slopes up to approximately 20 feet high and a sandy layer is located approximately 15 to 25 feet bgs. Based on the geotechnical exploration prepared for the site, the sandy layer is potentially liquefiable, and the eastern Guadalupe riverbank would be subject to failure during a seismic event. Additionally, the site is located within an area with moderate to very high soil expansion potential.³¹

Consistent with the General Plan, a site-specific geotechnical investigation was prepared which makes specific recommendations regarding existing demolition, existing fill removal, site drainage, foundation, basement walls, dewatering, temporary excavation support, and pavement design. The

³⁰ County of Santa Clara. Geologic Hazards Zones, Map 20. 2012. Accessed January 11, 2019.

https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

³¹ U.S. Department of Agriculture (USDA). *Custom Soil Resource Report for Santa Clara Area*. Accessed January 31, 2019.

https://websoilsurvey.sc.egov.usda.gov/WssProduct/fet2nluuymgikwqzlrnrkq0s/GN_00000/20190131_1523350332_1_1_Soil_Report.pdf.

proposed project would be constructed in conformance with the recommendations of the site-specific geotechnical analysis as well as the most current CBC. Per City requirements, the site-specific geotechnical report will be submitted to the City Geologist for review and approval prior to the issuance of a grading permit. Therefore, the impacts related to seismic ground shaking and seismic-related ground failure would be less than significant. The project would comply with City policies, existing regulations, and recommendations of the site-specific geotechnical report and would not expose adjacent or nearby properties to any geologic hazards.

With implementation of the recommendations of the geotechnical exploration, the proposed project would have a less than significant impact on seismic and seismic-related impacts. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project result in substantial soil erosion or the loss of topsoil?

The proposed project would result in a substantial amount of ground disturbance due to the demolition of the existing parking lot, excavation for the below-grade parking garage, and construction of two 16-story office towers. The project would implement the following erosion control measures outlined in the Downtown Strategy 2040 FEIR to reduce construction-related erosion impacts.

Standard Permit Conditions:

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

In addition to the Standard Permit Conditions described above, the project would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) under the National Pollution Discharge Elimination System (NPDES) General Construction Permit and the City's Municipal Code (refer to *Section 4.10, Hydrology and Water Quality*). Conformance with these measures would reduce potential soil erosion impacts to a less than significant level. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Geologic Hazards

As mentioned previously, the project site is located within a liquefaction zone and the potential for lateral spreading to occur on-site is high due to the location of the project site. Based on the geotechnical investigation, the potential for landslides at the site would be low. Although the project would be located in an area that would become unstable during a seismic hazard, the proposed project shall be constructed using standard engineering and seismic safety design techniques and in

conformance with the site-specific geotechnical investigation to avoid on- and/or off-site geologic hazards.

Groundwater

The project would excavate to a depth of approximately 38 feet bgs for the three levels of below-grade parking. Groundwater is estimated at a depth ranging from 15 to 20 feet bgs. and, as a result, dewatering would be required. Consistent with the measure identified in the Downtown Strategy 2040 and City policy, a geotechnical exploration was prepared for project which evaluated dewatering. As a Condition of Project Approval, the project shall comply with the recommendations from the geotechnical exploration which would be reviewed and approved by the Department of Public Works as part of the building permit review and entitlement process. Additionally, the project applicant would be required to comply with the Standard Permit Conditions for dewatering as discussed in *Section 4.10 Hydrology and Water Quality*. For these reasons, the proposed project would have a less than significant impact on groundwater.

[Same Impact as Approved Project (Less Than Significant Impact)]

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

Soils underlying the project site range from moderate to very high expansive potential and the buildings would be designed and constructed in conformance with the recommendations of the approved geotechnical exploration. As a result, the proposed project would not create substantial direct or indirect risks to life and/or property. **[Same Impact as Approved Project (Less than Significant Impact)]**

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project site is located within an urbanized, developed area of San José where sewers are available to dispose of wastewater from the project site. The site would not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (Less Than Significant Impact)]**

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City of San José is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet bgs, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

The project would construct three levels of below-grade parking garage. The entire site would be excavated 38 feet bgs and could potentially disturb unknown paleontological resources during excavation, grading, and construction activities.

Consistent with the Downtown Strategy 2040 FEIR, the project would comply with the following Standard Permit Condition for avoiding and reducing construction-related paleontological resources impacts.

Standard Permit Condition:

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

With implementation of the identified Standard Permit Condition, the proposed project would have a less than significant paleontological resources impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.7.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing geology and soils conditions affecting a proposed project.

Policy EC-4.2 states that development is allowed in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on-site or on adjoining properties. Prior to issuance of site-specific grading or building permits, a design-level geotechnical investigation³² shall be prepared and submitted to the City of San José Public Works department for review and confirmation that the proposed development fully complies with the CBC and all City policies and ordinances.

In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas

³² The analysis must conform to the California Division of Mines and Geology (CDMG) recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California." CDMG Special Publication 117. 1997.

subject to soils and geologic hazards and require review and implementation of mitigation measures as part of the project approval process.

The project site and surrounding area contain soils with moderate to very high expansion potential. Consistent with Action EC-4.11, the project applicant would be required to submit a design-specific geotechnical report. The proposed project would be built and maintained in accordance with a design-specific geotechnical report and applicable regulations including the most recent CBC, which contains the regulations that govern the construction of structures in California. Adherence to the CBC would reduce seismic related impacts and ensure that the proposed new development is constructed to withstand the potentially hazardous conditions on the site.

Because the proposed project would comply with the design-specific geotechnical report, the CBC, and regulations identified in the Downtown Strategy 2040 FEIR, the project would comply with General Plan Policies EC-4.2 and EC-4.4.

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* in June 2020. The report is included in Appendix B of the SEIR.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂E (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035. The four major requirements of SB 375 are:

- Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
- MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the RTP.
- Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
- MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.³³

The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Climate Smart San José

Climate Smart San José was developed by the City to reduce air pollution, save water, and create a healthier community. The plan contains nine strategies to reduce carbon emissions consistent with the Paris Climate Agreement. These strategies include use of renewable energy, densification of neighborhoods, electrification and sharing of vehicle fleets, investments in public infrastructure, creating local jobs, and improving building energy-efficiency.

Reach Building Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

³³ The required components of a “qualified” Greenhouse Gas Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2017).

City of San José

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. Future development under the proposed Downtown Strategy 2040 would be subject to this policy.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to greenhouse gas emissions and are applicable to the project. In addition, goals and policies throughout the 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management, and requirements for Transportation Demand Management programs for large employers. Additional policies have been adopted to reduce energy use (and thus emissions from fuel use). Refer to *Sections 4.6 Energy, and 4.17 Transportation* of this document and *Section 3.1 Air Quality* (in the SEIR), for these policies.

General Plan Policies - GHG Emissions	
MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
MS-1.4	Foster awareness of San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
MS-2.11	Require new development to incorporate green building policies, including those required by the Green Building Ordinance. Specifically, target reduced energy use through

General Plan Policies - GHG Emissions	
	construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize effectiveness of passive solar design.).
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-5.6	Enhance the construction and demolition debris recycling program to increase diversion from the building sector.
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
MS-21.1	Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.
TR-1.16	Develop a strategy to construct a network of public and private alternative fuel vehicle charging/fueling stations city wide. Revise parking standards to require the installation of electric charging infrastructure at new large employment sites and large, multiple family residential developments.

4.8.1.3 *Existing Conditions*

GHG emissions on-site are generated by daily vehicle trips to and from the site.

4.8.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the site development evaluated in the Downtown Strategy 2040 FEIR, the proposed project, by itself, would not result in a significant GHG emissions impacts.

Thresholds of Significance

BAAQMD also developed a quantitative threshold for project- and plan-level analyses based on estimated GHG emissions, as well as per service population metrics. The BAAQMD GHG recommendations include a specific plan and project-level GHG emission efficiency metric of 1,000 MT or 4.6 MT of CO₂e/year/service population as the average efficiency to achieve the 2020 AB 32 statewide targets. Given the project would not be constructed and operational prior to December 31st, 2020, the City has developed updated GHG efficiency targets reflecting statewide goals beyond 2020. GHG emissions resulting from operation of the project at maximum build out have been compared to an efficiency metric threshold consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a “Substantial Progress” efficiency metric of 2.6 MT CO₂e/year/service population and a bright-line threshold of 660 metric tons (MT) CO₂e/year based on the GHG reduction goals of SB 32/EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.³⁴

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction Emissions

The proposed development would result in an increase in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers’ personal vehicles traveling to and from the project site. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction related GHG emissions; however, BAAQMD recommends disclosing that GHG emissions would occur during construction. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. GHG emissions associated with project construction were estimated to be a total of 7,757 MT of CO₂e for the total construction period of 51 months. Because construction would be approximately 51 months and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 in 2020 or SB 32 in 2030.

Operational Emissions

Operational emissions resulting from capacity build out of the Downtown Strategy 2040 were analyzed in the Downtown Strategy 2040 FEIR. Full build out through 2030 would not exceed the 2030 substantial progress threshold of 2.6 MT of CO₂e per service population annually, while full build out through 2040 would exceed the 2040 substantial progress threshold of 1.7 MT of CO₂e per service population annually. Build out of the Downtown Strategy 2040 was found to result in a significant GHG emissions impact under 2040 conditions. An individual assessment of the project’s GHG emissions through 2030 was completed to determine if the project would exceed the service population thresholds that would be current when the buildings becomes fully operational.

³⁴ Association of Environmental Professionals. Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. October 2016.

The California Emissions Estimator model (CalEEMod) along with the vehicle trip generation rates was used to estimate the daily emissions associated with full build out of the proposed project. The project land use types and size, project construction schedule/equipment, and other project-specific information were input to the model (refer to Appendix B of the SEIR). To be considered a significant GHG emissions impact, the project must exceed both the service population significance threshold of 2.6 MT of CO₂e per year per service population and the bright-line threshold of 660 MT of CO₂e per year per service population. Table 4.8-1 below shows the annual project GHG emissions in MT CO₂e/year/service population and is based on a service population of 8,558 full-time employees.³⁵

Table 4.8-1: Annual Project GHG Emissions (MT of CO₂e)		
Source Category	Project in 2026¹	Project in 2030
Area	<1	<1
Energy Consumption	1,312	1,312
Mobile	5,902	5,362
Solid Waste Generation	716	716
Water Usage	359	359
Total	8,289 MT CO ₂ e/year	7,749 MT CO ₂ e/year
<i>Bright-Line Threshold</i>	660 MT CO ₂ e/year	660 MT CO ₂ e/year
Project MT of CO₂e/year/service population	0.97	0.91
Per Capita Threshold	2.6 in 2030	2.6 in 2030
<i>Exceeds both Thresholds?</i>	No	No
Note: ¹ The project would be constructed and operational by 2026.		

The project would exceed the 2030 operational annual emissions bright-line threshold of 660 MT CO₂e/year in 2026 and 2030. The project's estimated MT CO₂e/year/service population in 2026 and 2030 would be 0.97 and 0.91, respectively, which would not exceed the 2.6 MT CO₂e/year/service population threshold in 2026 and 2030. Therefore, implementation of the proposed project would not result in a GHG emissions impact.

[(Same Impact as Approved Project (Less Than Significant Impact))]

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

2017 Climate Action Plan

As discussed in *Section 3.1 Air Quality of the SEIR*, the proposed project is consistent with the 2017 Climate Action Plan (2017 CAP) and does exceed thresholds for criteria pollutants and mitigation measures have been included in the SEIR to address TACs. The project would not result in a significant impact related to consistency with the 2017 CAP. **[(Same Impact as Approved Project (Less Than Significant Impact))]**

³⁵ The number of workers was estimated based on approximately one office worker per 175 square feet of office space and one retail worker per 650 square feet of small retail space. Strategic Economics. 2016. *San José Market Overview and Employment Lands Analysis*. January 20, 2016.

Envision San José 2040 General Plan

The project is consistent with the General Plan policies identified in *Section 4.8.1.2 Regulatory Framework* to reduce GHG emissions by:

- Constructing in accordance with CALGreen and Title 24
- Planting trees for shade
- Creating a pedestrian friendly environment within the proposed plaza with shade trees, pedestrian pathways, and amenities
- Providing bicycle parking on-site
- Implementing a TDM plan with reduced vehicle parking

In addition, the project site is located within the downtown area which is served by existing pedestrian, bicycle, and transit facilities with regional connections. The alternative modes of transportation available in the area would help reduce GHG emissions. The proposed project would be consistent with the City's General Plan policies intended to reduce GHG emissions. **[Same Impact as Approved Project (Less Than Significant Impact)]**

City of San José Greenhouse Gas Reduction Strategy

While the construction and operation of this project would not be completed prior to December 31, 2020, the project would be required to comply with all applicable mandatory measures and voluntary measures required by the City to ensure its consistency with the City's GHGRS.

The City of San José's GHGRS is the primary benchmark used for assessing whether the proposed project would contribute significantly to GHGs in the region. The GHGRS was developed in accordance with the BAAQMD CEQA Guidelines, and in accordance with CEQA Guidelines Section 15183.5, where GHG Reduction Plans are specifically addressed.

The proposed project would construct two 16-story office towers (totaling approximately 1,727,777 square feet) and would contribute to regional GHG emissions, both through construction and operational emissions. Consistency with the Land Use/Transportation Diagram in the General Plan (General Plan Goals/Policies IP-1, LU-10), along with conformance to the City's Green Building Measures (General Plan Goals MS-1, MS-14) would ensure that the project is in compliance with the City's GHGRS. The GHGRS lists mandatory criteria that development projects must satisfy in order to be consistent with City goals and policies. The mandatory criteria for development projects are listed below.

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10);
2. Implementation of Green Building Measures (General Plan Goals MS-1, MS-14)
 - a. Solar site orientation
 - b. Site design
 - c. Architectural design
 - d. Construction techniques
 - e. Consistency with City Green Building Ordinances and Policies

- f. Consistency with GHGRS Policies MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4;
3. Pedestrian/Bicycle Site Design Measures
 - a. Consistency with Zoning Ordinance
 - b. Consistency with GHGRS Policies CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.18, TR-3.3, and TR-6.7;
4. Salvage building materials and architectural elements from historic structures to be demolished to allow reuse (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers; General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses, if applicable. All new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6).

The proposed use of the site is consistent with the current land use and zoning designations (see *Section 4.11, Land Use and Planning*). The proposed project would be constructed in compliance with the San José Green Building Ordinance and CBC requirements and would include 319 bicycle parking spaces consistent with the City's bicycle parking requirement. Because the project is consistent with planned growth in the downtown area and would comply with Policy 6-32 and CBC requirements, the project would be consistent with Mandatory Criteria 1, 2, and 3. There are no historic structures on-site; therefore, the project would be consistent with Mandatory Criteria 4. Criteria 5 and 7 are not applicable to the proposed project because the project does not include a data center or other energy-intensive use, or drive-through or vehicle serving uses. The proposed project qualifies as a large employer³⁶ and would be required to prepare a TDM Program. The project proposes the following measures as part of its TDM program³⁷:

- Transit use incentive program for employees
- On-site support services (e.g., ground floor food/beverage-serving uses)
- On-site showers and lockers to serve all employees

The proposed project would be consistent with the mandatory GHGRS goals and policies intended to reduce GHG emissions. **[Same Impact as Approved Project (Less than Significant Impact)]**

³⁶ A large employer is defined as an employer with a minimum of 50 full-time employees or an equivalent number of part-time employees. Hawkins, Kara. Planner I, City of San José Planning Division. Personal Communication. February 6, 2019.

³⁷ The tenant occupying the office space (to be determined later) could propose and maintain additional TDM measures. Hexagon Transportation Consultants, Inc. *South Almaden Office Towers Development Transportation Demand Management Plan*. January 23, 2020.

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment prepared by *Haley & Aldrich, Inc.* in April 2019. A copy of this report is included as Appendix G of the SEIR.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, and the Resource Conservation and Recovery Act. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB). The project site is not on the Cortese List.³⁸

³⁸ CalEPA. "Cortese List Data Resources." Accessed February 6, 2020. <https://calepa.ca.gov/sitecleanup/corteselist>.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Santa Clara County Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials and are applicable to the project.

General Plan Policies - Hazards and Hazardous Materials	
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Requires proper disposal of hazardous materials and wastes at licensed facilities.
EC-6.7	Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation

General Plan Policies - Hazards and Hazardous Materials	
	of adequate mitigation or separation buffers between uses.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.3	Where a property is located in proximity to known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.5	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
TR-14.4	Require aviation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
CD-5.9	To promote safety and to minimize noise and vibration impacts in residential and working environments, design development that is proposed adjacent to railroad lines to provide the maximum separation feasible between the rail line and dwelling units, yards, or

General Plan Policies - Hazards and Hazardous Materials	
	common open space areas, offices and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, devote areas of development closest to an adjacent railroad line to use as parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials and so forth. In industrial facilities, where the primary function is the production, processing or storage of hazardous materials, for new development follow the setback guidelines and other protective measures called for in the City's Industrial Design Guidelines when such facilities are to be located adjacent to or near a main railroad line.

4.9.1.2 *Existing Conditions*

Groundwater on-site is estimated at a depth of approximately 15 to 20 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Based on the Phase I ESA, groundwater in the project area flows in a northeasterly direction.³⁹

For the project site, any proposed structure of a height greater than approximately 262 feet above ground is required to be submitted to the FAA for review (under FAR Part 77). At a proposed height of 283 feet above ground, the project would require review by the FAA.

4.9.1.3 *Historic Uses of the Project Site*

A land use history of the site was compiled based on aerial photographs, U.S. Geological Survey (USGS) topographic maps, Sanborn Fire Insurance maps, City building permits, and City directories. From 1884 to 1891, the project site consisted of a vacant field and a trailer court near the southern end of the site near Canoas Creek. During this time, the Canoas Creek flowed out of Guadalupe River and along the southeastern portion of the site (APNs 264-28-160 and -028). The northern portion of the project site was bisected by Auzerais Avenue. By 1915, the San José Baking Company is shown at the center of the site and the length of Canoas Creek has decreased overtime. From 1950 to 1966, an iron works shop is present north of the San José Baking Company. By 1966, an auto storage facility was located in the bakery's previous location. By 1993, a large vacant lot is present on-site with no structures remaining. As of 1993, the site has remained the same.

4.9.1.4 *Historic Uses of the Surrounding Land Uses*

From 1884 to 1915, the adjacent properties consisted of small buildings, residences, and undeveloped properties. In 1915, residences, schools, and businesses were located adjacent to the site. The project site was bound by Vine Street to the east, an empty field to the south, and Guadalupe River to the west. In 1948, a machine shop was constructed south of the site. A 1974 aerial imagery shows similar land uses. By 1998, the adjacent body shop and machine shop were turned into parking lots. As of 1969, the adjacent land uses consist of residences, businesses, and the Convention Center.

³⁹ According to the Phase I ESA, previous reports of monitoring wells in the area have shown groundwater flowing in the northeasterly direction.

4.9.1.5 *On-Site Sources of Contamination*

Based on a database records search, the project site is listed in the Enforcement and Compliance History Online (ECHO), Facility Index System (FINDS), HAZNET, Resource Conservation and Recovery Act – Small Quantity Generator (RCRA-SQG), California Environmental Reporting System (CERS), HIST (Historical), Cortese, Historical Leaking Underground Storage Tank (Hist Lust), LUST, EDR Hist Auto databases.

In April 1993, a 550-gallon waste oil UST was removed under the supervision of the San José Fire Department (SJFD) at 425 Auzerai Avenue and 435 Vine Street. Approximately 100 gallons of waste oil was removed from the tank and a hole at the bottom of the tank was discovered upon removal. Oil stained soil was excavated around the tank. Additionally, a 3,000-gallon UST was removed from the 435 Vine Street in 1993. The UST was empty upon removal and soil samples were taken under the tanks per the SJFD inspector. A sewer pipe containing residual petroleum oil was removed in conjunction with the second UST. Soil samples were collected from the below the former pipe, and the trench was backfilled with the originally excavated soil. These UST and pipe removal activities were completed to the satisfaction of the SJFD and no further measures were required. This is considered a controlled recognized environmental condition (CREC). Additionally, the facility located at 435 Vine Street was listed in the database for generating small quantities of hazardous waste. No violations were on file. The facility located at 435 Vine Street was listed in the EDR HIST database due to the former gas station/filling station/service station use.

In November 1993, the facility at 291 Auzerai Avenue was listed as a LUST cleanup site and occupied by an oil station with two 500-gallon USTs, one diesel and one gasoline, that were removed due to a detected leak. Petroleum product was observed under the USTs and oil and grease, Total Petroleum Hydrocarbons - gas (TPH-g) and Total Petroleum Hydrocarbons - diesel (TPH-d), lead and zinc were detected in the soil samples. Six hundred cubic yards of soil were excavated and additional testing of the area (in the year 2000) identified that the groundwater was impacted by TPH-d and benzene. The open LUST case was closed as of December 1997. This is considered a historical recognized environmental condition (HRECs)

A Phase I ESA was prepared on April 2000 which updated the previous 1989 and 1998 reports. In March 2000, 20 borings (EB-1 to EB-20) were advanced to analyze the soil and groundwater quality. An additional seven borings (EB-21 to EB-27) were advanced in June 2000 to identify the extent of the impacted groundwater. Five of the boring locations were converted to groundwater monitoring wells. Concentrations of total petroleum hydrocarbons as gasoline (TPH-g), ethylbenzene, nickel, lead, and mercury (elemental) were detected above the current Tier 1 Environmental Screening Levels (ESLs). Groundwater sampling results for TPH-g, total petroleum hydrocarbons as diesel (TPHd), benzene, toluene, ethylbenzene, xylene, arsenic, lead and nickel were detected above the current groundwater Tier 1 ESLs. Based on the sampling results, a soil management plan and groundwater management strategy for dewatering during future construction was recommended. This is considered a recognized environmental condition (REC).

4.9.1.6 *Off-Site Sources of Contamination*

A review of environmental databases was completed to evaluate whether contamination on any nearby properties (within a mile) could impact the project site. All off-site sources of contamination

were determined to not represent a significant environmental concern for the project site because 1) no release has occurred, 2) the distance of the facility from the project site and/or the location of the release relative to groundwater flow, or 3) the case was closed to the satisfaction of the RWQCB.

4.9.1.7 *Other Hazards*

Airport

The Norman Y. Mineta San José International Airport is located approximately 2.1 miles northwest of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is located within the Airport Influence Area (AIA) and outside the CLUP-defined safety zone. The project site is not located in the vicinity of a private airstrip.

Wildfire Hazards

The project site is located within an urbanized area that is not subject to wildland fires.

4.9.2 **Impact Discussion**

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant hazards and hazardous impacts, as described below.

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Per the Downtown Strategy 2040 FEIR, new businesses in the downtown area may include the use, storage, or disposal of hazardous materials. The project proposes two 16-story office towers which would include the use and storage of cleaning supplies and maintenance chemicals. The amount of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. Based on the proposed land use, the project would not create a significant hazard to the public or environment from the use, transport, or storage of these chemicals. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

As discussed in *Section 4.9.1.4*, the project site contains one CREC, one HREC, and one REC. As a result, construction workers and nearby land uses could be exposed to hazardous materials during construction.

Impact HAZ-1: Construction activities associated with the proposed project could expose construction workers and nearby land uses to hazardous materials.

Mitigation Measure

MM HAZ-1.1: Prior to the issuance of any site demolition, grading, or excavation permits, the project applicant or its contractor shall enter the Site Cleanup Program (SCP) with the Santa Clara County Department of Environmental Health (SCCDEH) to evaluate the past uses of the property. As part of the SCP, an initial kick-off meeting will be held with SCCDEH staff who will review the April 2019 Phase I Environmental Site Assessment by *Haley & Aldrich, Inc.* and the proposed development. Based upon this review, the SCCDEH may require a Phase II Environmental Site Assessment, a Soil and Groundwater Management Plan, and/or other studies to ensure the proposed development is safe for construction workers and future site occupants.

Prior to the issuance of demolition, grading, or building permits (whichever occurs first), the applicant or contractor shall submit proof of coordination with the SCCDEH and entrance into the SCP to the Director of Planning, Building and Code Enforcement, or Director's designee, and the Municipal Compliance Officer.

Implementation of Mitigation Measure HAZ-1.1 would reduce potential hazardous materials impacts to construction workers, adjacent uses, and the environment to a less than significant level. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is not located within one-quarter mile of any proposed or existing school. The nearest school is San José State University, located approximately 0.45 miles east of the project site. Therefore, implementation of the proposed project would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. **[Same Impact as Approved Project (Less Than Significant Impact)]**

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

As mentioned in *Section 4.9.1.1*, the project site is not on the Cortese List. As a result, the project would not create a significant hazard to the public or the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

e) If located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FAR Part 77 sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing reflective surfaces, flashing lights, electronic interference and other potential hazards to aircraft in flight. These regulations require that the FAA be notified of certain proposed construction projects located within an extended zone defined by a set of imaginary surfaces radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

At a proposed maximum height of 283 feet above ground, the project is required to be reviewed by the FAA for FAR Part 77 conformance. General Plan Policy TR-14.4 require FAA issuance of a No Hazard determination prior to development approval, with any conditions set forth in an FAA No Hazard determination also incorporated in the City's project approval. General Plan Policy TR-14.4 ensures that the project would not be a hazard to aircraft operations. The project would be subject to the appropriate FAA clearance prior to obtaining a building permit for vertical construction.

While the project site is not located within a CLUP-defined safety zone, the project is, however, located within the Norman Y. Mineta San José International AIA which is a composite of the areas surrounding the airport that are affected by noise, height, and safety considerations. The project would be required to follow all applicable General Plan policies (including General Plan Policies TR14.2 and TR-14.3), regulations, and procedures outlined in the CLUP for the Norman Y. Mineta San José International Airport. Additionally, the project would be subject to the following Standard Permit Conditions.

Standard Permit Conditions:

- **FAA Clearance Required.** The permittee shall obtain from the Federal Aviation Administration a "Determination of No Hazard to Air Navigation" for each building high point. The permittee shall abide by any and all conditions of the FAA determinations (if issued) such as height specifications, rooftop marking/lighting, construction notifications to the FAA through filing of Form 7460-2, and "No Hazard Determination" expiration date. The data on the FAA forms shall be prepared by a licensed civil engineer or surveyor, with location coordinates (latitude/longitude) in NAD83 datum out to hundredths of seconds, and elevations in NAVD88 datum rounded off to the next highest foot.

Implementation of the Standard Permit Conditions above would ensure that the project does not result in a safety hazard or excessive noise exposure due to activities of the Norman Y. Mineta San José International Airport. **[Same Impact as Approved Project (Less than Significant Impact)]**

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project would be constructed in accordance with current building and fire codes and would be

required to be maintained in accordance with applicable City policies identified in the Downtown Strategy 2040 FEIR to avoid unsafe building conditions. The proposed project would not impair or interfere with the implementation of the City's Emergency Operations Plan or any statewide emergency response or evacuation plans. **[Same Impact as Approved Project (Less Than Significant Impact)]**

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The project site is located within an urbanized area and it is not adjacent to any wildland areas that would be susceptible to wildland fires. Implementation of the proposed project would not expose any people or structures to risk from wildland fires. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Federal and State

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3.

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁴⁰ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

Water Resources Protection Ordinance and District Well Ordinance

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires new development and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or

⁴⁰ MRP Number CAS612008

catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

City of San José

Post-Construction Urban Runoff Management Policy 6-29

The City of San José’s Post-Construction Urban Runoff Management Policy 6-29 was adopted to establish an implementation framework, consistent with Provision C.3 of the MRP. This policy requires all new and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management Policy 8-14

The City of San José’s Post-Construction Hydromodification Management Policy 8-14 establishes an implementation framework for projects that are subject to hydromodification controls in the Municipal Regional Stormwater NPDES permit.

Floodplain Ordinance – Municipal Code 17.08

City of San José Municipal Code 17.08 covers the requirements for building in various types of flood zones. This includes requirements for elevation, fill, flood passage, flood-proofing, maximum flow velocities, and utility placement for development within a floodplain, based on land use type.

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality and are applicable to the project.

General Plan Policies - Hydrology and Water Quality	
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the “100-year” flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.

General Plan Policies - Hydrology and Water Quality	
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
IN-3.4	<p>Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:</p> <ul style="list-style-type: none"> • Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. • Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems. • Ensure adequate funding and timely completion of the most critically needed sewer capacity projects. • Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.
IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
IN-3.8	In designing improvements to creeks and rivers, protect adjacent properties from flooding consistent with the best available information and standards from the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR). Incorporate restoration of natural habitat into improvements where feasible.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

4.10.1.2 Existing Conditions

Storm Drainage and Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as nonpoint source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes.

Stormwater from the project site drains into the Guadalupe River. Based on data from the EPA⁴¹, the Guadalupe River is currently listed on the California 303(d)⁴² list for mercury and trash.

Flooding

According to the FEMA Flood Insurance Rate Maps (FIRM),⁴³ the project site is within Flood Zone X which is designated as areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas of less than one square mile, and areas protected by levees from one percent annual chance floods. There are no City floodplain requirements for Flood Zone X.

Dam Failure

The project site is located within the Anderson Dam and Lexington dam failure inundation hazard zones.^{44,45}

Earthquake-Induced Waves and Mudflow Hazards

Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards. The site is located in a relatively flat, urbanized area and would not be subject to mudflows.

Groundwater

Groundwater beneath the site is estimated to be between 15 and 20 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

⁴¹ U.S. EPA. "California 303(d) Listed Waters." Accessed February 18, 2020.

http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012.

⁴² The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies

⁴³ Federal Emergency Management Agency. "FEMA Flood Map Service Center". Accessed February 18, 2020.

<https://msc.fema.gov/portal/search?AddressQuery=125%20south%20market%20street#searchresultsanchor>.

⁴⁴ Santa Clara Valley Water District. "Anderson Dam Flood Inundation Maps." Accessed February 18, 2020.

<https://www.valleywater.org/sites/default/files/Anderson%20Dam%20Inundation%20Maps%202016.pdf>.

⁴⁵ Santa Clara Valley Water District. "Lexington Dam Flood Inundation Maps." Accessed February 18, 2020.

<https://www.valleywater.org/sites/default/files/Lexington%20Dam%20Inundation%20Map%202016.pdf>.

Hydromodification

Based on the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) watershed map for the City of San José, the site is located within a subwatershed greater than or equal to 65 percent impervious. As a result, the project would not be subject to the NPDES hydromodification requirements.⁴⁶

4.10.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁴⁶ Santa Clara Valley Urban Runoff Pollution Prevention Program. “Hydromodification Management Applicability Maps.” Accessed February 18, 2020. http://www.scvurppp-w2k.com/hmp_maps.htm.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant hydrology and water quality impacts, as described below.

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Implementation of the project would involve excavation and grading activities on-site which could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. Due to the size of the project (approximately 3.57-acres), the project site would be required to obtain an NPDES General Construction Permit and prepare a SWPPP.

Standard Permit Conditions:

- Install burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains
- Suspend earthmoving or other dust-producing activities during periods of high winds
- Water all exposed or disturbed soil surfaces at least twice daily to control dust as necessary
- Water or cover stockpiles of soil or other materials that can be blown by the wind
- Cover all trucks hauling soil, sand, and other loose materials and maintain at least two feet of freeboard on all trucks
- Sweep all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites daily (with water sweepers)
- Replant vegetation in disturbed areas as quickly as possible
- Fill with rock all unpaved entrances to the site to remove mud from tires prior to entering City streets, install a tire wash system if requested by the City
- Comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City's Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

In addition, the project shall be required to implement the following measures, consistent with the Downtown Strategy 2040 FEIR.

Required Downtown Strategy 2040 FEIR Measures:

- **Construction General Permit Requirements.** Prior to initiating grading activities, the project applicant will file a Notice of Intent (NOI) with the SWRCB and prepare a SWPPP prior to commencement of construction. The project's SWPPP shall include measures for soil stabilization, sediment and erosion control, non-stormwater management, and waste management to be implemented during all demolition, site excavation, grading, and construction activities. All measures shall be included in the project's SWPPP and printed on all construction documents, contracts, and project plans. The following construction BMPs may be included in the SWPPP:
 - Restrict grading to the dry season or meet City requirements for grading during the rainy season.
 - Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
 - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff with secure plastic sheeting or tarps.
 - Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area.
 - Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.
 - Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the project area from sedimentation with filter fabric and sand or gravel bags.

The SWPPP shall also include a Post-Construction Stormwater Management Plan that includes site design, source control, and treatment measures to be incorporated into the project and implemented following construction.

When the construction phase is complete, a Notice of Termination (NOT) will be filed with the RWQCB and the DTSC, in conformance with the Construction General Permit requirements. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a Post-Construction Stormwater Management Plan is in place, as described in the SWPPP for the site.

- **Dewatering.** The proposed project involves dewatering activities; therefore, the SWPPP shall include provisions for the proper management of dewatering effluent. At a minimum, all dewatering effluent will be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system. In areas of suspected groundwater contamination (i.e., underlain by fill or near

sites where chemical releases are known or suspected to have occurred), groundwater will be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the applicant will work with the RWQCB and/or the local wastewater treatment plant to determine appropriate disposal options.⁴⁷

With implementation of the identified construction measures and compliance with the NPDES General Construction Permit, construction of the proposed project would have a less than significant impact on water quality.

Post-Construction Water Quality Impacts

Under existing conditions, approximately 155,509 square feet (100 percent) of the project site is covered with impervious surfaces. Under project conditions, the site would be covered by approximately 153,905 square feet (99 percent) of impervious surfaces, a net decrease of approximately 1,604 square feet (one percent). Because more than 10,000 square feet of impervious surface area would be removed or replaced, the project would be subject to the MRP and the City's Post-Construction Urban Runoff Policy 6-29. The MRP requires that the project incorporate site design, source control and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff from the project, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. To treat stormwater runoff, the project currently proposes media filters and flow-through planters. Prior to issuing any LID Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes how and why the implementation of 100 percent LID stormwater treatment measures are not feasible, in accordance with the MRP. If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation.

The Downtown Strategy 2040 FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With inclusion of LID stormwater treatment and compliance with the City's regulatory policies, operation of the proposed project would have a less than significant water quality impact.

[Same Impact as Approved Project (Less than Significant Impact)]

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The entire site would be excavated to a depth of approximately 38 feet bgs for the below-grade parking garage. As mentioned in *Section 4.9.1.2*, groundwater on-site is estimated at approximately 15 to 20 feet bgs. Excavation activities on-site would encounter groundwater and, as a result, dewatering would be required during project construction. The project site is not located within a designated recharge area nor does it contribute to the recharging of any groundwater aquifers. This condition would not change once the project is constructed and operational. Therefore, the proposed

⁴⁷ This measure is identified in the Downtown Strategy 2000 EIR.

project would not interfere with groundwater flow or impact the groundwater aquifer. [Same Impact as Approved Project (Less Than Significant Impact)]

- c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

Drainage Pattern Impacts

Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. Therefore, the project would not substantially increase erosion or increase the rate or amount of stormwater runoff.

Storm Drainage Impacts

Table 4.10-1 provides the breakdown of the pervious and impervious surfaces on the 3.57-acre project site under existing and project conditions.

Table 4.10-1: Pervious and Impervious Surfaces On-Site						
Site Surface	Existing/Pre-Construction (sf)	%	Project/Post-Construction (sf)	%	Difference (sf)	%
Impervious						
Roof Area	0	0	153,905	99	+153,905	+99
Parking	155,509	100	0	0	-155,509	-100
Sidewalks, Patios, Driveways, etc.	0	0	0	0	0	0
Public Streets	0	0	0	0	0	0
Private Streets	0	0	0	0	0	0
<i>Subtotal</i>	155,509	100	153,905	99	-1,604	-1
Pervious						
Landscape	0	0	1,604	1	+1,604	+1
Green Roof and Other Pervious Surfaces	0	0	0	0	0	0
Total	155,509	100	155,509	100		
Source: Boston Properties, February 19, 2020.						

Implementation of the project would result in a one percent net decrease of impervious surfaces (approximately 1,604 square feet). The project would comply with the City's Post-Construction Urban Runoff Policy 6-29 and the RWQCB MRP, to minimize and treat stormwater runoff to reduce the rate of stormwater runoff while removing pollutants. As mentioned in the Downtown Strategy 2040 FEIR, implementation of General Plan policies and existing regulations would substantially reduce drainage impacts. The project would not result in substantial erosion or siltation and the

project would be required to design and construct on-site storm drain systems that meet the capacity of the City's 10-year storm event design standard, consistent with the Downtown Strategy 2040 FEIR. As a result, the proposed project would not substantially alter the existing drainage pattern of the site and/or area **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

The project site is located in Flood Zone X which has no floodplain requirements. There are no bodies of water near the project site that would affect the project area in the event of a seiche or tsunami. Therefore, development of the proposed project would not risk release of any pollutants due to flood hazards, tsunamis, or seiches that would impact adjacent properties.

The project site is located in the Anderson Dam and Lexington Dam failure inundation zone. In accordance with the State Dam Safety Act, detailed evacuation procedures have been prepared for each dam and are contained in San José's Dam Failure Evacuation Plan. The California Division of Safety of Dams (DSOD) inspects dams on an annual basis and Valley Water routinely monitors the 10 dams, including the Anderson and Lexington. Therefore, the likelihood of flooding from dam failure is low and the project would not release pollutants due to dam inundation. **[Same Impact as Approved Project (Less Than Significant Impact)]**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP; therefore, implementation of the project would not significantly impact water quality. The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to land use and are applicable to the project.

General Plan Policies - Land Use	
CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-2.3	<p>Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.</p> <ol style="list-style-type: none">1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.2. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.4. Locate retail and other active uses at the street level.5. Create easily identifiable and accessible building entrances located on street frontages or paseos.

General Plan Policies - Land Use	
	<p>6. Accommodate the physical needs of elderly populations and persons with disabilities.</p> <p>7. Integrate existing or proposed transit stops into project designs.</p>
CD-2.11	Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.
CD-4.9	For development subject to design review, the design of new or remodeled structures will be consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
LU-3.5	Balance the need for parking to support a thriving Downtown with the need to minimize impacts of parking upon a vibrant pedestrian and transit-oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.
TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
TR-14.4	Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

San José Zoning Ordinance

The Zoning Ordinance serves as an implementing tool for the General Plan by establishing detailed, parcel-specific development regulations and standards. The Zoning Ordinance divides the City of San José into zoning districts to guide future land uses.

4.11.1.2 Existing Conditions

Existing Land Uses

The approximately 3.57-acre project site is comprised of 18 parcels located at the northwest corner of South Almaden Boulevard and Woz Way/Balbach Street in downtown San José. The site is currently developed with a pay-to-park public parking lot. Figure 2.4-3 shows an aerial of the project site and surrounding land uses. The project site is designated *Downtown* under the City's General Plan land use designation and is zoned *DC – Downtown Primary Commercial*.

The *Downtown* land use designation allows for office, retail, service, residential, and entertainment uses in the downtown with building heights of three to 30 stories, an FAR of up to 30.0, and residential densities up to 800 dwelling units per acre.

Under the *DC* zoning district, development shall only be subject to the height limitations necessary for the safe operation of Norman Y. Mineta San José International Airport. Developments located in this zoning district shall not be subject to any minimum setback requirements.

Surrounding Land Uses

The project site is surrounded by a variety of land uses including single-family residences, office buildings, a hotel, and the Guadalupe River and Guadalupe River Trail. The buildings in the area range from one- to 17-stories. Located north of the project site is a 10-story office building with a courtyard. East of the project site is South Almaden Boulevard, a four-lane divided arterial. East of South Almaden Boulevard is a two-story convention center and parking garage, a 17-story hotel, and a 17-story office building. Immediately south of the project site is Woz Way, a two-lane roadway. South of Woz Way are one-story, single-family residences. Located west of the project site is Guadalupe River and the Guadalupe River Trail.

4.11.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
c) Result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de César Chávez Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in a less than significant land use impact, as described below.

a) Would the project physically divide an established community?

The project proposes to redevelop a parking lot with two 16-story office towers that would place jobs within close proximity to housing, transit, and other services within the downtown core. Based on the Downtown Strategy 2040 FEIR, no new land uses are proposed for the greater downtown area that would conflict with established or proposed uses. The proposed office development would complement the existing uses in the project area and place future occupants in proximity to downtown services. As a result, the project would not physically divide an established community. **[Same Impact as Approved Project (Less Than Significant Impact)]**

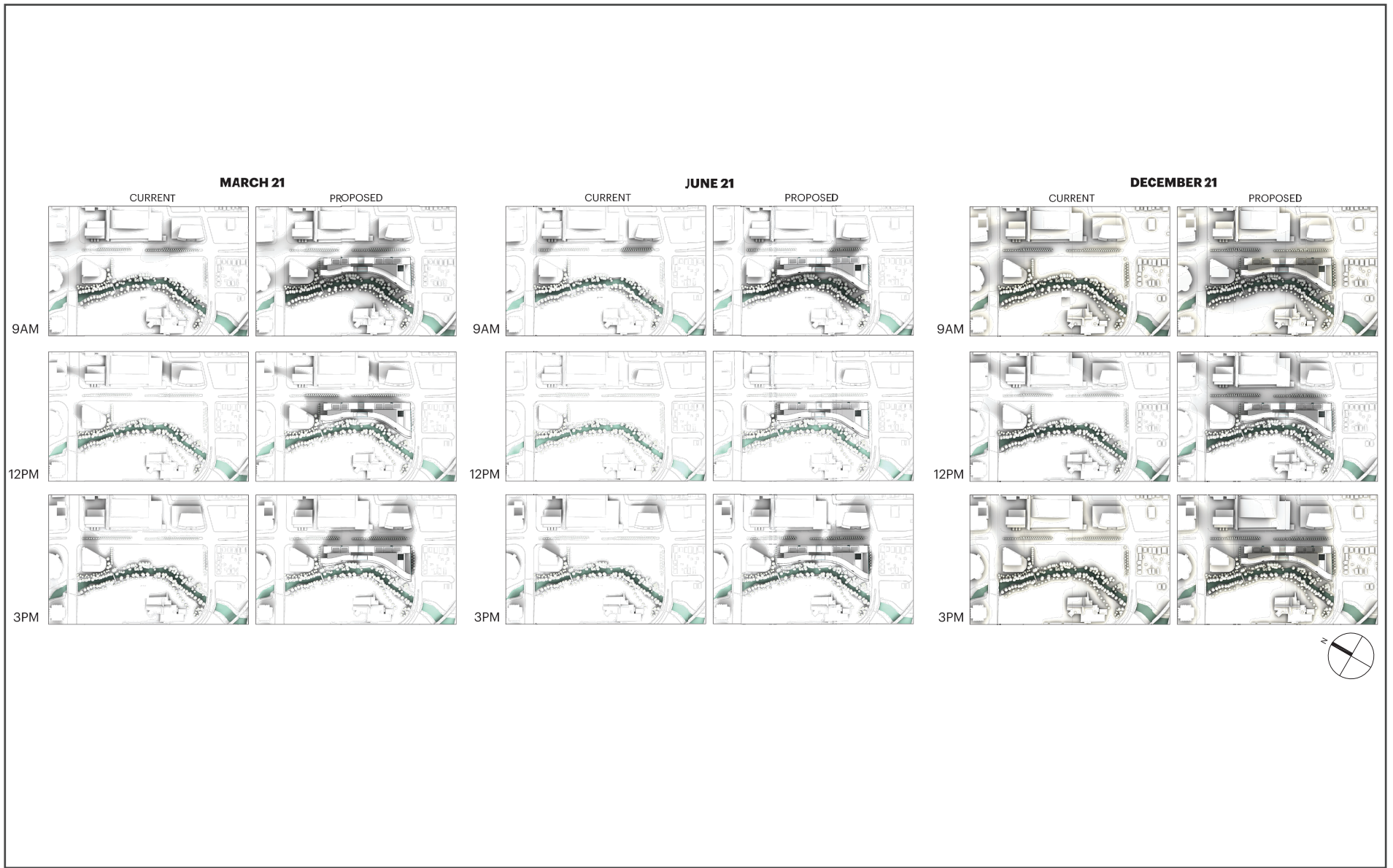
b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

As described within the individual sections of this document, with implementation of the City's Standard Permit Conditions, the required Downtown Strategy 2040 FEIR, and regulatory requirements, the project would not result in a significant environmental impact due to a conflict with plans, policies or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Additionally, the project would be reviewed for compliance with applicable land use plans and policies. For these reasons, the impact would be less than significant. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park)?

The project would construct two 16-story office towers (approximately 283 feet tall) and is located adjacent to the Guadalupe River Park, a three-mile park that runs along Guadalupe River. To determine the specific shading of the proposed development on the surrounding land uses, a shade and shadow analysis was completed for the project. This provides an analysis of each season as well as the longest and shortest days of the year, covering the full spectrum of possible shade and shadow issues.

As indicated in the Downtown Strategy 2040 FEIR, the City identifies significant shade and shadow impacts as occurring when a building or other structure located in the downtown area substantially reduces natural sunlight on public open spaces, measured on the winter solstice when the sun is lowest in the sky (December 21st); the spring equinox, when day and night are approximately equal in length (March 21st); and summer solstice when the sun is at its highest point in the sky (June 21st). A significant shade and shadow impact would occur if the project would result in an increase in shading of 10 percent or more onto any of the six major open space areas in the downtown San José area (St James Park, Plaza of Palms, Plaza de César Chávez, Paseo de San Antonio, Guadalupe River Park, McEnery Park). Figure 4.11-1 below provides data for 9:00 AM, noon, and 3:00 PM for March 21, June 21, and December 21 under project conditions. Based on the shade and shadow analysis, the proposed project would not shade Guadalupe River Park by 10 percent or more. The proposed project would have a less than significant shade and shadow impact. **[Less Than Approved Project (Significant Unavoidable Impact)]**



SHADE & SHADOW ANALYSIS

FIGURE 4.11-1

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

SMARA has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA. Communications Hills is located approximately 3.3 miles southeast of the project site.

4.12.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040, the proposed project would have no impact on mineral resources, as described below.

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

The project site is not located within an area of San José with known mineral resources. As a result, implementation of the project would not result in impacts to known mineral resources. **[Same Impact as Approved Project (No Impact)]**

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

As mentioned above, the project site is not located within an area of San José with known mineral resources. The project site is located approximately 3.3 miles northwest of Communications Hills and would not result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **[Same Impact as Approved Project (No Impact)]**

4.13 NOISE

4.13.1 Environmental Setting

The proposed project would demolish the existing pay-to-park public parking lot on an approximately 3.57-acre site and would construct two 16-story office towers.

4.13.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in:					
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As proposed, the project would demolish the existing parking lot and construct two 16-story office towers. Construction of the proposed project could occur at the same time as Museum Place development (approximately 700 feet northeast), 200 Park Avenue Office (approximately 785 feet northeast), CityView Plaza Office (approximately 950 feet north), and Balbach Affordable Housing (approximately 200 feet southeast). Due to the size of each project and length of time project construction would take, the receptors within the immediate vicinity could be exposed to significant unavoidable cumulative construction noise impact. Refer to the SEIR for more information. No further analysis is provided in this Initial Study.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

The population of San José was estimated to be approximately 1,043,058 in January 2019 with an average of 3.20 persons per household.⁴⁸ The City currently has approximately 335,304 housing units and, by 2040, the City's population is projected to reach 1,337,145 and 448,310 households.⁴⁹

4.14.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in a less than significant impact on population and housing, as described below.

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The project would construct two 16-story office towers. The proposed project would result in an increase in jobs citywide of approximately 8,558 employees.⁵⁰ The increase in jobs would

⁴⁸ State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019". Accessed February 3, 2020. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁴⁹ Association Of Bay Area Governments And Metropolitan Transportation Commission. "Projections 2040: Forecasts for Population, Household and Employment for the Nine County San Francisco Bay Area Region". 2017. Accessed February 3, 2020. <http://projections.planbayarea.org/data>.

⁵⁰ The number of workers was estimated based on approximately one office worker per 175 square feet of office space and one retail worker per 650 square feet of small retail space.

incrementally decrease the overall jobs/housing imbalance within the City but would not increase population growth beyond what is assumed in the General Plan. The project does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. For these reasons, the project would not induce substantial unplanned population growth in the City. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site is currently developed with a pay-to-park public parking lot. There are no residential land uses on-site. Construction of the project would not result in the displacement of people or existing housing or necessitate the construction of housing elsewhere. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to public facilities and services and are applicable to the project.

General Plan Policies - Public Facilities and Services	
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: <ol style="list-style-type: none">1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.3	Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
ES-3.4	Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

4.15.1.2 Existing Conditions

Fire Protection Services

Fire protection services in the City are provided by the San José Fire Department (SJFD). Fire stations are located throughout the City to provide adequate response times to calls for service. The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. Emergency response is provided by 33 fire stations, 33 engine companies, nine truck companies, and three squad units.⁵¹ The nearest fire stations to the site are Station No. 1, located at 225 North Market Street and Station No. 3, located at 98 Martha Street. Fire Station No. 1 is located approximately 0.7 miles southwest of the project site and Fire Station No. 2 is located approximately 0.6 miles southeast of the project site. The General Plan identifies a service goal of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Police Protection Services

Police protection services for the project site is provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street, approximately two miles north of the project site. The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

Schools

The project site is located within the San José Unified School District (SJUSD). As proposed, the project would construct two office towers and does not include any residential land uses that would generate school-age children.

Parks

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City operates and maintains approximately 197 neighborhood-serving parks and nine regional parks.⁵²

The nearest park is Guadalupe River Park and trail which is located immediately west of the project site.

Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library system consists of one main library (Dr. Martin Luther King Jr. Library) and 18 open branch libraries. The nearest library to the site is Dr. Martin Luther King Jr. Library, located approximately 0.6 miles east of the project site.

⁵¹ City of San José. "Annual Report on City Services 2018-19". Accessed February 3, 2020. <https://www.sanjoseca.gov/home/showdocument?id=49208>.

⁵² City of San José. *Fast Facts*. October 8, 2019.

4.15.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the development evaluated in the Downtown Strategy 2040, the proposed project would result in less than significant public services impacts, as described below.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services?

As proposed, the project would construct two 16-story office towers which would place more people on-site (up to 8,558 full-time employees) during regular business hours compared to existing conditions which may increase demand for fire response and related emergency services. The proposed office buildings would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the Downtown Strategy 2040 FEIR to avoid unsafe building conditions and promote public safety. The project would be reviewed by the SJFD to ensure applicable Fire Code standards to reduce potential fire hazards are included in the project design when construction permits are issued, including sprinklers and smoke detectors. For these reasons, the project would not significantly impact fire protection services. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?

As mentioned above, the proposed office development would place more people on-site during regular business hours compared to existing conditions which may increase demand for police response and related emergency services. Build out of the Downtown Strategy 2040 FEIR would result in the need for additional police services and build out of the General Plan would result in the need for additional police facilities but is not anticipated to have significant, adverse environmental impacts. The project, by itself, would not require additional police services or facilities.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to avoid unsafe building conditions and promote public safety. The project would not require new police stations to be constructed or existing stations to be expanded to serve the development while maintaining City service goals. **[Same Impact as Approved Project (Less than Significant Impact)]**

-
- c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools?**
-

The project proposes to construct two office towers and would not include any residential development. No new students would be directly generated by the proposed project. As a result, the project would not require the construction or expansion of school facilities to maintain acceptable service ratios and performance objectives for schools. **[Less Impact than Approved Project (No Impact)]**

-
- d) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks?**
-

The proposed project does not include residential development or subdivision for residential purposes; therefore, the project would not be subject to PDO/PIO fees. Although future employees may use local parks or trails, weekday employees are unlikely to place a major physical burden on these facilities. In addition, the Downtown Strategy 2040 FEIR concluded that planned development under the Downtown Strategy would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur. Therefore, the proposed project would not have a significant impact on park facilities in the City. **[Same Impact as Approved Project (Less than Significant Impact)]**

-
- e) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities?**
-

Other public facilities, such as libraries and community centers, would not experience a substantial increase in demand as a result of the proposed project. The project would not require the construction or expansion of additional governmental facilities in order to maintain acceptable service ratios or performance objectives. Therefore, the proposed project would have a less than significant impact on other public facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.16 RECREATION

4.16.1 Environmental Setting

The City of San José operates 197 neighborhood parks, 51 community centers, nine regional parks, and over 61 miles of trails.⁵³ The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities.

The Guadalupe River Trail is located immediately west of the project site. The nearest community center is Alma Community Center, located approximately 1.1 miles southeast of the project site.

4.16.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant recreation impacts, as described below.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed project does not include residential units and would not substantially increase the use of recreational facilities in the surrounding area. As mentioned in *Section 4.15 Public Services*, future employees of the project may use nearby parks and community centers. While the project could increase the use of these recreational facilities, it would not increase the demand on these facilities to the point of physical deterioration. Additionally, the proposed office towers would include amenity and food and beverage space which would reduce the use of public recreational facilities in the area. Therefore, implementation of the project would have a less than significant impact on recreational facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

⁵³ City of San José. *Fast Facts*. October 8, 2019.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Recreational facilities are not proposed as part of the project and employees do not generate the same demand for recreational facilities as residents. As a result, the project would not significantly increase demand for recreational facilities downtown.

The Downtown Strategy 2040 FEIR concluded that build out under Downtown Strategy 2040 would contribute to demand for parkland and recreational facilities in the central/downtown planning area, however, full build out would not result in a new or more significant impact than previously identified in the Envision San José 2040 General Plan. As a result, the project would not have an adverse physical effect on the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.17 TRANSPORTATION

The following analysis is based on a Local Transportation Analysis and Transportation Demand Management Plan completed by *Hexagon Transportation Consultants, Inc.* in May 2020 and January 2020, respectively. A copy of these reports are included in Appendix H of the SEIR.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions are required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 miles of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of San José

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, “Transportation Analysis Policy” (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project’s transportation impact would be less than significant if the project VMT is at least 15 percent below the existing average regional per capita VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is less than or equal to existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project’s VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City’s Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation and are applicable to the project.

General Plan Policies - Transportation	
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

General Plan Policies - Transportation			
TR-1.3	Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle. The 2040 commute mode split targets for San José residents and workers are presented in the following table:		
	Commute Mode Split Targets for 2040		
	Mode	Commute Trips to and From San José	
		2008	2040 Goal
	Drive alone	77.8%	No more than 40%
	Carpool	9.2%	At least 10%
	Transit	4.1%	At least 20%
	Bicycle	1.2%	At least 15%
	Walk	1.8%	At least 15%
	Other means (including work at home)	5.8%	See Note 1
Source: 2008 data from American Community Survey (2008). Note 1: Working at home is not included in the transportation model, so the 2040 Goal shows percentages for only those modes currently included in the model.			
TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.		
TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.		
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.		
TR-2.2	Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement; on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.		
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.		
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.		

General Plan Policies - Transportation	
TR-5.3	<p>Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.</p> <ul style="list-style-type: none"> • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
TR-7.1	Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

4.17.1.2 *Existing Conditions*

Roadway network

Regional Access

Regional access to the project site is provided by the I-280/I-680 freeway and SR 87.

Interstate 280 connects from Highway 101 (US-101) in San José to I-80 in San Francisco. It is an eight-lane freeway in the vicinity of downtown San José.

State Route 87 is primarily a six-lane freeway (four mixed-flow lanes and two high-occupancy vehicle [HOV] lanes) that is aligned in a north-south orientation. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US-101.

Local Access

Local site access is provided by Woz Way, South Almaden Boulevard, and West San Carlos Street.

South Almaden Boulevard is a north-south, four-lane divided arterial that runs along the project's eastern frontage.

West San Carlos Street is an east-west, four-lane street located north of the project site.

Woz Way is a two-lane roadway that runs along the south project frontage.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), routes (Class III), and protected bicycle lanes (Class IV). Class II bicycle facilities (striped bike lanes) are provided along South Almaden Boulevard and Woz Way. Class II bicycle facilities are also provided along the following roadways within the project area:

- Almaden Boulevard, between Woz Way and Carlisle Street
- Almaden Avenue, between Alma Avenue and Grant Street
- Vine Street, between Alma Avenue and Grant Street
- Woz Way, between San Carlos Street and Almaden Avenue
- Park Avenue, west of Market Street
- West Santa Clara Street, west of South Almaden Boulevard
- San Salvador Street, between Market Street and Fourth Street
- Second Street, south of Taylor Street
- Third Street, north of St. James Street
- Fourth Street, between Jackson Street and East Santa Clara Street; between San Salvador Street and Reed Street

Class III bicycle routes are provided along the following roadways:

- San Carlos Street, between Woz Way and Fourth Street
- San Fernando Street, east of 10th Street
- Second Street, between San Carlos Street and Julian Street
- First Street, between San Salvador Street and St. John Street
- San Salvador Street, between Fourth Street and Tenth Street (eastbound)
- William Street, between First Street and McLaughlin Avenue

Class IV bicycle facilities (protected bike lanes) are currently being installed throughout the downtown area as part of the Better Bikeways project. Protected bike lanes have been implemented along the following roadways:

- West San Fernando Street, between Cahill Street and Tenth Street
- Second Street, between San Carlos Street and William Street
- Third Street, between St. James Street and Reed Street
- Fourth Street, between East Santa Clara Street and San Salvador Street
- San Salvador Street, between Fourth Street and Tenth Street (westbound)

- Cahill Street, between West San Fernando Street and West Santa Clara Street

The Guadalupe River Trail is an 11-mile Class I bike path that extends from Curtner Avenue to Alviso. Existing bicycle facilities are shown in Figure 4.16-1.

Pedestrian Facilities

Pedestrian facilities in the study area consist of sidewalks along all the surrounding streets, including the project frontages along Almaden Boulevard and Woz Way. Crosswalks and pedestrian signal heads are located at all signalized intersections within the project area, including the South Almaden Boulevard/Woz Way, South Almaden Boulevard/Convention Center, and Almaden Boulevard/West San Carlos Street intersections.

As mentioned above, the Guadalupe River Trail is located along the western project frontage. There is a paseo connecting the trail to Almaden Boulevard that runs along the north project frontage. A crosswalk is located along the Locust Street/Woz Way intersection which provides access to the Guadalupe River Trail. Additionally, the Children's Discovery Meadow Bridge, provides access to the Guadalupe River Trail. Overall, the existing sidewalks and paseos provide good pedestrian connectivity and safe routes to transit and other services and points of interest in the downtown area.

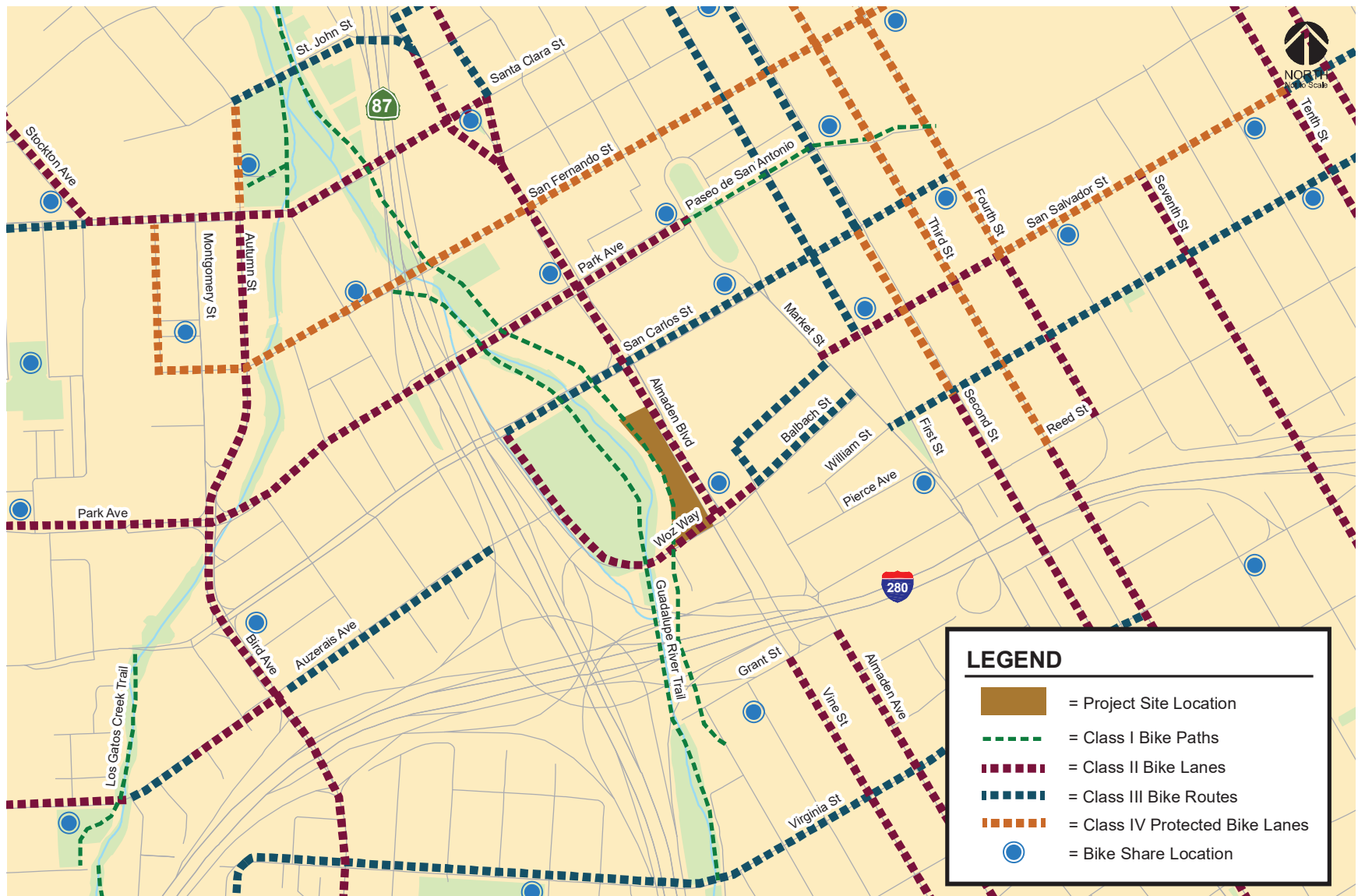
Transit Services

Transit services in the area are provided by VTA, Caltrain, Altamont Commuter Express (ACE), and Amtrak. The existing transit facilities are shown in Figure 4.16-3 below. The project site is located approximately 1,000 feet southwest of the Convention Center Light Rail Transit (LRT) Station, 1,200 feet east of the Children's Discovery Museum LRT Station, and approximately 0.8 miles from the Diridon Transit Center.

Bus Service

The downtown area is served by many bus lines. Existing bus lines (within approximately a quarter mile of the project site) are listed in the table below. The nearest bus stops are located at the San Carlos Street/Woz Way intersection (Route 23) and the San Carlos Street/Convention Center intersection (Routes 23, 168, 523).

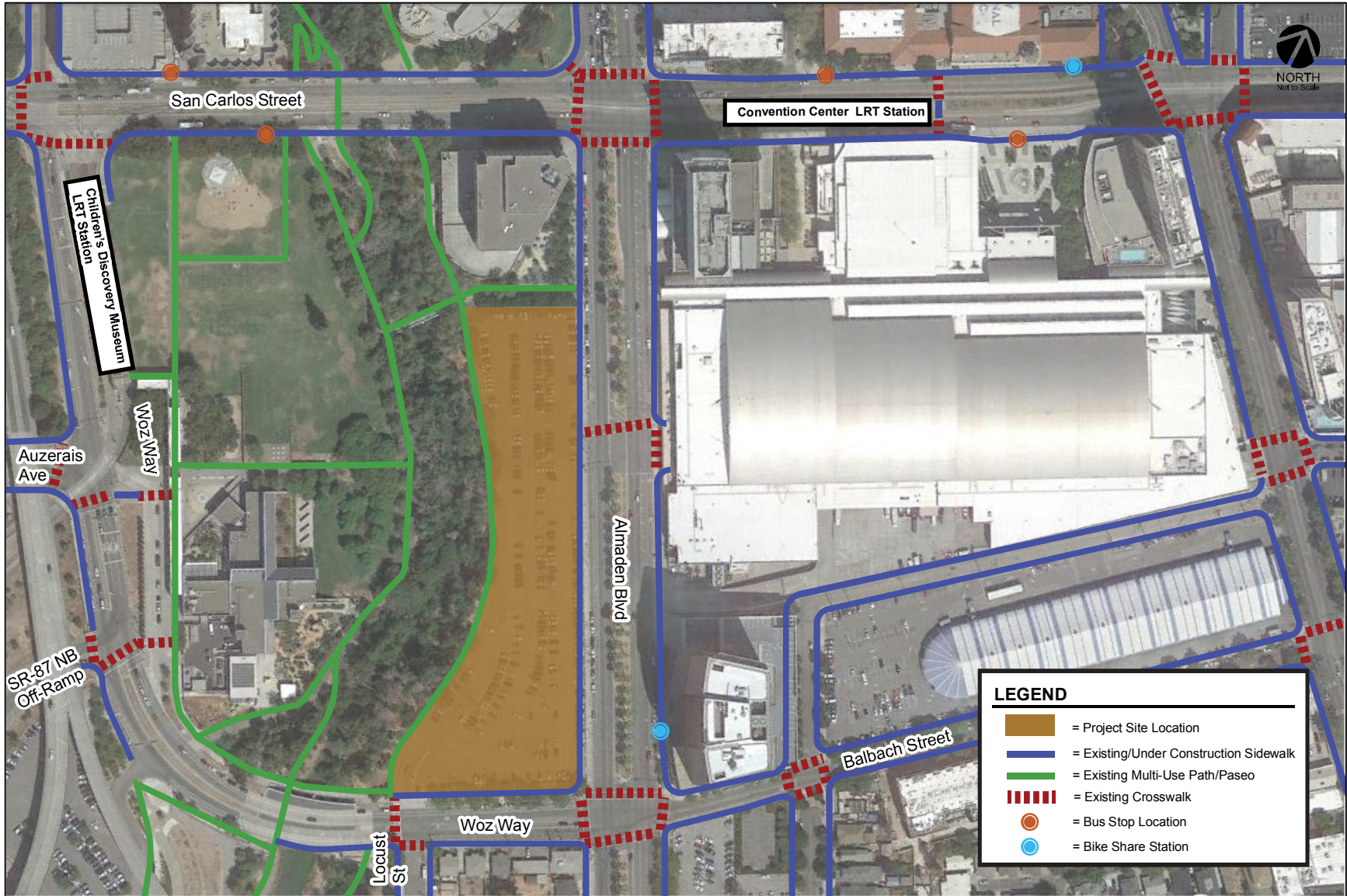
Table 4.17-1: Existing Bus Service Near the Project Site		
Route	Route Description	Headway (min)
Frequent Route 22	Palo Alto Transit Center to Eastridge Transit Center	15
Frequent Route 23	DeAnza College to Alum Rock Transit Center via Stevens Creek	12-15
Local Route 64A	McKee & White to Ohlone-Chynoweth Station	30
Local Route 64B	McKee & White to Almaden Expressway & Camden	30
Frequent Route 66	North Milpitas to Kaiser San José	12-15



Source: Hexagon Transportation Consultants, Inc., May 13, 2020.

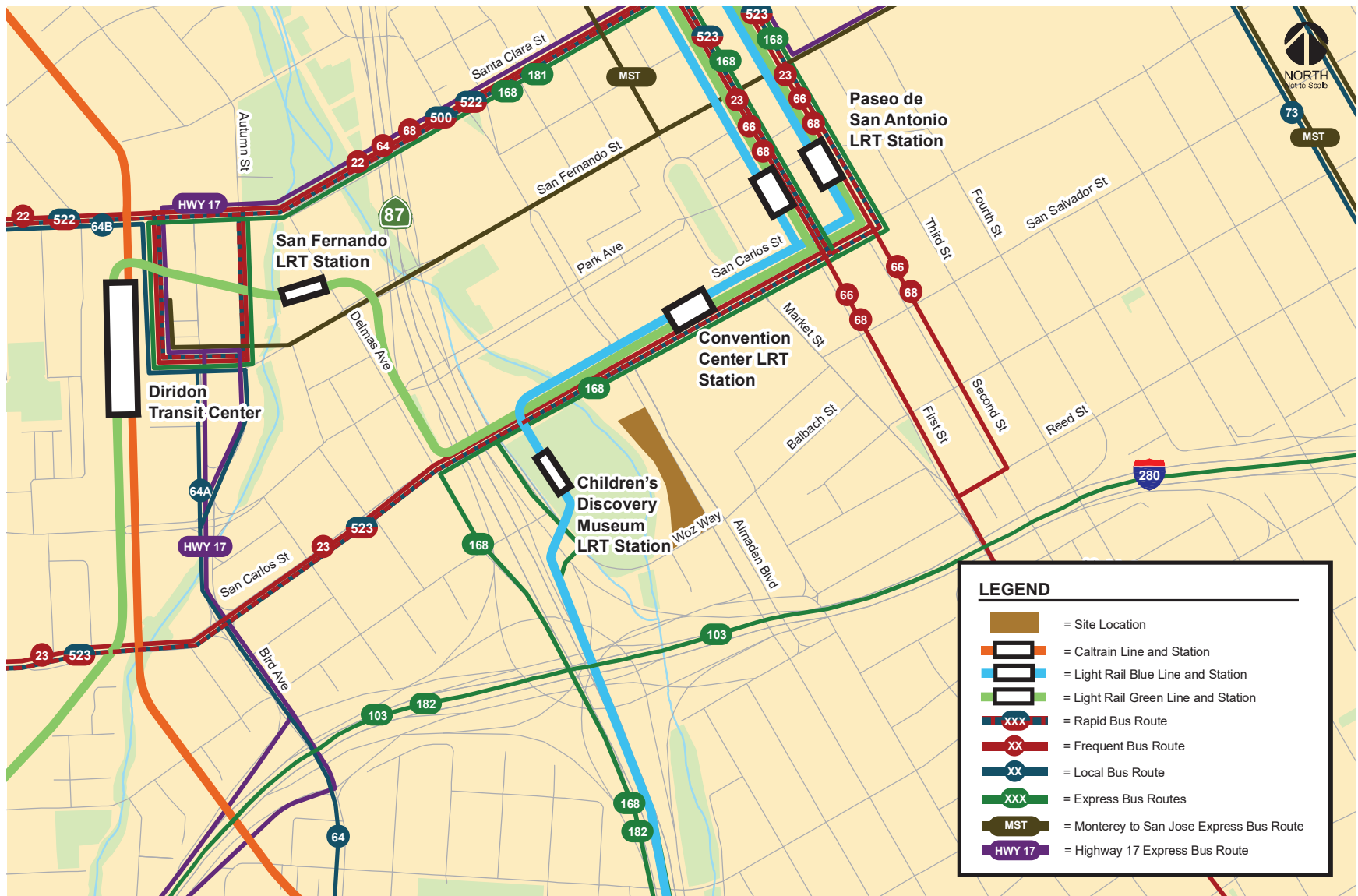
EXISTING BICYCLE FACILITIES

FIGURE 4.17-1



EXISTING PEDESTRIAN FACILITIES

FIGURE 4.17-2



Source: Hexagon Transportation Consultants, Inc., May 13, 2020.

EXISTING TRANSIT FACILITIES

FIGURE 4.17-3

Table 4.17-1: Existing Bus Service Near the Project Site		
Route	Route Description	Headway (min)
Frequent Route 68	San José Diridon Station to Gilroy Transit Center	15-20
Frequent Route 72	Downtown San José to Senter & Monterey via McLaughlin	5-20
Frequent Route 73	Downtown San José to Senter & Monterey via Senter	10-15
Express Route 168	Gilroy/Morgan Hill to San José Diridon Station	15-40
Express Route 181	San José Diridon Station to Warm Springs BART	15-20
Frequent Route 500	San José Diridon Station to Downtown San José	15-20
Frequent Route 522	Palo Alto Transit Center to Eastridge Transit Center	10-15
Frequent Route 523	Berryessa BART to Lockheed Martin via De Anza College	15-20
Hwy 17 Express (Route 970)	Downtown Santa Cruz/Scotts Valley to Downtown San José	20-35

Light Rail Transit Service

The VTA currently operates the 42.2-mile VTA light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale. The Mountain View–Winchester and Alum Rock-Santa Teresa LRT lines operate along San Carlos Street. The Convention Center LRT station platforms on San Carlos Street are located less than 700 feet of the project site. Additionally, the Children’s Discovery Museum LRT station, located south of the Woz Way/San Carlos Street intersection, is served by the Alum Rock-Santa Teresa LRT line, and is located less than 900 feet of the project site. The San José Diridon station is located along the Mountain View-Winchester LRT line and serves as a transfer point to Caltrain, ACE, and Amtrak services.

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, located at the San José Diridon Station. Trains stop frequently at the Diridon station between 4:28 AM and 10:30 PM in the northbound direction, and between 6:31 AM and 1:38 AM in the southbound direction. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during commute hours.

Altamont Commuter Express Service

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours, Monday through Friday. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon and evening with headways averaging 60 minutes. ACE

trains stop at the Diridon Station between 6:32 AM and 9:17 AM in the westbound direction, and between 3:35 PM and 6:38 PM in the eastbound direction.

Amtrak Service

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon Station eight times during the weekdays between approximately 7:38 AM and 11:55 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station seven times during the weekdays between 6:40 AM and 7:15 PM.

4.17.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the site development evaluated in the Downtown Strategy 2040 FEIR, the proposed project, by itself, would result in less than significant transportation impacts, as described in the following discussion.

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

Pedestrian Facilities

The City will require the project to construct or provide a fair-share contribution to implement a new traffic signal at the Locus Street/Woz Way intersection. The new signal would provide a protected crossing phase for all approaches, including the existing north-south crosswalk on Woz Way which connects the Guadalupe River Trail and Woz Way. The signal would improve the visibility of

pedestrians and bicyclists and connectivity of the Guadalupe River Trail.

Additional features planned to be installed as part of the City's improvements along Woz Way include:

- Curb extensions that would reduce the pedestrian crossing distance across Woz Way from 60 feet to approximately 45 feet.
- Bike lane adjacent to the existing crosswalk across the west leg of the intersection.
- Bike lane protected landscaping/median islands along both sides of Woz Way.
- A new north-south crosswalk across the east leg of the intersection.

The applicant shall work with the City to ensure that the southern frontage of the project site is consistent with the planned improvements. Nevertheless, the existing pedestrian facilities in the area provide pedestrians with easy connections between the project site and surrounding land uses. Implementation of the proposed project would not conflict with any policies or plans regarding pedestrian facilities or decrease the safety of these facilities.

Bicycle Facilities

Class II bicycle facilities are provided along Almaden Boulevard (along the east project site frontage) and Woz Way (along the south project frontage). The existing bicycle lanes along Almaden Boulevard and Woz way would be upgraded to a Class IV protected bike lane as part of Better Bikeways project. The project proposes a separated bike lane between the sidewalk and drop-off zones along the eastern and southern project frontages on Almaden Boulevard and Woz Way. The raised bike lanes would require signal modification to implement a bulb-out and bikeway convergence at the northwest corner of the Almaden Boulevard/Woz Way intersection. Existing Class II bicycle facilities and Class III bike routes are provided along most roadways within the project area. Implementation of the proposed project would not conflict with any policies or plans regarding bicycle facilities or decrease the safety of these facilities.

Transit Facilities

The project site is in close proximity to major transit services that would support multi-modal travel to and from the project site. Implementation of the proposed project would not conflict with any policies or plans regarding transit facilities or decrease the safety of these facilities. Implementation of the proposed project would not conflict with any policies or plans regarding transit facilities or decrease the safety of these facilities.

Airport Operations

The project would have a less than significant impact on air traffic patterns. See *Section 4.9 Hazards and Hazardous Materials* for a discussion of project compliance with federal aviation regulations.
[Same Impact as Approved Project (Less Than Significant Impact)]

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

City Council Policy 5-1 has established screening criteria to determine which projects require a detailed VMT analysis. Within the screening criteria, projects or components of projects would be exempt from VMT analysis under the following conditions: 1) the site is located within a Planned Growth Area as defined by the General Plan; 2) the site is located within 0.5 miles of an existing major transit stop or an existing stop along a high-quality transit corridor; 3) the site is located in an area in which the per capita VMT is less than or equal to the CEQA significance threshold for the land use; 4) the project has a minimum FAR of 0.75 for office projects or components or a minimum of 35 units per acre; 5) the project has no more than the minimum number of parking spaces required (if located in Downtown, the number of parking spaces must be adjacent to the lowest amount allowed; however, if the parking is shared, publicly available, and/or “unbundled”, the number of parking spaces can be up to the zoned minimum); and 6) the project would not negatively impact transit, bike or pedestrian infrastructure.

The proposed project is located within the downtown area which does not exceed commercial VMT per job and residential VMT per capita (refer to Figures 3.15-6 and 3.15-7 of the Downtown Strategy 2040 FEIR). The Downtown Strategy 2040 FEIR concluded that full build out of the Downtown Strategy 2040 Plan would result in low VMT and would have the lowest VMT of any plan area in the City. The proposed project is located within the downtown area covered by the Downtown Strategy 2040 FEIR and therefore is expected to have a less than significant VMT impact. The project site is approximately 0.8 miles from the San José Diridon Station and approximately 1,000 feet from the Convention Center Light Rail Station. The City has policies that require TDM measures for reductions in parking within the downtown. In addition, the BART and High Speed Rail connections, upgrades to Caltrain services, and the Better Bikeways project would provide additional transportation options for the downtown area. Implementing the land use density and diversity as envisioned by Downtown Strategy 2040 would facilitate VMT reduction as well. Based on the above, the project would not result in a significant VMT impact and would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b). **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Site Access and Driveway Design

Vehicular access to the parking garage would be provided via a full-access driveway located at the north leg of the Locust Street/Woz Way two-way stop-controlled intersection and a full access driveway at the existing South Almaden Boulevard/Convention Center access signalized intersection. A right-in/right-out only driveway along South Almaden Boulevard is proposed at the northeast corner of the project site which would be restricted to trucks only and would provide access to the loading docks to the second below-grade parking garage.

The City of San José Downtown Streetscape Guidelines (as referenced in the City’s Complete Street Standards and Guidelines) allow for a maximum driveway width of 26 feet for two-lane two-way

driveways. Based on the site plan, the driveway proposed at Locust Street/Woz Way and the right-in/right-out only driveway along Almaden Boulevard are proposed to have one inbound and one outbound lane and would comply with the City's 26-foot width requirement for two-way drive aisles. The Almaden Boulevard/Convention Center driveway would have one inbound and two outbound lanes and would be 43 feet wide, consistent with the driveway width requirement.

Sight Distance

Adequate sight distance should be provided at the project driveway in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards to avoid collisions and provide drivers with the ability to exit the driveway.

Woz Way and Almaden Boulevard have a posted speed limit of 25 miles per hour (mph) and 30 mph, respectively. The AASHTO stopping sight distance for a roadway with a posted speed limit of 25 mph is 155 feet and at 30 mph it is 200 feet. A driver exiting the Locust Street/Woz Way driveway must be able to see 155 feet to the east and west along Woz Way in order to stop and avoid a collision. Additionally, a driver exiting the Almaden Boulevard/Convention Center driveway must be able to see 200 feet to the north along southbound Almaden Boulevard in order to stop and avoid a collision.

Based on the site plan, vehicles exiting the Locust Street/Woz Way driveway would be able to see approaching traffic at least 290 feet to the east and 200 feet to the west. This project driveway would meet AASHTO minimum stopping sight distance standards. Vehicles exiting the Almaden Boulevard/Convention Center driveway would be able to see approaching traffic on Almaden Boulevard at least 550 feet to the north and would meet the AASHTO minimum stopping sight distance standard. At the right-in/right-out only driveway along Almaden Boulevard, trucks exiting would be able to see approaching traffic at least 300 feet to the north and would also meet the AASHTO minimum stopping sight distance standard. The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

[Same Impact as Approved Project (Less Than Significant Impact)]

d) Would the project result in inadequate emergency access?

The City requires consistency with applicable fire department standards before building permits are approved. Therefore, the proposed project would have a less than significant emergency vehicle access impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.2 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The proposed project is part of planned growth in the downtown; therefore, no CEQA transportation analysis is required. A Local Transportation Analysis (LTA) shall be prepared to identify any operational issues associated with the project. The following discussion is included for informational purposes only.

Trip Generation Estimates

Vehicle trips generated by the proposed project were estimated using the rates for “General Office Building” (Land Use Code 710) and “Shopping Center” (Land Use Code 820) published in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 10th Edition (2017).

The proposed project would qualify for a location-based adjustment. Based on the City’s *VMT Evaluation Tool*, the project site is located within an urban high-transit area. Urban high-transit areas have high density, good accessibility, high public transit access, low number of single-family residences, and middle-aged and older housing stock. Office developments within urban high-transit areas have a vehicle mode share of 69 percent and retail uses have a mode share of 83 percent; therefore, a 31 percent reduction was applied to trips generated by the office component of the project and a 17 percent reduction was applied to trips generated by the commercial component of the project.

A mixed-use development with complementary land uses such as office and commercial would result in a reduction of external site trips since a portion of the trips would not be entering or exiting the site. Based on VTA’s recommended mixed-use reduction, a maximum three percent trip reduction may be applied for the office and commercial uses, based on the office component. For the AM and PM peak hours, however, a three percent reduction of office trips exceeds the total number of trips generated by the commercial use. Therefore, a 50 percent reduction of retail trips during the AM and PM peak hours was applied.

A summary of the project trip generation estimates is shown below.

Table 4.17-2: Project Trip Generation Estimates							
Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
General Office Building	14,485	1,484	241	1,725	274	1,436	1,710
Office – Retail Internal Reduction	<435>	<7>	<12>	<19>	<15>	<14>	<29>
Location Based Reduction	<4,356>	<458>	<71>	<529>	<82>	<432>	<514>
Shopping Center	1,477	23	14	37	72	77	149
Office – Retail Internal Reduction	<435>	<12>	<7>	<19>	<43>	<8>	<51>
Location Based Reduction	<177>	<2>	<1>	<3>	<5>	<12>	<17>
Total Project Trips	10,561	1,028	164	1,192	208	1,018	1,226

Based on the trip generation table above, the project would generate up to 10,561 daily trips with 1,192 trips during the AM Peak Hour and 1,226 trips during the PM Peak Hour.

Truck Operations

The project proposes two loading docks which would be located on the second level of the below-grade parking garage. One loading dock would be located immediately south of the ramp leading to the Almaden Boulevard driveway and the other dock would be located approximately 350 feet south of the ramp.

Based on the City of San José off-street loading standards (Section 20.70.420 of the City's Municipal Code), offices with 100,000 to 175,000 square feet of total gross floor area shall provide one loading space. One additional loading space shall be included for each 100,000 square feet of total gross floor area exceeding 175,000 square feet. Retail and commercial uses greater than 50,000 square feet of total gross floor area shall provide two loading spaces plus one loading space for each 25 square feet of total gross floor area over 50,000 square feet of gross floor area. All loading spaces shall be designed to be no less than 10 feet wide, 30 feet long, and 15 feet high.

The proposed development would consist of a combined total of approximately 1,487,115 square feet of office space and approximately 39,137 square feet of food and beverage uses. The project would be required to provide a total of 14 off-street truck loading spaces for the office use. No truck loading spaces for the food and beverage use would be required. The project proposes six loading docks which is inconsistent with the City's requirement.

Waste disposal within the proposed office development would utilize trash compactors with roll-off containers that can be hauled away by trucks. Per the site plan, two 35-foot trash compactors would be located adjacent to each loading dock for a total of four trash collection bays. Trucks would have sufficient space to maneuver for trash pick-up. The project would meet the minimum 46-foot turning radius required by the municipal waste collection agency for roll-off trucks.

Fire trucks would access the site via the Almaden Boulevard and Woz Way frontages. To access the western project frontage, the fire trucks would utilize the Guadalupe River Trail as a fire access path. Trucks would be able to reverse onto ground floor pedestrian walkways located between the office towers.

Bicycle Parking

The proposed project would be required to provide one bicycle parking space per 4,000 square feet of office space (refer to Table 20-190 of the City's Municipal Code). Bicycle parking should consist of at least 80 percent short-term and at most 20 percent long-term spaces.

Per Code 20.70.485, any use that is not required to provide vehicular parking spaces (i.e. the ground-floor food/beverage use) would be required to provide two short-term bicycle parking spaces and one long-term bicycle parking space. The proposed office project would be required to provide a total of 319 bicycle parking spaces (255 short-term bicycle parking spaces and 64 long-term bicycle parking spaces) to meet the City standards. The project is proposing a total of 338 bicycle spaces which exceeds the number of bicycle parking spaces required. There would be bicycle parking rooms located on the ground floor. Bicycle rack with space for six to 10 bicycles would be placed along the walkways and the Guadalupe River Trail along the western project frontage.

Vehicle Parking

Based on Table 20-140 of the City's Municipal Code, the project would be required to provide 2.5 off-street vehicle parking spaces per 1,000 square feet of office use. On-site parking spaces are not required for the commercial use. The project consists of 1,487,115 square feet of office use. Using a FAR of 0.85⁵⁴, the office use is calculated to be approximately 1,264,048 square feet of floor area. Based on the City's off-street parking requirements, the office use would be required to provide a total of 3,161 off-street parking spaces.

Based on 20.90.220.A.1 of the City's Municipal Code, the project may receive up to a 50 percent reduction in the required off-street parking spaces with a development permit or a development exception if no development permit is required. For an off-street parking reduction of up to 20 percent, the following provisions must be met:

- The structure or use is located within two thousand feet of a proposed or an existing rail station or bus rapid transit station, or an area designated as a neighborhood business district, or as an urban village, or as an area subject to an area development policy in the city's general plan or the use is listed in Section 20.90.220.G; and
- The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20-90.

The project site is located within the downtown core and is within 1,000 feet of the Convention Center LRT Station. Since the project would exceed the City's bicycle parking requirement and comply with Municipal Code 20.90.220.A.1 subsections A and B, the project may be granted up to a 20 percent reduction in off-street parking spaces. By implementation of a TDM program that contains, but is not limited to, three of the measures listed in Municipal Code 20.90.220.A.1 subsections C and D, the project could be granted an additional 30 percent parking reduction. Additionally, Municipal Code 20.70.330.A allows for an additional 15 percent reduction for mixed-use development projects within the downtown with implementation of a TDM program. The project proposes the following TDM measures⁵⁵:

- Transit use incentive program for employees
- On-site support services (e.g., ground floor food/beverage-serving uses)
- On-site showers and lockers to serve all employees

The reductions would allow for a 57.5 percent reduction from the required 3,161 off-street parking spaces. The 1,343 parking spaces would meet the City's off-street parking requirement (with the reductions).

⁵⁴ The City's Municipal Code Section 20.70.330.A allows for an additional 15 percent reduction for mixed-use development projects within the downtown area which implement a TDM program.

⁵⁵ The tenant occupying the office space (to be determined later) could propose and maintain additional TDM measures. Hexagon Transportation Consultants, Inc. *South Almaden Office Towers Development Transportation Demand Management Plan*. January 23, 2020.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.
- ☐ ☐ ☐ ☒ ☐

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant tribal cultural resources impacts, as described below.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

Guadalupe River is located approximately 30 to 45 feet west of the project site, which is considered a highly sensitive area for prehistoric and archaeological deposits, including tribal cultural objects. No other tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information.

Assembly Bill 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. The Ohlone Tribe submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the downtown area of the City of San José. The tribal representatives for the Ohlone Tribe, and other tribes known to have traditional lands and cultural places within the City of San José, were sent the Notice of Preparation for the proposed project on May 31st, 2019. No response or request for consultation was received. Any subsurface artifacts found on-site would be addressed consistent with the standard measures identified in the Downtown Strategy 2040 FEIR. Therefore, the proposed project would have a less than significant impact on tribal cultural resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

-
- b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?**
-

See response above. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.19 UTILITIES AND SERVICE SYSTEMS

The following analysis is based, in part, on a Water Supply Assessment (WSA) prepared by San José Water (SJW) in April 2020. A copy of this report is provided in Appendix I of this document.

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2016.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

City of San José

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the project.

General Plan Policies - Utilities & Service Systems	
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help reduce the depletion of the City’s potable water supply as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
IN-1.5	Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.
IN-1.6	Ensure that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs to avoid the need for future upsizing. For facilities subject to incremental upsizing, initial design shall include adequate land area and any other elements not easily expanded in the future. Infrastructure and facility planning should discourage over-sizing of infrastructure which could contribute to growth beyond what was anticipated in the 2040 General Plan.
IN-1.7	Implement financing strategies, including assessment of fees and establishment of financing mechanisms, to construct and maintain needed infrastructure that maintains established service levels and mitigates development impacts to these systems (e.g., pay capital costs associated with existing infrastructure that has inadequate capacity to serve new development and contribute toward operations and maintenance costs for upgraded infrastructure facilities).
IN-3.1	<p>Achieve minimum level of services:</p> <ul style="list-style-type: none"> • For sanitary sewers, achieve a minimum level of service “D” or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm

General Plan Policies - Utilities & Service Systems	
	design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.4	<p>Maintain and implement the City’s Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:</p> <ul style="list-style-type: none"> • Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board’s General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. • Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems. • Ensure adequate funding and timely completion of the most critically needed sewer capacity projects. • Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-5.1	Monitor the continued availability of long-term collection, transfer, recycling and disposal capacity to ensure adequate solid waste capacity. Periodically assess infrastructure needs to support the City’s waste diversion goals. Work with private Material Recovery Facilities (MRF) and Landfill operators to provide facility capacity to implement new City programs to expand recycling, composting and other waste processing.
IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City’s Zero Waste goals.
IP-15.2	<p>To finance the construction and improvement of facilities and infrastructure systems for which the demand for capacity cannot be attributed to a particular development, consider a series of taxes or fees through which new growth collectively finances those facilities and systems, as follows:</p> <ol style="list-style-type: none"> 1. Construction Tax and the Conveyance Tax (the latter paid in connection with any transfer of real property, not just new development) provide revenue for parks,

General Plan Policies - Utilities & Service Systems	
	<p>libraries, library book stock, fire stations, maintenance yards and communications equipment.</p> <ol style="list-style-type: none"> 2. The Building and Structures Tax and Commercial/Residential/Mobile Home Park Tax provide revenue for the construction of San José's major street network. 3. Connection Fees provide revenue for the construction of storm sewers, sanitary sewers and expansions of sewage treatment capacity at the Water Pollution Control Plant. 4. Fees and taxes may need to be adjusted from time to time to reflect changing costs and new requirements. Additionally, new fees or taxes may need to be imposed to finance other capital and facility needs generated by growth. 5. Where possible, if a developer constructs facilities or infrastructure for which these taxes are imposed, the developer may be provided with corresponding credits against the applicable taxes or fees.
IP-17.1 ⁵⁶	<p>Use San José's adopted Green Vision as a tool to advance the 2040 General Plan Vision for Environmental Leadership. San José's Green Vision is a comprehensive fifteen-year plan to create jobs, preserve the environment, and improve quality of life for our community, demonstrating that the goals of economic growth, environmental stewardship and fiscal sustainability are inextricably linked. Adopted in 2007, San José's Green Vision, adopted in 2007, establishes the following Environmental Leadership goals for the City through 2022:</p> <ol style="list-style-type: none"> 5. Divert 100 percent of the waste from our landfill and convert waste to energy; Although the City has one of the highest waste diversion rates of any large city in the nation, many waste reduction opportunities remain. If San José and other local cities achieve no further waste reduction efforts over the next 15 years, solid waste landfill space in the region could reach capacity.

4.19.1.2 *Existing Conditions*

Water Supply

Water service is provided to the City of San José by three water retailers, SJW, the City of San José Municipal Water System, and the Great Oaks Water Company. Water service to the project site is provided by SJW. The service area of SJW is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water and local surface water. The project site is developed with an existing pay-to-park public parking lot and currently does not have any water demand.

Wastewater

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental

⁵⁶ Policy IP-17.1, as shown, is modified in this list to reflect only those items relevant to the discussion of solid waste.

Services. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.⁵⁷ The City generates approximately 69.8 million gallons per day (mgd) of dry weather sewage flow. The City's capacity allocation at the Facility is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

As mentioned above, the project site is developed with a parking lot and no wastewater is generated on-site.

Storm Drainage

The project site is located within an urbanized area served by an existing storm drainage system. The project site currently consists of approximately 155,509 square feet of impervious surface area.

There are existing storm drain lines located along Almaden Boulevard and Woz Way that would serve the project site are which are owned and maintained by the City of San José. The City's stormwater drainage system is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations that collect, convey, and discharge runoff to receiving water bodies. The primary receiving water body for the site is the Guadalupe River, which eventually discharges to the South San Francisco Bay.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. Based on the IWMP, the County has adequate landfill capacity. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.⁵⁸

All solid waste in San José is landfilled at Newby Island Sanitary Landfill (NISL). The City has an existing contract with NISL through December 31, 2020 with the option to extend the contract for as long as the landfill is open. The estimated closure date for NISL is 2041.⁵⁹ The City has an annual disposal allocation for 395,000 tons per year. As of December 2019, NISL had approximately 14.6 million cubic yards of capacity remaining.⁶⁰

The project site does not currently generate any solid waste.

⁵⁷ City of San José. San José-Santa Clara Regional Wastewater Facility. Accessed February 20, 2020. <https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility>.

⁵⁸ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

⁵⁹ North, Daniel. General Manager, Republic Services. Personal communications. November 14, 2019.

⁶⁰ Ibid.

4.19.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be noncompliant with federal, State, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the site development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant utilities and service systems impacts, as described below.

-
- a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**
-

The proposed development would use approximately 182,562 gpd of water. The Downtown Strategy 2040 FEIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the Downtown Strategy 2040 would not exceed the available water supply. Water services to the project site would be served by SJW. Sufficient water supplies are

available to serve the project during normal, dry, and multiple dry years. The proposed project would include lateral connections to water lines in the streets immediately adjacent to the site. Based on the WSA prepared for the project, SJW has capacity to serve this project based on current water supply capacity and Valley Water's proposed water supply projections. Additionally, based on both the SJW and Valley Water Urban Water Management Plans, SJW has determined that the water quantity needed is within projections of normal growth and there is sufficient water available to serve the proposed project.⁶¹ Implementation of the project would not require or result in the expansion of the existing water conveyance system or the construction of new infrastructure.

Implementation of the project would generate approximately 164,306 gpd of wastewater.⁶² The proposed project would connect to the City's existing sanitary sewer system. The project would comply with all applicable Public Works requirements to ensure sanitary sewer lines would have capacity for sewer services required by the proposed project. The proposed project would dispose of wastewater at the Facility which has adequate capacity to accommodate the increased demand created by the project. Since the proposed development is consistent with planned growth in the downtown area, the project would not exceed the City's allocated capacity at the Facility. The project would not result in the relocation or construction of facilities.

The project would utilize existing utility connections to connect to the City's water, wastewater, electric, natural gas, and telecommunications facilities. The project includes three storm drain relocation options. Under the current option, the project would remove the storm drain that bisects the northern portion of the site and relocate it to the adjacent parcels owned by Valley Water or north of the site (refer to *Section 3.1.2*). The proposed storm drain relocation would not result in a significant environmental effect. The proposed project would have a less than significant impact on these facilities.

[Same Impact as Approved Project (Less Than Significant Impact)]

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. Future water demand from full build out of the downtown in 2040 would be approximately 7,533 acre-feet per year (AFY) which represents a 3.19 percent increase over the system wide 2013 water production of 146,776 acre-feet. Although the projected water demand from full build out of the Downtown Strategy 2040 FEIR is large, SJW concluded that the increase was already accounted for in SJW's 2015 UWMP. Based on the WSA prepared for the project, the increased demand associated with the proposed project would be consistent with the SJW's 2015 UWMP, which projected a 12.3 percent increase in total system demand between actual 2013 demand and projected 2040 demand. The WSA concluded that SJW would be able to meet the needs of the service area through at least 2035 for average and single-dry years without water use reductions and that there is sufficient water available to serve the proposed project.

⁶¹ San José Water. *Water Supply Assessment Almaden Office Project*. April 2020.

⁶² Assumes wastewater is equal to 90 percent of total potable water use on-site.

With implementation of the CALGreen requirements and the City's Private Sector Green Building Policy, there would be sufficient water supplies available to serve the project and any reasonably foreseeable future development in downtown. **[Same Impact as Approved Project (Less than Significant Impact)]**

-
- c) **Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**
-

The proposed project would be consistent with the development assumptions in the Downtown Strategy 2040. Development allowed under the Downtown Strategy 2040 would not exceed the City's allocated capacity at the Facility; therefore, implementation of the project would have adequate capacity to serve the project's projected demand in addition to the Facility's existing commitments. **[Same Impact as Approved Project (Less Than Significant Impact)]**

-
- d) **Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**
-

The proposed project would generate approximately 9,119 pounds of solid waste per day.^{63,64} As mentioned previously, NISL had approximately 14.6 million cubic yards of capacity remaining in December 2019. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

-
- e) **Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?**
-

Future projects (including the proposed project) would be required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures consistent with CALGreen requirements. The estimated increases in solid waste generation from future development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would not result in significant impacts on solid waste disposal capacity in excess of state or local standards or in excess of NISL capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

⁶³ CalRecycle. "Estimated Solid Waste Generation Rates." Accessed February 20, 2020.
<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

⁶⁴ Solid waste generation was estimated at a rate of six pounds per 1,000 square feet per day for office space and five pounds per 1,000 square feet per day for commercial space.

4.20 WILDFIRE

4.20.1 Environmental Setting

Based on the Fire Hazard Severity Zone (FHSZ) Map, the project site is not located within a FHSZ area.⁶⁵

4.20.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

⁶⁵ CALFIRE. "Wildland Hazard & Building Codes." Accessed February 20, 2020. <http://egis.fire.ca.gov/FHSZ/>.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Implementation of the proposed project could result in a significant impact to air quality and biological resources. The project's impact on the identified resource sections are evaluated in detail in the SEIR (refer to *Section 3.1 Air Quality* and *Section 3.2 Biological Resources* of the SEIR).

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

Aesthetics

The geographic area for cumulative aesthetic impacts is the immediate project vicinity. As discussed in *Section 3.1 Air Quality*, the proposed project would meet the criteria of SB 743 because 1) the project would construct an employment center project and 2) the project is located within a transit priority area.⁶⁶ As a result, the project would have a less than significant aesthetics impact consistent with Public Resources Code Section 21099.

Agriculture and Forestry

The geographic area for cumulative agricultural and forestry resource impacts is the County of Santa Clara. The project would have no impact on agricultural and forestry resources and, therefore, the project would not have a cumulatively considerable contribution to any impacts to agriculture and forestry resources.

Cultural

The geographic area for cumulative cultural resources impacts is the project site and adjacent parcels. Any subsurface artifacts found on-site would be addressed consistent with the standard measures identified in the Downtown Strategy 2040 FEIR. The proposed project would not result in an impact to any historic structure and/or subsurface resources, and, therefore, the project would not have a cumulatively considerable contribution to cultural resources.

Energy

The geographic area for cumulative energy impacts is the City of San José. Past, present, and future development projects contribute to the state’s energy impacts. If the project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. As discussed in *Section 4.6, Energy*, the project would not result in significant energy impacts. Therefore, the project would not have a cumulatively considerable contribution to a cumulative energy impact.

Geology and Soils

The geographic area for cumulative geological impacts would be locations within 1,000 feet of the project site. The projects would comply with the identified Standard Permit Conditions to reduce seismic-related impacts on people and/or property. In addition, a geotechnical exploration was prepared for the project to avoid and/or reduce any geologic and soil hazards. Therefore,

⁶⁶ Metropolitan Transportation Commission. *Transit Priority Areas (2017)*. Accessed January 21, 2020. http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-121.930%2C37.306%2C-121.898%2C37.312.

implementation of the project would not result in a cumulatively considerable contribution to any geology and soils impacts.

Greenhouse Gas Emissions

Past, present, and future development projects (including the cumulative projects) worldwide contribute to global climate change. No single project is sufficient in size, by itself, to change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. The proposed project would not exceed the 2.6 MT CO₂e/year/service population threshold in 2030 and, as a result, the project would not result in a cumulatively considerable contribution to a GHG impact.

Hazards and Hazardous Materials

The geographic area for hazards and hazardous materials is defined as locations within 1,000 feet of the project site. Based on previous investigations at the site, the project site contains one REC, one CREC, and one HREC. Implementation of the required Standard Permit Conditions would reduce potential hazardous materials impacts to less than significant. The project would not result in a cumulatively considerable contribution to cumulative hazards and hazardous materials impacts.

Hydrology and Water Quality

The geographic area for cumulative hydrology and water quality impacts is the Guadalupe River watershed. The project would be required to implement the identified Standard Permit Conditions (refer to *Section 4.10 Hydrology and Water Quality*) to reduce impacts to water quality. For these reasons, the project would not result in a cumulatively considerable contribution to hydrology or water quality impacts.

Land Use

The geographic area for cumulative land use impacts is the downtown area. As discussed in *Section 4.11 Land Use and Planning*, the project would not divide an established community and is consistent with the General Plan land use designation, applicable General Plan policies, and zoning designation for the site. For this reason, the project would not have a cumulatively considerable contribution to a significant cumulative land use and planning impact.

Mineral Resources

As mentioned in *Section 4.12 Mineral Resources*, the project site is not located within a mineral resource recovery site. Since the project would not result in impacts to mineral resources, the project would not have a cumulatively considerable contribution to any mineral resources impacts.

Population and Housing

The geographic area for cumulative population and housing impacts is the City of San José. The project is proposing an office development, consistent with the Downtown Strategy 2040 Plan, and would not induce substantial unplanned population growth. Additionally, the project would not

displace people or existing housing on-site. For these reasons, the project would not have a cumulatively considerable contribution to a population and housing impact.

Public Services

The geographic area for cumulative public services impacts is the City of San José. All cumulative projects would be built in conformance with current building codes would be required to be maintained in accordance with applicable City policies identified in the Downtown Strategy 2040 Plan. The project would not include any residential uses and would not contribute to any cumulative school or library impacts. Therefore, the project would not result in a cumulatively considerable contribution to public services impacts.

Recreation

The geographic area for cumulative recreational facility impacts is the City of San José. The proposed project would be an office development and does not propose any residential uses. While employees of the office development may use nearby parks and trails, the project would not result in permanent new residents that would substantially increase park use such that physical deterioration would occur. The project would not substantially contribute to the cumulative impacts to parks in the area. For these reasons, cumulative impacts to recreational facilities would be less than significant.

Transportation

The Downtown Strategy 2040 FEIR concluded that upon full build out under the Downtown Strategy 2040 Plan would result in low VMT. The proposed project would be consistent with planned growth from the Downtown Strategy 2040 and would not have a cumulatively considerable contribution to a significant cumulative VMT impact. Additionally, the project would not result in significant transportation impacts as discussed in *Section 4.17 Transportation*. The project would not result in a cumulatively considerable contribution to transportation impacts.

Tribal Cultural Resources

The geographic study area for cumulative impacts to tribal cultural resources is the surrounding area (within 1,000 feet of the project site). No tribal cultural features, including sites, features, places, cultural landscapes or sacred place have been identified at the site. Additionally, the City of San José sent notification of the project on May 31st, 2019 and has yet to receive any request for consultation for this project from the Ohlone Tribe or any other tribal representative. As a result, the project would not contribute to a cumulative impact to tribal resources.

Utilities

The geographic area for cumulative utility and service systems is the City's boundary.

Water Supply

As discussed in its respective section, the proposed project would generate approximately 158,496 gpd of water. The Downtown Strategy 2040 FEIR concluded that the City will ensure that the water supply would adequately serve the new development and new or expanded entitlements for water

supplies would not be required. The project would not contribute to a cumulative water supply impact.

Wastewater Treatment/Sanitary Sewer System

The project would comply with all applicable Public Works requirements to ensure sanitary sewer and water mains would have capacity for water and sewer services required by the proposed project. In addition, the Facility has adequate capacity to accommodate the increased demand created by the project. As a result, the project would not contribute considerably to a significant cumulative wastewater impact.

Solid Waste

The NISL had approximately 14.6 million cubic yards of capacity remaining in December 2019. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project. For these reasons, the proposed project would not contribute considerably to a significant cumulative solid waste impact.

Wildfire

The project site is not located within or adjacent to a state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in cumulative wildfire impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of applicable regulations and policies, Standard Permit Conditions, and mitigation measures would result in a significant unavoidable impact to air quality (refer to SEIR). No other direct or indirect adverse effects on human beings have been identified.

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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Kara Hawkins, *Environmental Project Planner*

6.2 CONSULTANTS

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Shannon George, *Principal Project Manager*
Fiona Phung, *Project Manager*
Zach Dill, *Graphic Artist*
Ryan Osako, *Graphic Artist*

ENGEO Incorporated

San José, CA
Geotechnical Exploration

Haley & Aldrich

Walnut Creek, CA
Phase I Environmental Site Assessment

Hexagon Transportation Consultants

Gilroy, CA
Traffic

Holman & Associates

San Francisco, CA
Archaeological Literature Search

HMH Engineers

San José, CA
Arborist

H.T. Harvey & Associates

Los Gatos, CA
Biology

Illingworth & Rodkin

Cotati, CA
Air Quality, Greenhouse Gas Emissions, and
Noise

San José Water

San José, CA
Water Supply Assessment