

Initial Study

CityView Plaza Office Project

File No. H19-016



Prepared by the



In Consultation with



March 2020

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

This Initial Study has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulation and policies of the City of San José.

The applicant proposes to construct three 19-story office buildings with ground floor retail. 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 is an update and replacement of the *Strategy 2000: San José Greater Downtown Strategy for Development* (Strategy 2000) adopted by the City Council in 2005. The new Downtown Strategy 2040 was necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. For purposes of this new Strategy, the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to Downtown capacity available now. 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. Since this Initial Study tiers from the Downtown Strategy 2040 FEIR, references to the “approved project” within this document refers to the Downtown Strategy 2040 FEIR.

This Initial Study and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, 3rd floor, during normal business hours.

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

CityView Plaza Office Project

2.2 LEAD AGENCY CONTACT

Reema Mahamood, Planner III
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
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Reema.mahamood@sanjoseca.gov
(408) 535-6872

2.3 PROJECT APPLICANT

SJ CityView LLC
Attention: Casey Kraning, Director, Real Estate Development
Four Embarcadero Center, Suite 3620
San Francisco, CA 94111
(415) 263-7400

2.4 PROJECT LOCATION

The 8.1-acre project site is bound by South Almaden Boulevard to the west, West San Fernando Street to the north, Market Street to the east, and Park Avenue to the south. Regional, vicinity and aerial maps of the project site are shown below.

2.5 ASSESSOR'S PARCEL NUMBERS

- | | |
|--------------|--------------|
| • 259-41-054 | • 259-41-067 |
| • 259-41-057 | • 259-41-068 |
| • 259-41-066 | • 259-41-070 |

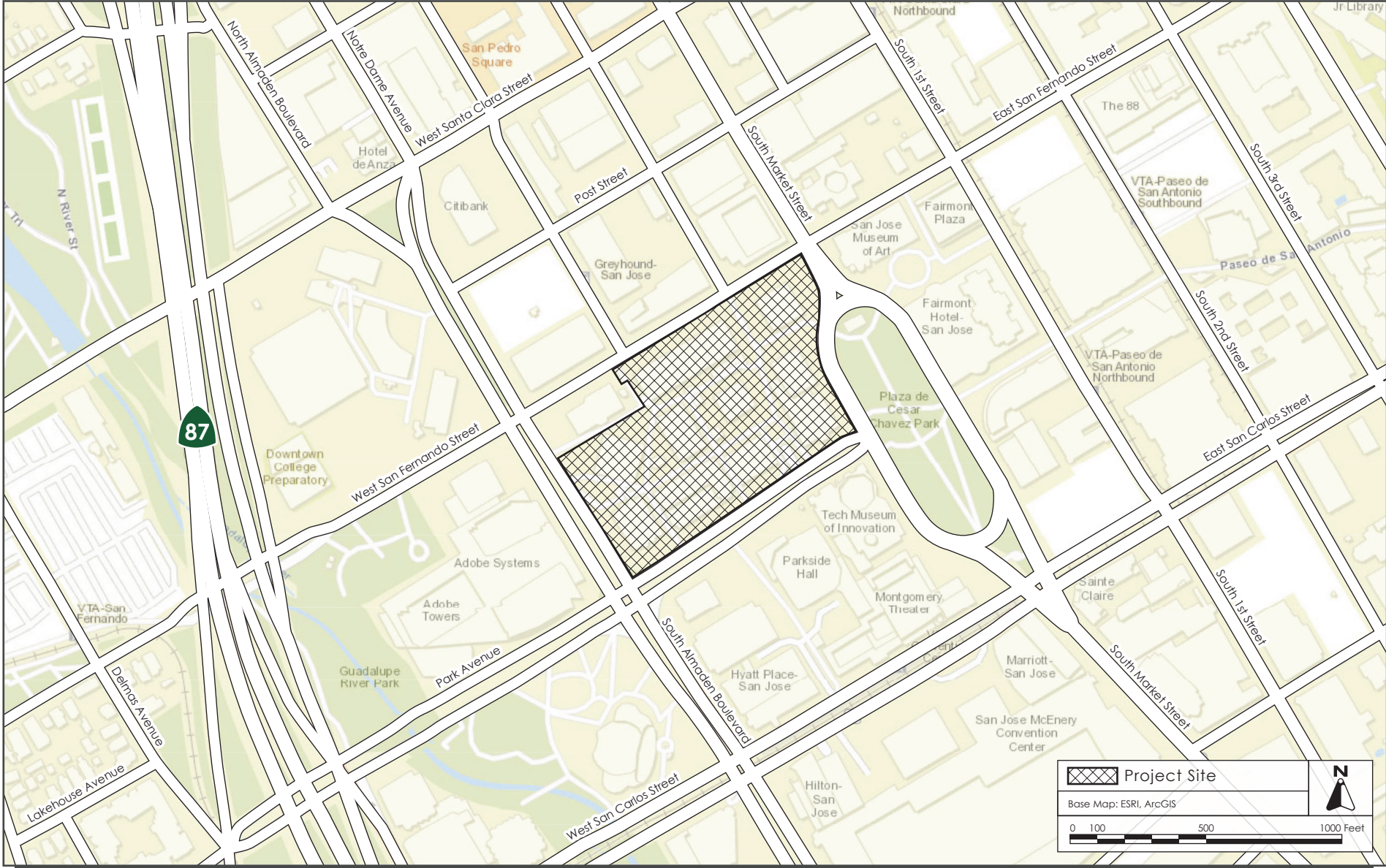
2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated *Downtown* under the adopted Envision San José 2040 General Plan and is zoned *DC – Downtown Primary Commercial District*.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Site Development Permit
- Demolition and Grading Permits
- Other Public Works Clearances

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 applicant proposes to redevelop approximately 8.1 acres (APNs 259-41-054, -057, -066, -067, -068, -070) in downtown San José. Vehicular access to the site is currently provided via five curb cuts (one for a driveway along South Almaden Boulevard, one for a driveway, one for a loading dock along West San Fernando Street, and two for driveways along Park Avenue).

3.1.2 Proposed Development

Implementation of the project would demolish nine buildings on-site and the stair structure that provides access to the below-grade parking garage which is on a single basement level. A summary of existing development on the project site is shown in Table 3.1-1, below. The total square footage of the existing buildings on the site proposed for demolition is 1,017,846.

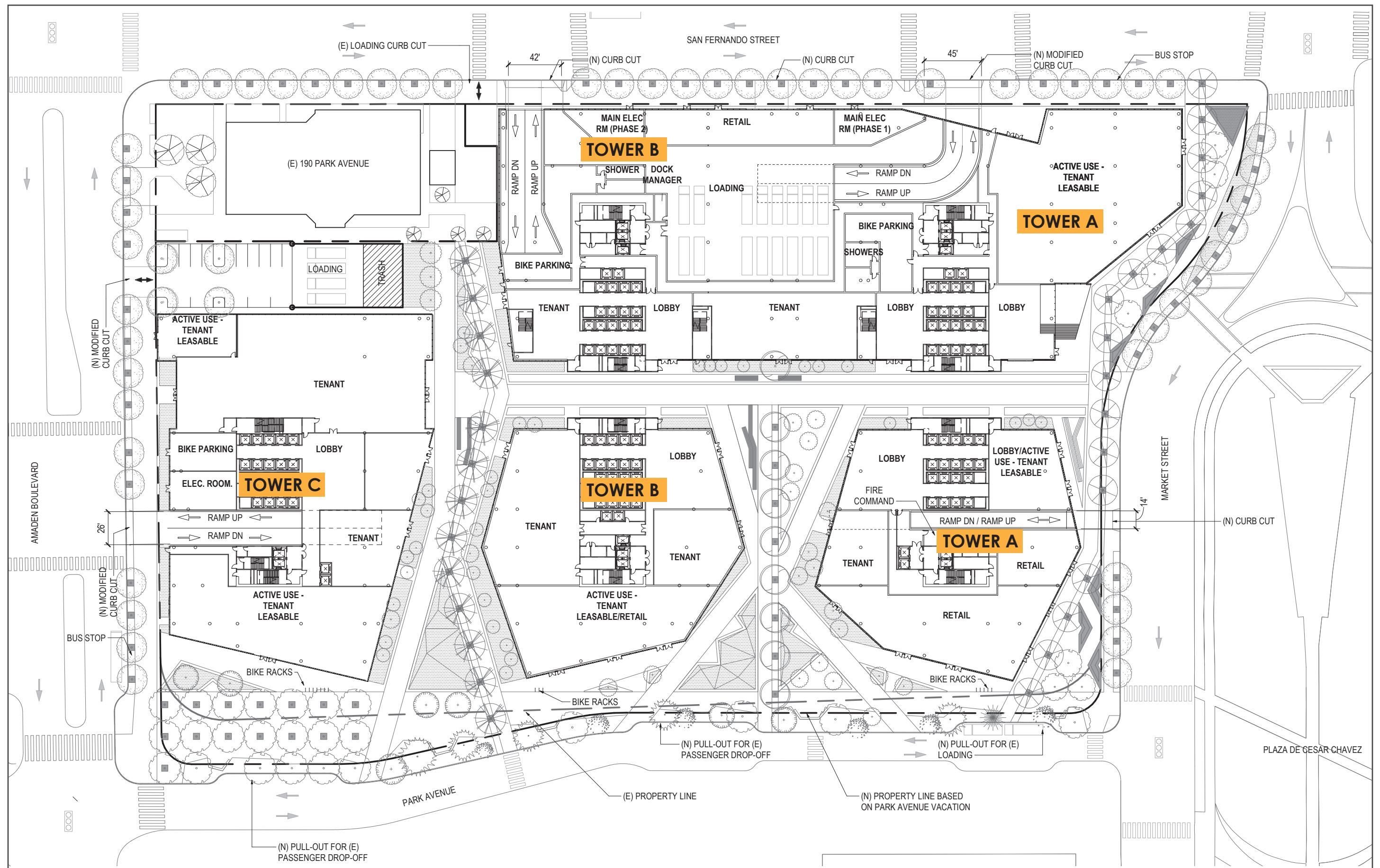
Table 3.1-1: Existing Development On-Site		
Building	Use	Size (square feet)
101 Park Center Plaza	Office	359,918
150 South Almaden Boulevard	Office	218,400
185 Park Avenue	Office/Commercial	162,144
100 West San Fernando Street	Office	116,720
177 Park Center Plaza	Office/Commercial	33,543
170 Park Center Plaza	Office	23,280
130 Park Center Plaza	Commercial	20,290
115 Park Center Plaza	Commercial	8,272
110 Park Center Plaza	Stair Access to Underground Parking	1,479
121 South Market Street	Office	73,800
Total		1,017,846

The applicant proposes to construct three new 19-story office buildings (Towers A, B, and C) with ground floor retail. The office buildings would consist of approximately 3,574,533 square feet of leasable office space on floors one through 19, 126,203 square feet of enclosed mechanical space, 65,500 square feet of ground floor retail and leasable active use tenant space, and 24,000 square feet of ground floor lobby, totaling 3,790,236 square feet. The buildings would be up to 293 feet tall to the top of the parapet with a floor area ratio (FAR) of 10.7. A pedestrian bridge is proposed on floors five to 19, which would connect all three office buildings. The project would also include five levels of below-grade parking and a 15-car surface parking lot.

Refer to Figure 3.1-1 for the ground floor site plan. Building elevations for the proposed project are shown in Figures 3.1-2 and 3.1-3.

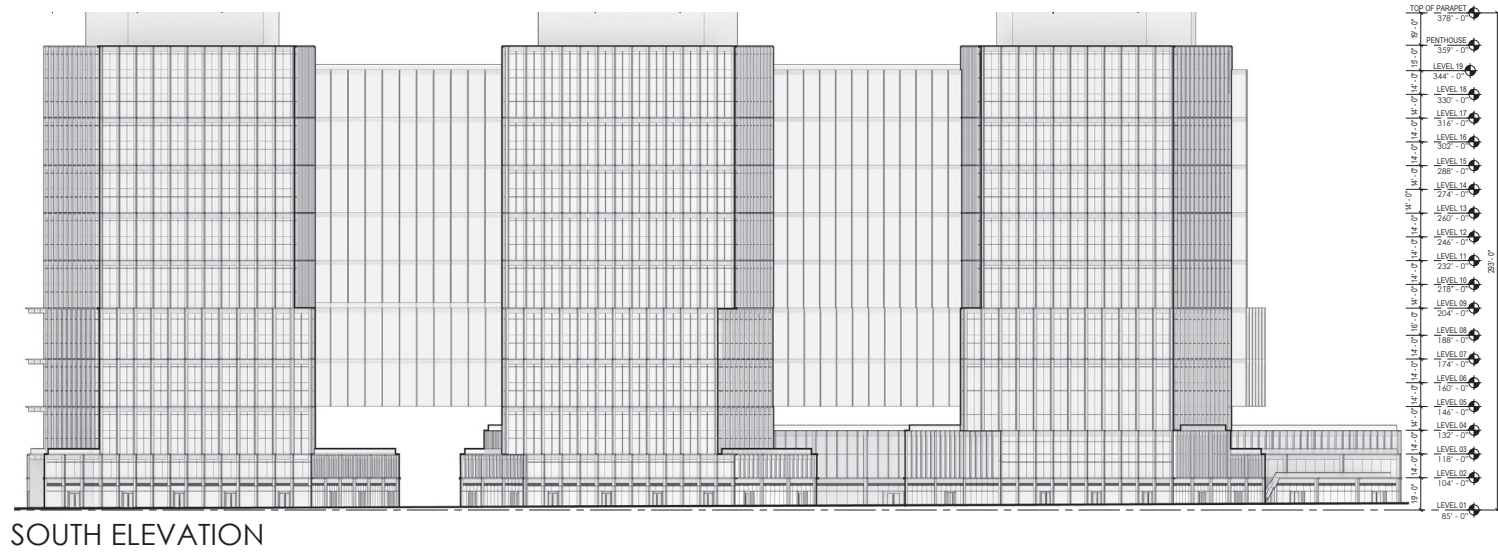
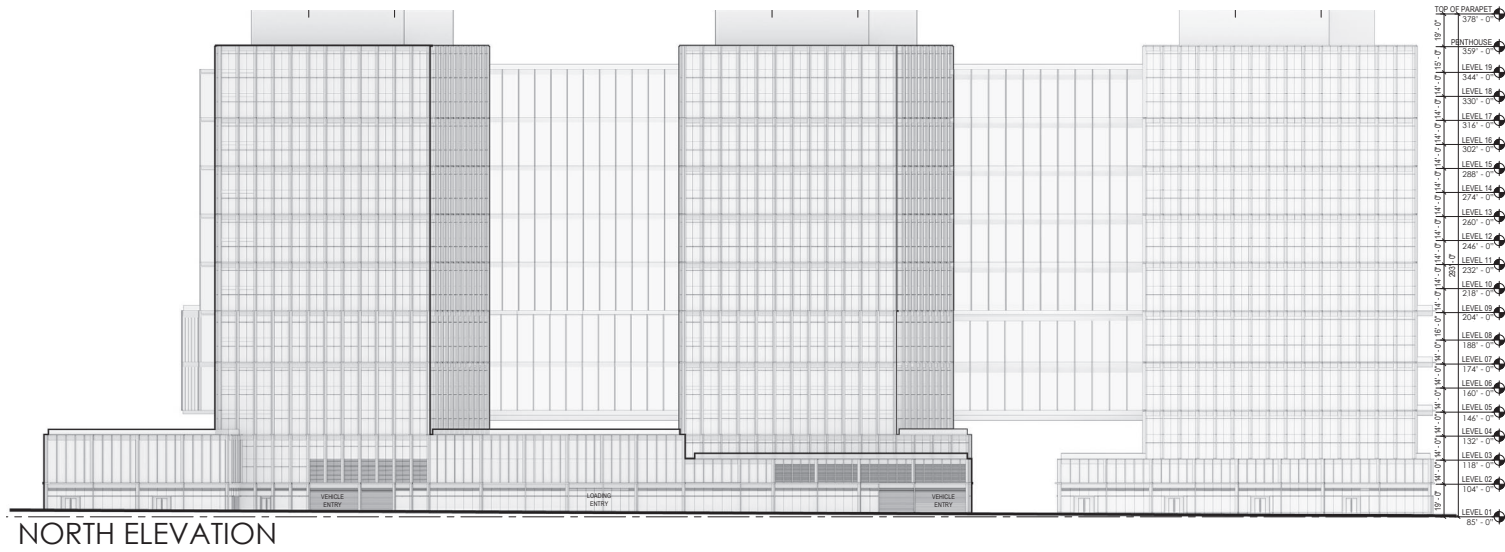
3.1.3 Project Operation

The applicant would construct three new 19-story office buildings with ground floor retail. It is anticipated that, when complete, upwards of 20,000 employees would occupy the site. Based on leasing activity, this could vary between a single large tenant or multiple tenant configurations, each with their own goals and workspace needs. With this exciting influx of workforce, it is anticipated



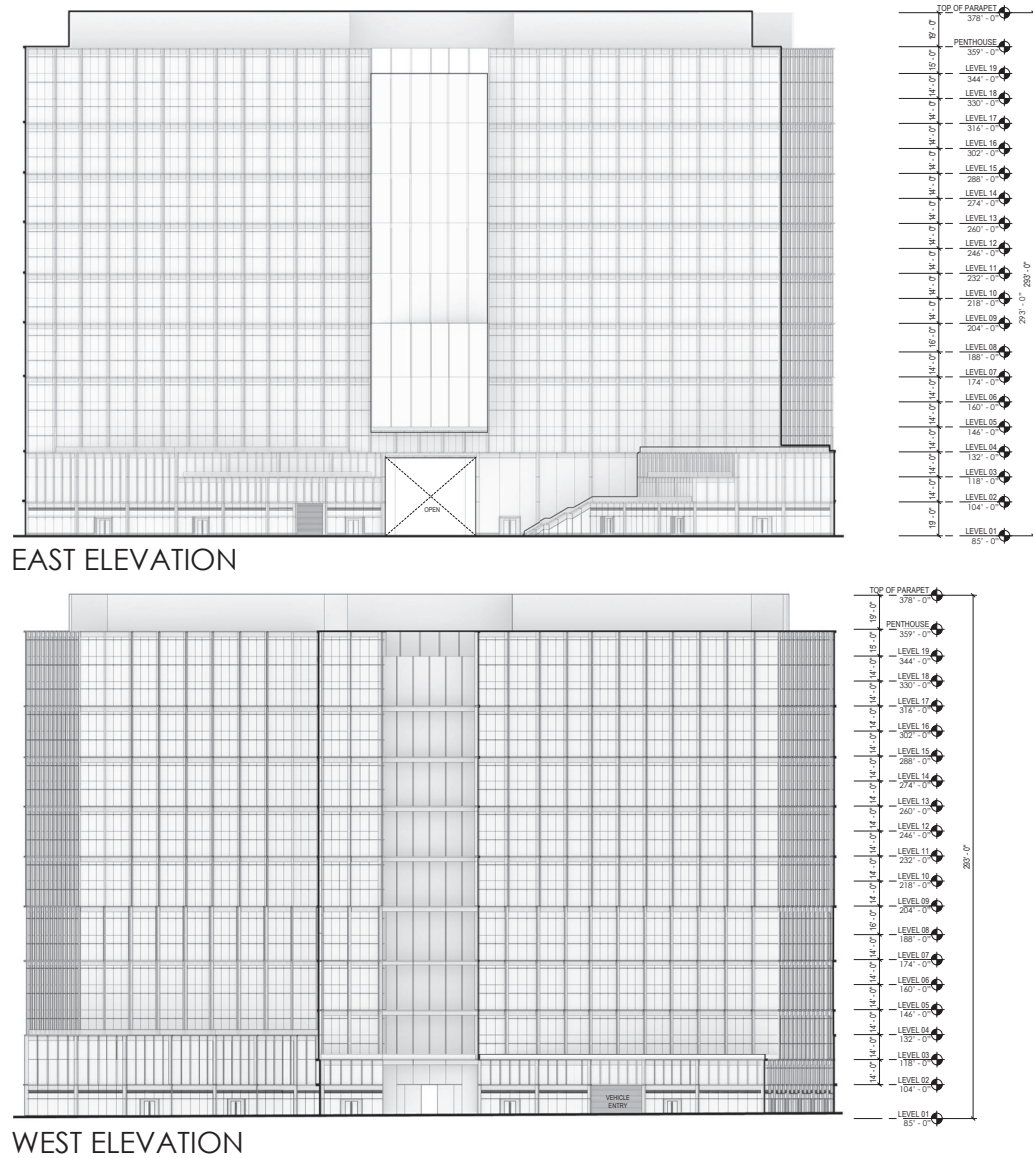
SITE PLAN - GROUND FLOOR

FIGURE 3.1-1



NORTH & SOUTH ELEVATION

FIGURE 3.1-2



EAST & WEST ELEVATION

FIGURE 3.1-3

that an enhanced vibrancy would be brought to this precinct of downtown as employees use multiple modes of transportation to access the site and use the downtown's local businesses for their personal and business needs. Care has been taken in the design to provide both a secure environment for business operations, but also the development of inviting peripheral spaces to enhance public and private engagement.

The project applicant intends to self-manage the project site with its internal property management division which focuses on a high level of service to meet the needs of the tenants anticipated to populate the site. These services would include, but would not be limited to, property managers, building engineers, parking and security personnel, janitorial services, loading dock management, and landscape operations.

3.1.4 Site Access, Parking and Circulation

The project site's vehicle access would be reconfigured. One full-access driveway along South Almaden Boulevard would provide access to the surface parking lot and a loading dock with four truck bays. Access to the subterranean parking garage would be provided via two full-access driveways along West San Fernando Street, one full-access driveway along South Almaden Boulevard, and one right-in, right-out reversible driveway along Market Street (inbound only during the AM peak hour and outbound only during the PM peak hour). The proposed five-level below-grade parking garage would provide for a mix of valet-assisted tandem and parallel parking spaces (basement floors one through three) and stacked parking spaces and over-aisle lifts (basement floors four and five). One loading dock supporting a total of eight truck bays would also be provided on West San Fernando Street; the loading dock would be separate from the garage entrances. The parking garage would have a total of 6,230 parking spaces and the surface parking lot would provide an additional 15 parking spaces.

There are existing sidewalks and crosswalks on West San Fernando Street, South Market Street, Park Avenue, and South Almaden Boulevard. Pedestrian access to the office lobbies would be provided via paved paseos connecting the sidewalks to the interior of the site. Class II bike lanes occur on Park Avenue, and Class IV bike lanes occur on West San Fernando Street and South Almaden Boulevard. Three bicycle parking locations with associated shower facilities for employees are proposed under the project. In total, the project would provide 776 long-term bicycle spaces and 30 short-term bicycle spaces, all to be located on the ground floor. The project's Park Avenue frontage would include street improvements in line with the Park Avenue Reconfiguration Plan.

3.1.5 Green Building Measures

The City requires that the project be built in accordance with the California Green Building Standards Code (CALGreen) requirements which includes design provisions intended to minimize wasteful energy consumption and the most recent California Building Code (CBC). The proposed development would be designed to achieve LEED Gold certification consistent with San José Council Policy 6-32, though no specific building measures have been identified at this time.

3.1.6 Transportation Demand Management Program

The applicant proposes the following measures¹ as part of the transportation demand management (TDM) program for the proposed project:

- Transit Measures
 - Design and locate buildings to facilitate transit access
- Bicycle Measures
 - Provide secure, weather-protected bicycle parking for employees
 - Provide safe, direct access for bicyclists to adjacent bicycle routes
 - Provide showers and lockers for bicycling or walking to work
- Transportation Coordinator
 - Provide a transportation coordinator who would be responsible for overseeing general traffic operations on the site and providing outreach to the office and retail tenants.

Transit Measures

There are Class II bicycle facilities (striped bike lanes) provided on South Almaden Boulevard and Park Avenue that provide access to the project site. The nearest bus stops to the project site are located on South First Street, San Carlos Street, and Santa Clara Street located approximately 575 feet east, 875 feet southwest, and 800 feet north, respectively. The San José Diridon Station serves as a transfer point to Caltrain, Altamont Commuter Express (ACE), and Amtrak. The closest Santa Clara Valley Transportation Authority (VTA) light rail station is located approximately 600 feet south of the project site. Public sidewalks, and paved paseos and pathways within the project site, provide pedestrian access from these public transit stops.

Bicycle Measures

The proposed project includes a total of 776 bicycle parking spaces for the office uses on the ground floor of all three towers. Showers and lockers are also proposed in Towers A and B. In addition, thirty short-term bicycle parking spaces would be provided outside the buildings.

3.1.7 Envision San José 2040 General Plan and Zoning Designation

The site is designated *Downtown* under the City’s General Plan and has a zoning designation of *DC – Downtown Primary Commercial District*. The *Downtown* General Plan 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. Residential development 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* zoning designation, development shall only be subject to the height limitations necessary for the safe operation of Mineta San José International Airport. Developments located in this zoning district shall not be subject to any minimum setback requirements.

¹ Lindberg, Britt. Senior Associate, Gensler. July 29, 2019.

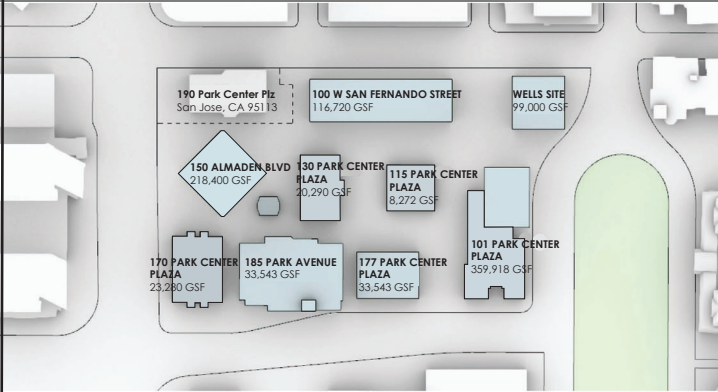
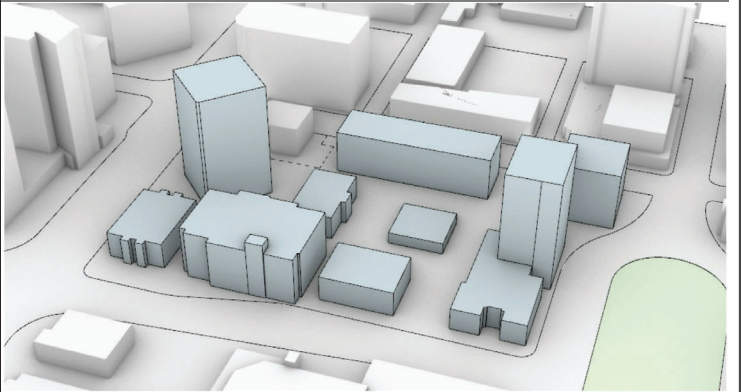
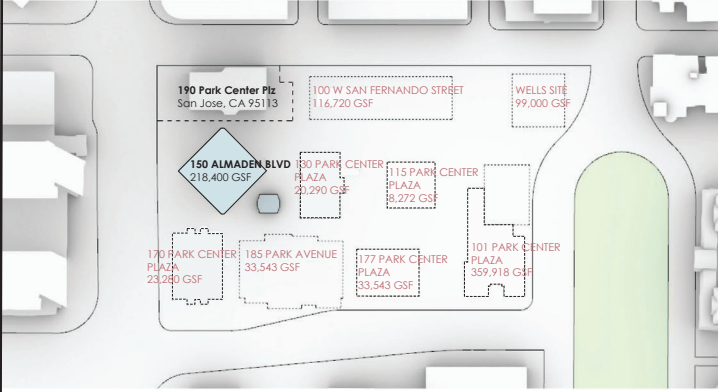
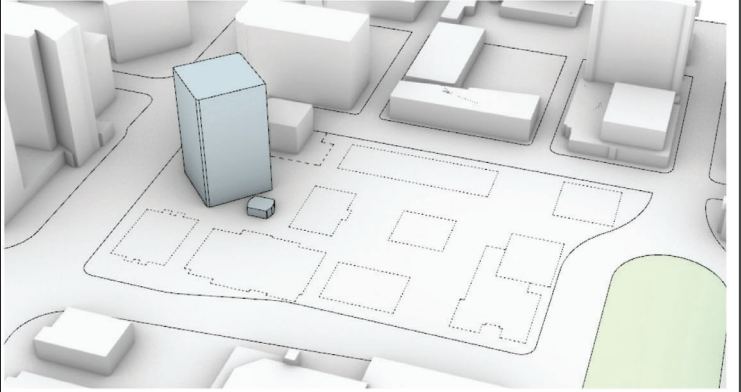
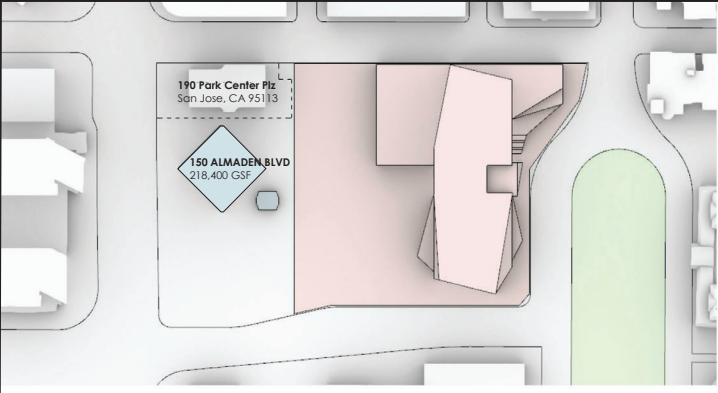
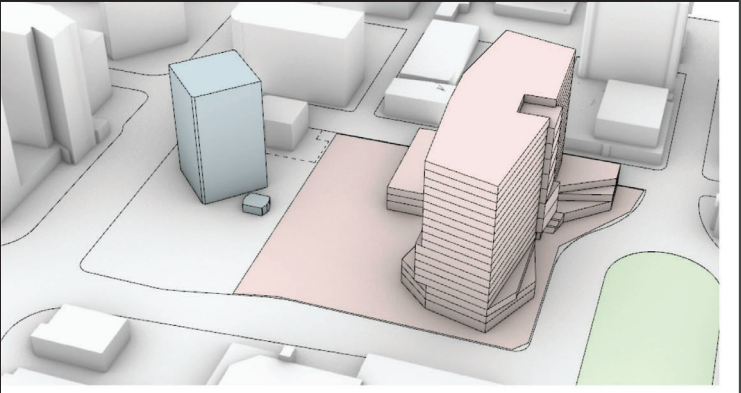
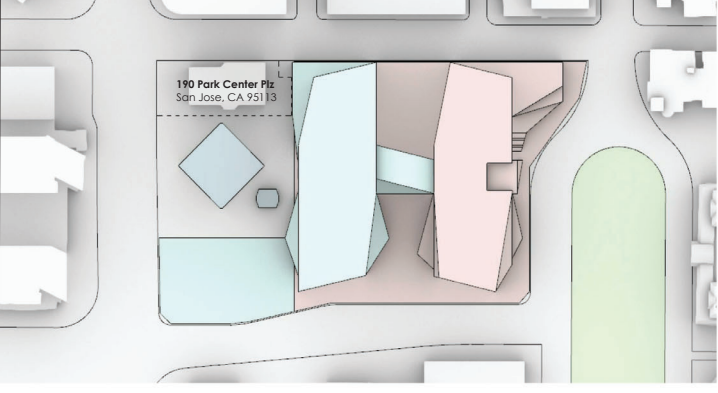
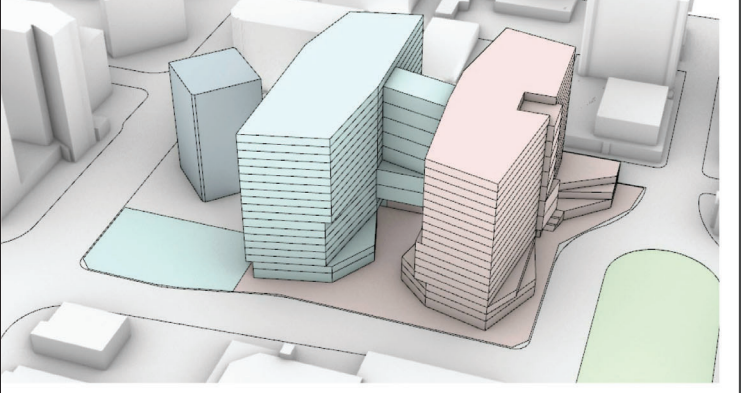
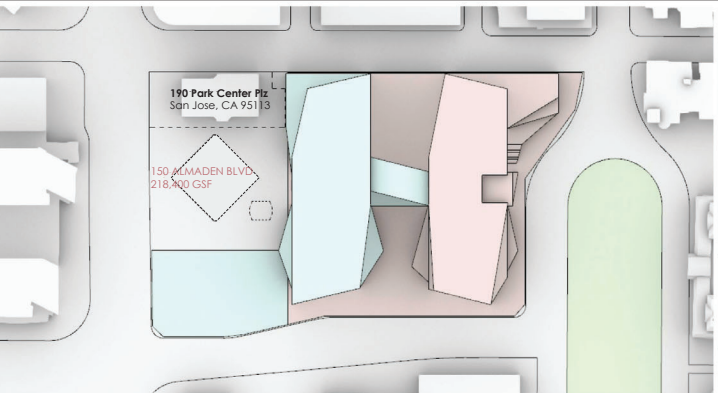
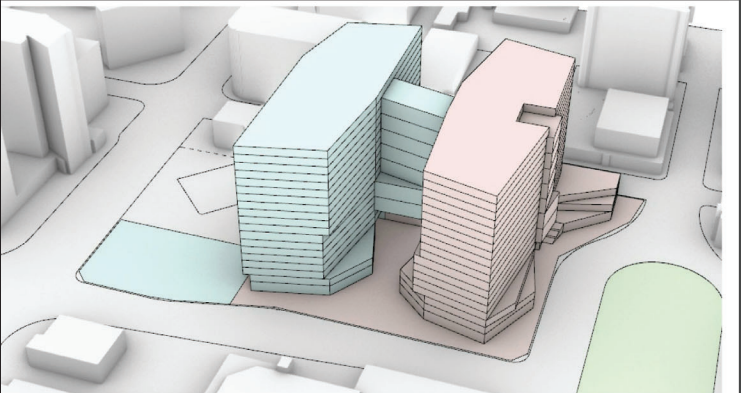
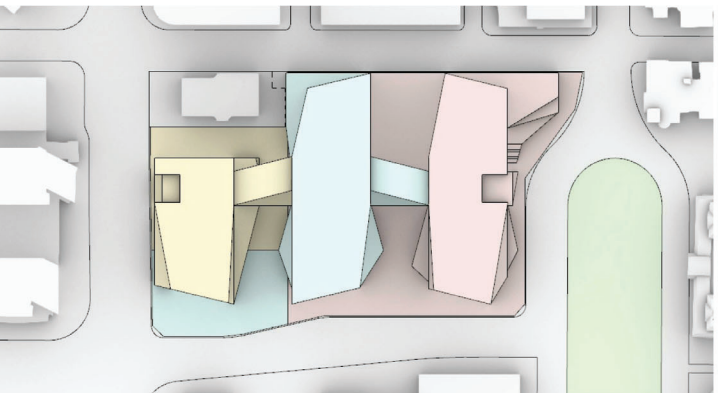
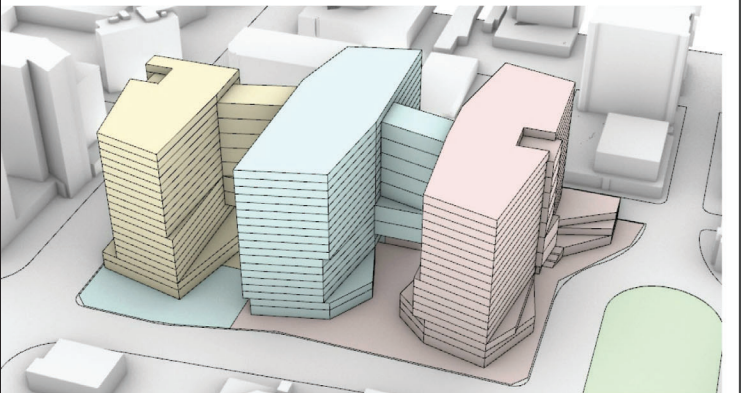
The proposed project is consistent with the General Plan's *Downtown* designation by providing office and retail uses which support pedestrian and bicycle uses with convenient access to public transit. The proposed project is consistent with the *DC Zoning District* designation by not exceeding the maximum height limitation of 293 feet for the safe operation of Mineta San José International Airport.

3.1.8 Construction

Construction of the proposed project is estimated to begin in 2020 for a period of 69 months. The applicant proposes extended construction hours from Monday to Sunday for 24 hours a day and 24-hour concrete pours for up to 20 days over the course of the entire project construction period.

Figure 3.1-4 show the construction phasing schedule currently anticipated for the project. To expedite construction, the project would be phased for construction and occupancy. Existing tenants would be consolidated into the existing 150 South Almaden Boulevard office tower which has its own separate subgrade parking garage and garage entry. Separate occupancy permits would be sought after the completion of each portion of the project. The phase plan is presented in Table 3.1-2, below.

Table 3.1-2: Phasing Plan		
Phase 1	Demolition	<ul style="list-style-type: none"> Eight existing buildings totaling approximately 823,167 square feet, the communal parking garage and the podium
	Existing to Remain	<ul style="list-style-type: none"> The 150 South Almaden Boulevard office tower (approximately 218,400 square feet) and associated garage
	Construction	<ul style="list-style-type: none"> Shoring and excavation of the below-grade garage up to existing ATT easement line (up to 2,095 parking spaces) Tower A and podium along West San Fernando Street (eight loading spaces)
	Utility Relocation	<ul style="list-style-type: none"> Relocation of any utilities on-site and off-site affected by the project
	Completion	<ul style="list-style-type: none"> Occupancy permit for Tower A and below-grade parking garage
Phase 2	Construction	<ul style="list-style-type: none"> Shoring and excavation as needed for expansion of the underground garage (up to 2,422 parking spaces) Tower B along with multi-story connecting bridge, a portion of the exterior façade on the Tower A would be removed in order to receive the connecting bridge
	Completion	<ul style="list-style-type: none"> Occupancy permit for Tower B, connecting bridge and underground garage expansion
Phase 3	Demolition	<ul style="list-style-type: none"> After complete vacancy, the office tower at 150 South Almaden Boulevard would be demolished along with associated underground garage
	Construction	<ul style="list-style-type: none"> Shoring and excavation for expansion of the underground garage (up to 1,713 parking spaces) Tower C and connecting bridge, A portion of Tower B exterior façade would be removed to receive the connecting bridge (four loading spaces)
	Completion	<ul style="list-style-type: none"> Occupancy permit for Tower C, connecting bridge and underground garage expansion

PHASE	PLAN	PERSPECTIVE
EXISTING		
PHASE 1 DEMOLITION		
PHASE 1 CONSTRUCTION 1,232,193 GSF		
PHASE 2 CONSTRUCTION <u>+1,215,924 GSF</u> 2,448,117 GSF TOTAL		
PHASE 3 DEMOLITION		
PHASE 3 CONSTRUCTION <u>+1,211,916</u> 3,660,033 GSF TOTAL		

PHASING DIAGRAM

FIGURE 3.1-4

Initial demolition is anticipated to take six months. The buildings at 150 South Almaden Boulevard and 121 South Market Street would be demolished later in the project due to leasing obligations. Approximately 500 tons of demolition debris would be hauled from the site and taken to a certified Waste Diversion Facility in compliance with the City's Construction and Demolition Diversion Program which ensures that at least 75 percent of this construction waste is recovered and diverted from landfills. Some of the demolished concrete would remain on-site and be used for winterization and base. Approximately 72 feet of excavation would occur to accommodate the five levels of underground parking. Approximately 1,037,689 cubic yards of soil would be exported from the site in accordance with the City's Construction and Demolition Diversion Program. Table 3.1-3 below provides a summary of the estimated total number of trips by trip type.

Table 3.1-3: Estimated Total Trips by Trip Type			
Land Uses and Construction Phase	Total Trips by Tripe Type		
	Worker¹	Vendor	Haul
Demolition	16,506	--	8,532
Site Preparation	1,710	--	--
Shoring	18,042	--	--
Grading/Mass Excavation	13,756	--	129,836
Building/Exterior	2,480,952	1,146,388	--
Paving/Hardscape	10,695	--	--
Note: ¹ The worker trips were modeled using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. Source: Illingworth & Rodkin, Inc. <i>CityView Plaza Air Quality and Greenhouse Gas Emission Assessment</i> . February 19, 2020.			

It is currently estimated that there would be roughly 27,780 cement truck round trips. There are estimated to be 20, 24-hour concrete pours which would take place on Friday or Saturday nights to ensure that traffic would not be impacted. A generator would operate on-site for welding and shoring activities. No pile driving activities are proposed.

Construction haul routes would occur on the following roadways: North Almaden Boulevard, South Almaden Boulevard, West Santa Clara Street, South San Pedro Street, South Market Street, Notre Dame Avenue, West San Fernando Street, Park Avenue, and State Route 87.

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.

This Initial Study tiers from the Downtown Strategy 2040 FEIR because the project was included in the overall development that was analyzed for that document at a program level. Subsequent review is required for this project since project-specific information was not available at the time the Downtown Strategy 2040 FEIR was prepared.
- **Impact Conclusions** – Because the analysis in this Initial Study tiers from the Downtown Strategy 2040 FEIR, the level of impact in the project-specific analysis is presented as it relates to the findings of the Downtown Strategy 2040 FEIR. For example, if the conclusion is “Same Impact as Approved Project/Less Than Significant Impact” the project level impact was found to be less than significant consistent with the finding in the Downtown Strategy 2040 FEIR.

For resource areas where significant impacts were identified, the detailed evaluation of those resource areas are included in the SEIR to the Downtown Strategy 2040 FEIR prepared for this project. This Initial Study is included as Appendix A to that SEIR.

4.1 AESTHETICS

The following discussion is based, in part, on photo simulations prepared by *Gensler* in December 2019. Refer to Figures 4.1-2 to 4.1-6.

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and includes several important changes to CEQA that apply to transit-oriented developments, as related to aesthetics 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.²

SB 743 also states that aesthetic impacts do not include impacts on historical or cultural resources. Further, it clarifies that local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

This law applies to the project because 1) the project would construct an employment center project and 2) the project is located within a transit priority area.³

Scenic Highways Program

The California Scenic Highway Program 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. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no State-designated scenic highways in San José. Interstate 280 (I-280) from the San

² 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 mile 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>.

³ 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.

Mateo County line to State Route 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.⁴

In Santa Clara County, the one State-designated scenic highway is State Route (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, I-280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

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.

⁴ Caltrans. "Scenic Highways." Accessed March 3, 2020. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

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	
Policy 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.
Policy CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-way.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
Policy 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.
Policy 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.

General Plan Policies - Aesthetics	
Policy CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent façades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
Policy 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.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.18	Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
Policy CD-1.19	Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.
Policy 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.
Policy 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.
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Policy CD-1.29	Provide and implement regulations that encourage high quality signage, ensure that business and organizations can effectively communicate through sign displays,

General Plan Policies - Aesthetics	
	promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
Policy CD-6.2	Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.
Policy 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.
Policy 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.
Policy 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.
Policy VN-2.3	Ensure that community members have the opportunity to provide input on the design of public and private development within their community.

4.1.1.2 *Existing Conditions*

Project Site

The 8.1-acre project site encompasses almost an entire City block and is located within an urban environment in the center of the City's downtown area. The project site is bounded by South Almaden Boulevard on the west, West San Fernando Street on the north, Market Street on the east, and Park Avenue on the south. Sidewalks and street trees surround the perimeter of the project site, with palm trees being a feature on Park Avenue.

Nine existing buildings occupy the site, with open space pockets consisting of landscaped planters and seating areas. The buildings on-site range in size and reflect a variety of architectural styles.

The Bank of America Building (constructed in 1970), located at 125 South Market Street, is two stories tall and is in the modernist architectural style comprised mostly of concrete with minimal windows. The building is connected to a 13-story building to the north (see Photo 1). The buildings are connected but separated by a glass awning. The nine-story Wells Fargo building, constructed in 1970, is approximately 112 feet tall. The two tallest buildings, the Heritage Bank building and the Bank of America building, are 214 feet and 199 feet tall, respectively. The Heritage Bank building is located at 150 South Almaden Boulevard on the western edge of the site. The 15-story building was constructed in 1985 and is in the modernist architectural style. The building includes numerous, evenly spaced windows and is largely uniform in its height and shape.

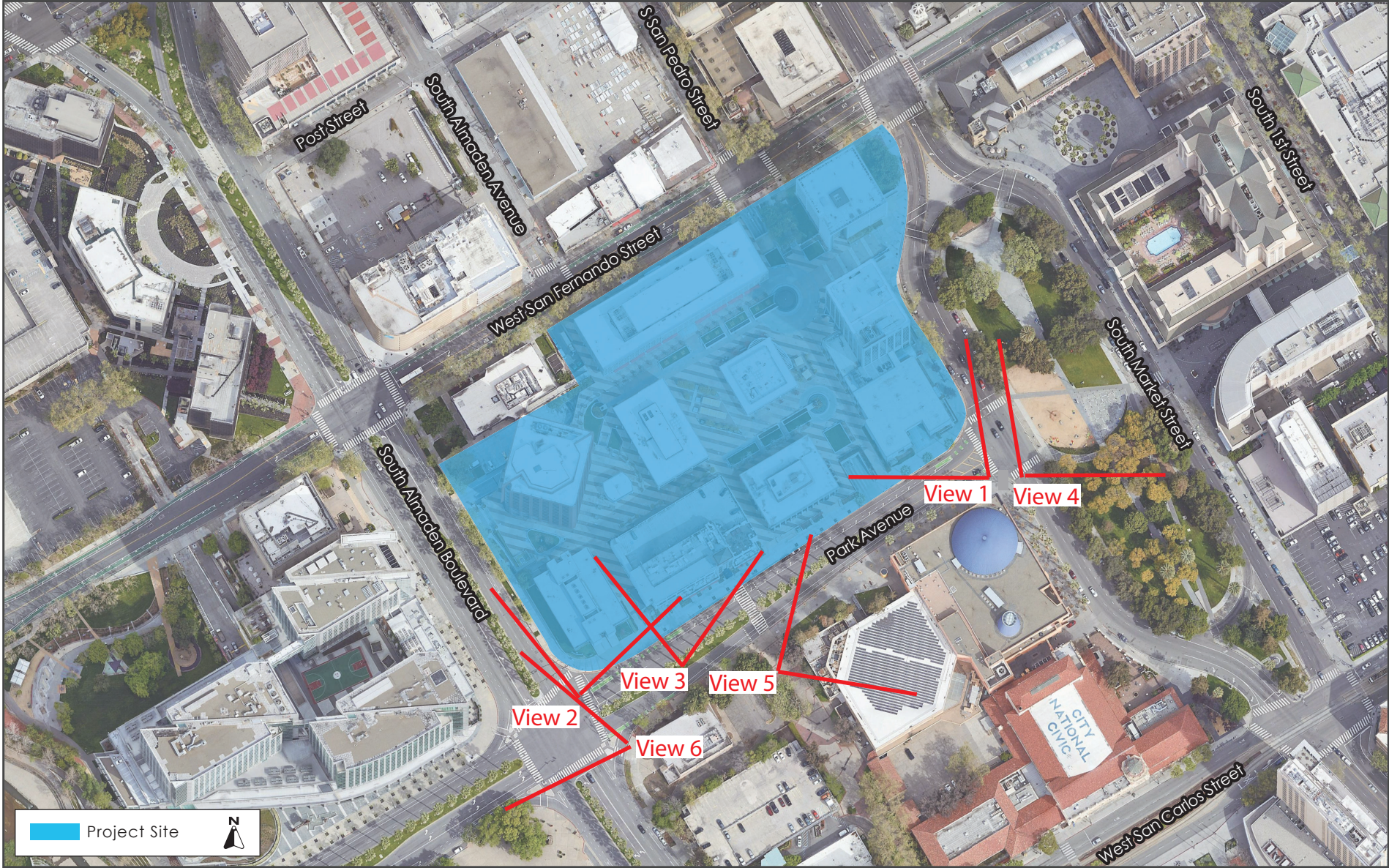


PHOTO LOCATIONS

FIGURE 4.1-1



Photo 1 View of project site, looking north from Park Avenue.



Photo 2 View of project site, looking northeast from Almaden Boulevard.

PHOTOS 1 & 2



Photo 3 View of project site, looking northeast from Park Avenue.



Photo 4 View of surrounding development, looking east from South Market Street.

PHOTOS 3 & 4



Photo 5 View of surrounding development, looking southeast from Park Avenue.



Photo 6 View of surrounding development, looking northwest from Almaden Boulevard.

PHOTOS 5 & 6

The former Santa Clara County Superior Family Court building, located at 170 Park Avenue, was constructed in 1971. The building is two-stories tall with modern Brutalist architectural design (see Photo 2). The building is primarily grey stucco with no coverage. The entrance to the building is located between two prominent cement columns on the southern façade and the signs located on the southwestern building façade have been removed. There are brown-tinted windows located on the second floor around the building.

Located east of the former Santa Clara County Superior Family Court building is a six-story structure which is comprised of ground floor retail fronting a five-level parking garage (see Photo 3). Located on the top floor of this commercial building is a restaurant. The most prominent feature is the elevator enclosure which appears as a tower with a large clock. Adjacent to the six-story structure is a three-story commercial building (177 Park Avenue) comprised of brown-tinted windows with thin vertical cement columns that run from the ground level to the bottom of the large eave. The easternmost building is two stories and comprised of two large cement wings on either side of a recessed entrance. An arched pergola further defines the entrance.

The other buildings on the project site range from three to six stories in height and have minimal distinguishing design features.

Surrounding Uses

Development in the project area is a mix of commercial, entertainment, hotel, and office land uses, as well as a large park. Immediately north of the site, across West San Fernando Street, are one- and two-story commercial uses and a nine-story, 172-foot tall office building. Sidewalks and street trees are present on both sides of West San Fernando Street. The office building, located at 95 South Almaden Avenue, was constructed in an art deco architectural style and includes design features such as rounded corners, recessed windows, and differing coloration on the ground level. To the east of the office building is the Plaza Hotel, a two-story rectangular structure with a flat roof, which was converted to interim housing in 2017. The primary architectural feature of the hotel is the decorative concrete block wall above the entrance. Located east of the site is Plaza de César Chávez, a public park (see Photo 4). There are office and commercial development, ranging from 18 to 22 stories tall, located east of Plaza de César Chávez.

The hotel is of postmodernist architectural style. To the south of the site is the Tech Museum of Innovation and a one-story public exhibit building (Parkside Hall). Parkside Hall has minimalist modern design elements and unadorned stucco clad walls (see Photo 5). The façade of Parkside Hall facing Park Avenue has no distinguishing architectural features. The Tech Museum of Innovation is three stories and is primarily orange stucco with stone on the lower two feet of the building. The dome of the theatre inside the Tech Museum of Innovation is visible above the roofline. To the west of the site are three high-rise office buildings connected by sky bridges, and a mid-rise office building. The three high-rise buildings are 259 feet, 236 feet, and 225 feet tall, respectively. These buildings were constructed in a postmodernist architectural style and are clad in glass and metal (see Photo 6). The mid-rise building is 112 feet tall and displays strong concrete massing and a uniform height and shape.

Scenic Views

The project site is located west of Santa Cruz Mountains and east of the Hamilton/Diablo Range. The northern extension of the Santa Cruz Mountains contains peaks of 3,000 feet in elevation, and the Diablo Mountain range reaches a summit elevation of nearly 4,000 feet. These mountain ranges provide a scenic backdrop for the City of San José; however, views of the natural landscape are typically obstructed within the downtown area due to the scale of surrounding development high- and mid-rise residential and commercial building). As stated in the Downtown Strategy 2040 FEIR, high-rise buildings and landmarks in downtown east of SR 87 could also be considered scenic resources.

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:					
1) 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"/>
2) 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"/>
3) In non-urbanized areas, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) 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 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.⁵ 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.

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

The City's General Plan defines scenic vistas or resources in the City as broad views of Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. The project site is flat with buildings ranging from two to 15 stories; and prominent views, other than buildings, are limited. The project site is located within a highly urbanized area with no designated scenic vistas.

As views of scenic vistas are not present from the project site, the construction of three 19-story office buildings with ground floor retail would not result in a substantial impact on a scenic vista from viewpoints on the project site or the immediately surrounding area.

Photo renderings of the proposed project are provided in Figures 4.1-2 and 4.1-5. A map showing the locations of the viewpoints is provided in Figure 4.1-6. As shown in the photo renderings, the project would be visible from multiple locations throughout the downtown core. While a majority of the proposed development would be seen from different viewpoints in the downtown area, the project area is developed with a variety of land uses that vary in height and the proposed buildings would blend in with the existing towers in most locations. Some views in the immediate project area would noticeably change, but the change would not have a significant effect on any designated scenic vistas. Implementation of the project would not have a substantial adverse effect on a scenic vista. **[Same Impact as Approved Project (Less than Significant Impact)]**

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 located approximately nine miles southwest of the project site.⁶ Because of the distance from SR-9, the construction of three 19-story office buildings on-site 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)]**

⁵ Metropolitan Transportation Commission. *Transit Priority Areas (2017)*. Accessed December 10, 2019. http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-121.930%2C37.306%2C-121.898%2C37.312.

⁶ Caltrans. "Introduction." Accessed December 18, 2019. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>



Photo Simulation 1a: Photo simulation 1a: Existing view from interstate-280 looking north towards the project site.



Photo Simulation 1b: View from interstate-280 looking north towards the project site with proposed project.

VIEW FROM I-280 LOOKING TOWARDS THE PROJECT SITE

FIGURE 4.1-2



Photo Simulation 2a: Existing view from Discovery Meadow looking north towards the project site.



Photo Simulation 2b: View from Discovery Meadow looking north towards the project site with proposed project.

VIEW FROM DISCOVERY MEADOW LOOKING NORTH TOWARDS THE PROJECT SITE

FIGURE 4.1-3



Photo Simulation 3a: Existing view from the plaza across San Jose Civic looking northwest towards the project site.

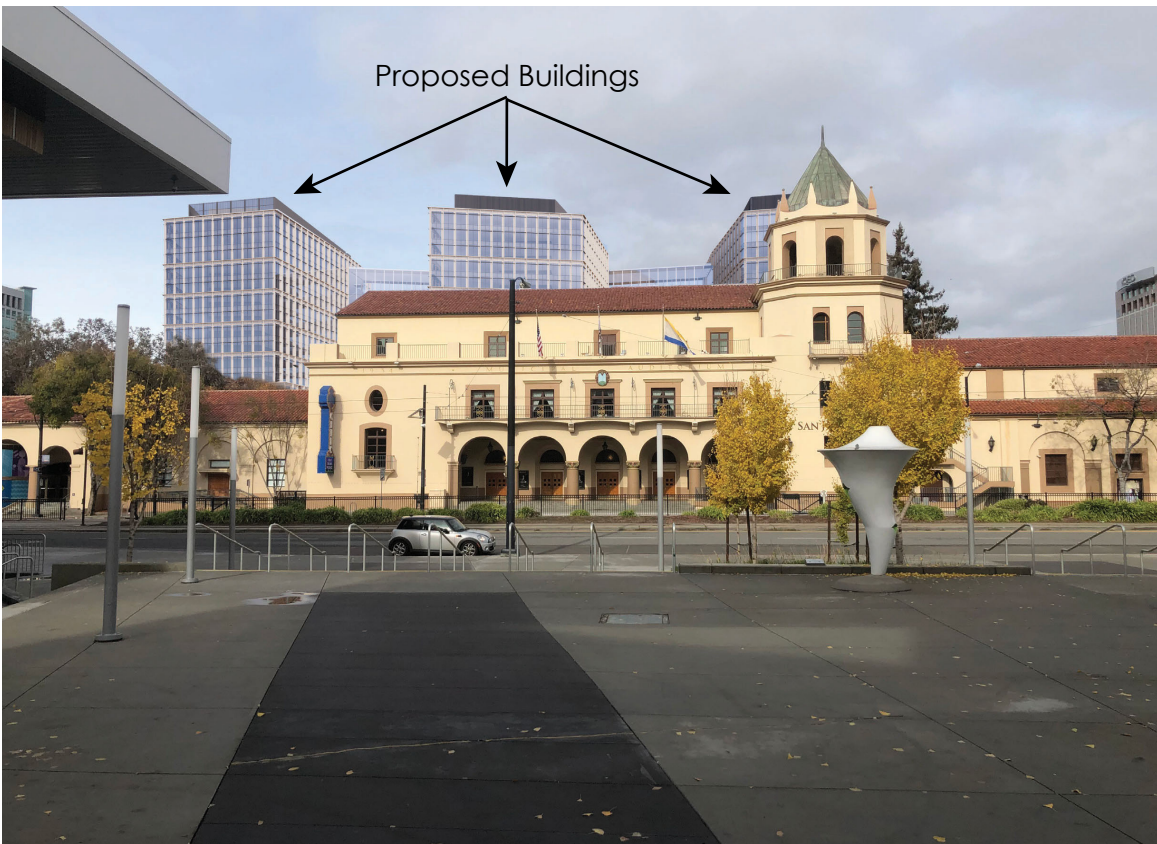


Photo Simulation 3b: View from the plaza across San Jose Civic looking northwest towards the project site with proposed project.

VIEW FROM THE PLAZA ACROSS SAN JOSE CIVIC LOOKING NORTHWEST TOWARDS THE PROJECT SITE

FIGURE 4.1-4



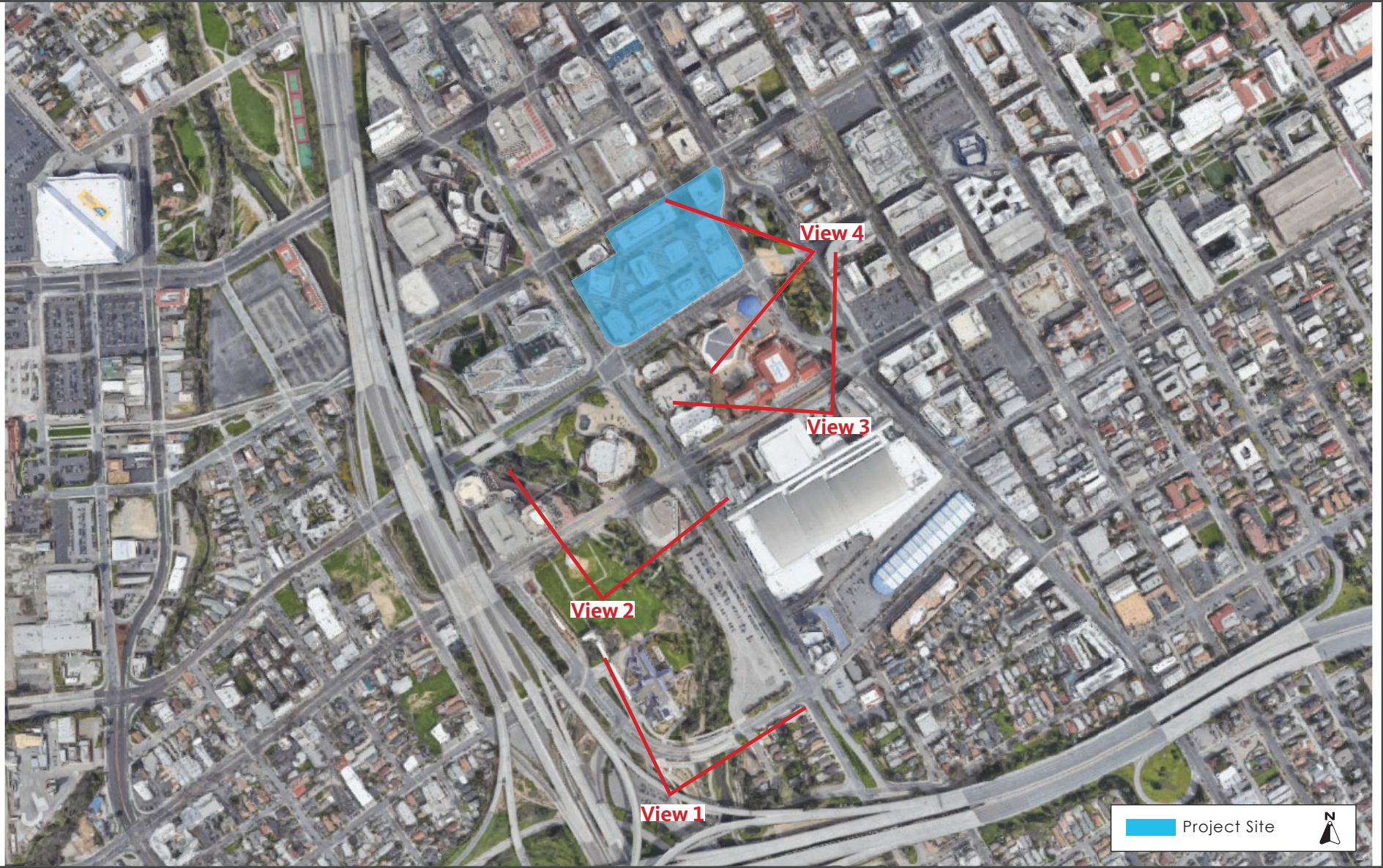
Photo Simulation 4a: Existing view from Plaza de Cesar Chavez looking west towards the project site.



Photo Simulation 4b: View from Plaza de Cesar Chavez looking west towards the project site with proposed project.

VIEW FROM PLAZA DE CESAR CHAVEZ

FIGURE 4.1-5



MAP OF VIEWPOINTS

FIGURE 4.1-6

In non-urbanized areas, 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 currently developed with nine commercial and office buildings surrounded by commercial, entertainment, and office land uses, as well as a large park. As proposed, the project would demolish the existing buildings and construct three 19-story office buildings with ground floor retail which would alter the visual character of the project site. The proposed office buildings would reach a maximum height of 293 feet to the top of the parapet. Currently, the tallest building on-site is the Heritage Bank building (approximately 214 feet tall).

The proposed building would be designed in a modern style and include exterior materials such as low-iron insulated glass, glass guard rails, aluminum canopies, and glazed terra cotta curtains walls and sunshades. The proposed project would be consistent with the size and scale of the nearby buildings, including the three high-rise buildings to the west (all of which are over 20-stories tall), and the 17-story office building and 22-story hotel to the east.

The project site would be visible from Interstate-280 which provides a view of the downtown and signifies an entrance to the center of the City. As can be seen in Figure 4.1-2, the addition of the project would not result in a significant change to that view. The project site is also visible from Discovery Meadow, a public park adjacent to Guadalupe River Trail (see Figure 4.1-3). Similar to the vista of downtown from Interstate 280, the addition of the project does not result in a significant change to the existing view from Discovery Meadow. As shown in Figure 4.1-5, the view of the project site from Plaza de César Chávez would result in a significant difference. However, given the existing variety of buildings and the “busyness” of the current view, the proposed project, although much larger than what is on-site currently, results in a much more restful view to the observer.

The proposed project would be reviewed in accordance with the City’s Downtown Design Guidelines as part of the City’s planning review process.

Based on the above, the proposed project would not conflict with zoning or other regulations regarding scenic quality. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is currently developed with low- to high-rise buildings that generate nighttime lighting and create glare from reflective surfaces. The proposed project would be expected to generate greater amounts of nighttime lighting than currently exists on-site due to the increased size of the proposed buildings. The proposed project would include internal building lights, security lights, and external building lights.

The project would be required to comply with City Council Policy 4-2 which regulates lighting to control the amount of glare and light that can affect nighttime views and surrounding residential development. Although nighttime light and glare may increase due to the size of the proposed project, the increase in light and glare would not be unexpected or unusual in the downtown area.

The design of the proposed project would also be subject to the City's design review process and as part of that process, would be required to use exterior materials that do not result in daytime glare, consistent with General Plan policies and the City's Design Guidelines. Based on the above, the project would not adversely affect day or nighttime views in the area. **[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. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁷

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. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁸

Forest Land, Timberland, and Timberland Production

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 Programs such as Cal Fire's Fire and Resource Assessment Program (FRAP) and are used to identify whether forest land, timberland, or timberland production areas that could be effected are located on or adjacent to a project site.¹⁰

4.2.1.2 *Existing Conditions*

The project site is located within a developed area of downtown San José that is not used for agricultural or timberland purposes. The project site is designated as Urban and Built-Up Land according to the *Santa Clara County Important Farmland 2016* map. The site is not under a

⁷ California Department of Conservation. "Farmland Mapping and Monitoring Program". Accessed March 5, 2020. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁸ California Department of Conservation. "Williamson Act". Accessed March 5, 2020. <http://www.conservation.ca.gov/dlrp/lca>.

⁹ *Forest land* is land that can support 10 percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (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 a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

¹⁰ Cal Fire. "FRAP". Accessed March 5, 2020. <http://frap.fire.ca.gov/>.

Williamson Act contract.¹¹

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:					
1) 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"/>
2) 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"/>
3) 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"/>
4) 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"/>
5) 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.

Would the project 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?

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

¹¹ ArcGIS. "Williamson Act Parcels". Accessed December 5, 2019.
<https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=199810930ef9465a9a1ae0315e5a7535&layerId=0>.

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)]**

Would the project 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))?

The project site is not utilized 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)]**

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

The project site is not zoned as forest land. No forest land would be lost as a result of the project, nor would forest land be converted to non-forest use. **[Same Impact as Approved Project (No Impact)]**

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?

Refer to discussion above. The project site is located within an urbanized area and would not result in any impacts to agricultural or forestry resources. The proposed project would be consistent with the findings of the Downtown Strategy 2040 FEIR. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

4.3.1 Environmental Setting

The project would demolish nine buildings on the approximately 8.1-acre site and would construct three 19-story office buildings with ground floor retail.

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:					
1) 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"/>
2) 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"/>
3) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Result in substantial emissions (such as 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 would result in significant unavoidable air quality construction impacts. The project's impact on air quality is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.4 BIOLOGICAL RESOURCES

The project would demolish nine buildings on the approximately 8.1-acre site and would construct three 19-story office buildings with ground floor retail.

4.4.1 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) 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"/>
2) 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) 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"/>
4) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) 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:					
6) 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"/>

Implementation of the proposed project could result in a significant impact to biological resources. The project's impact on biological resources is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

The approximately 8.1-acre site is currently developed with nine buildings. Of the nine buildings, the Sumitomo Bank Building, located at 170 Park Center, is currently listed in the City's Historic Resource Inventory as a Candidate City Landmark building.

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:					
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) 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"/>
3) 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"/>

As proposed, the project would demolish the existing buildings and construct three 19-story office buildings with ground floor retail. Based on the potential to impact historic structures and subsurface resources, the proposed project could result in a significant and unavoidable impact to cultural resources. The analysis of cultural resources impacts is presented in the SEIR. No further analysis will be provided in this Initial Study.

4.6 ENERGY

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment¹² prepared by *Illingworth & Rodkin, Inc.* in January 2020. The report is attached in Appendix B of the SEIR.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal

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

Energy Policy and Conservation Act of 1975

The Energy Policy and Conservation Act of 1975 was enacted in December 1975. This act is intended to:

- Grant specific authority to the President to fulfill obligations of the U.S. under the international energy program;
- Provide for the creation of a Strategic Petroleum Reserve capable of reducing the impact of severe energy supply interruptions;
- Conserve energy supplies through energy conservation programs, and the regulation of certain energy uses;
- Provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products;
- Provide a means for verification of energy data to assure the reliability of energy data; and
- Conserve water by improving the water efficiency of certain plumbing products and appliances.

EPA Emission Standards for Non-Road Diesel Engines

The U.S. EPA sets nationwide emission standards for mobile sources, which include on-road (highway) motor vehicles such trucks, buses, and automobiles, and non-road (off-road) vehicles and equipment used in construction, agricultural, industrial, and mining activities (such as bulldozers and loaders). The U.S. EPA also sets nationwide fuel standards. California also has the ability to set motor vehicle emission standards and standards for fuel used in California, as long as they are the same or more stringent than the federal standards.

The U.S. EPA has established a number of emission standards for on- and non-road heavy-duty diesel engines used in trucks and other equipment. Heavy-duty diesel on-road vehicle standards and the non-road diesel engine standards are estimated to reduce PM and NO_x emissions from diesel

¹² The retail square footage has increased from 15,449 square feet to 32,500 square feet and the office space has been reduced from 3,648,584 square feet to 3,574,533 square feet since the air quality analysis was completed. The total building square footage would remain the same. Since the total square footage has not changed, there would be no substantial changes to the operational impacts and conclusions of the analysis.

engines up to 95 percent in 2030.¹³ The U.S. EPA has also substantially reduced the amount of sulfur allowed in diesel fuels. The new standards reduced the amount of sulfur allowed by approximately 97 percent for highway diesel fuel and by 99 percent for off-highway diesel. Ultra-low sulfur diesel (ULSD) is currently required for use by all vehicles in the U.S. California has adopted the federal diesel engine and diesel fuel requirements.

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) 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.

Building Codes

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, 2020.¹⁴

The 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, 2020, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

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:

¹³ U.S. EPA, 2000. Regulatory Announcement, Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements. EPA420-F-00-057. December 2000.

¹⁴ California Department of General Services. "California Building Standards Codes." Accessed December 23, 2019. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

- Transition to a renewable energy future
- Embrace our California climate
- Densify 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 2040 General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy.

General Plan Policies - Energy	
Policy 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.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

General Plan Policies - Energy	
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through 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 the effectiveness of passive solar design).
Policy 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.
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
Policy 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.
Policy 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.
Policy 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.
Policy 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.
Policy 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 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

General Plan Policies - Energy	
	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.
Policy 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.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Policy MS-19.10	Develop incentives to encourage the use of recycled water. Enact ordinances that ensure that new buildings in the vicinity of the SBWR pipeline are constructed in a manner suitable for connection to the recycled water system and that they use recycled water wherever appropriate.
Policy 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.
Policy TR-1.4	<p>Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.</p> <ul style="list-style-type: none"> • Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. • The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.

General Plan Policies - Energy	
	Area Development Policy. An “area development policy” may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
Policy 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.

4.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2016, the most recent year for which this data is available. Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The 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 (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation.¹⁵ 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 16,668 GWh of electricity was consumed in Santa Clara County.¹⁶

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 80percent 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 of San José. In 2018, approximately 10 percent of California’s natural gas supply came from in-State production, while 90 percent was imported from other western states and Canada.¹⁷ In 2018, residential and commercial customers in California used 32 percent, power plants used 32 percent, and the industrial sector used 36 percent.

¹⁵ U.S. Energy Information Administration. *State Profile and Energy Estimates, 2017*. Accessed December 5, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

¹⁶ California Energy Commission. Energy Consumption Data Management System. “Electricity Consumption by County.” Accessed December 5, 2019. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

¹⁷ California Gas and Electric Utilities. 2018 California Gas Report. Accessed December 9, 2019. https://www.socalgas.com/regulatory/documents/cgr/2017_California_Gas_Report_Supplement_63017.pdf.

Transportation accounted for one percent of natural gas use in California.¹⁸ In 2018, Santa Clara County used approximately three percent of the State’s total consumption of natural gas.¹⁹

Fuel for Motor Vehicles

In 2018, 15 billion gallons of gasoline were sold in California.²⁰ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the U.S. has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.²¹ 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 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light truck model years 2011 through 2020.^{22,23}

Energy Use of Existing Development

The electricity and natural gas used by the existing buildings on-site is shown in Table 4.6-1.

Table 4.6-1: Estimated Annual Energy Use of Existing Development		
Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
General Office Building	20,697,700	20,083,900

As shown in the table above, the existing buildings on-site uses approximately 20,697,700 kWh of electricity per year and 20,083,900 kBtu of natural gas per year. Using the U.S. EPA fuel economy estimates for 2018, the existing buildings on-site consume approximately 210,523 gallons of gasoline per year.²⁴

¹⁸ U.S. Energy Information Administration. “Natural Gas Summary.” Accessed December 9, 2019.

https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.

¹⁹ California Energy Commission. “Natural Gas Consumption by County”. Accessed December 9, 2019.

<http://ecdms.energy.ca.gov/gasbycounty.aspx>.

²⁰ California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed December 9, 2019. <https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf>.

²¹ United States Environmental Protection Agency. “The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” March 2019.

²² United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed December 9, 2019.

<http://www.afdc.energy.gov/laws/eisa>.

²³ Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed December 9, 2019. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

²⁴ 5,242,013 VMT / 24.9 mpg = 210,523 gallons of gasoline

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.

Would the project 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?

Energy Use During Construction

The project would require demolition, site preparation, grading, trenching, building construction, paving, and completion of the building interiors. 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, 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* 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 an 8.1-acre site in the downtown core of the City. Existing development on-site consists of nine office and commercial buildings, the energy use of which is shown in Table 4.6-1. The proposed project would result in an intensification of use at the site by increasing the size and scale of development and allowing for a higher number of commercial tenants to occupy the site. The estimated annual energy use of the proposed project is shown in Table 4.6-2, below.

Table 4.6-2: Estimated Annual Energy Use of Proposed Development		
Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
Office Park	63,361,300	54,000,000
General Light Industry ¹	877,846	2,300,000
Enclosed Parking with Elevator	8,763,320	0
Strip Mall	152,358	25,630
Total:	73,154,824	56,325,630
Note: ¹ Represents the mechanical penthouse.		

The proposed project would use approximately 73,154,824 kWh of electricity and 56,325,630 kBtu of natural gas. Using the U.S. EPA fuel economy estimates (24.9 mpg), the project would result in the consumption of approximately 1,836,727 gallons of gasoline per year.²⁵

The proposed project would be required to be constructed 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's Council Policy 6-32. The project site is located approximately 600 feet north of the Convention Center Light Rail Station and approximately 0.75-mile from the San José Diridon Station. The nearest bus stops are located along South First Street, San Carlos Street, and Santa Clara Street. 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 776 bicycle parking spaces consistent with the City's bicycle parking requirement of 775 parking spaces. The proposed project would also comply with existing State energy standards and would be designed to achieve LEED Gold certification. Based on the above, 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)]

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)]**

²⁵ 45,734,513 VMT / 24.9 mpg = 1,836,727 gallons of gasoline

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 2027.²⁶ The project would increase annual electricity use by approximately 52,457,124 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.²⁷ Based on the relatively small increase in natural gas demand from the project (36,241,730 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)]**

²⁶ California Energy Commission. "California Energy Demand Updated Forecast, 2018-2028." Accessed December 23, 2019. <https://efiling.energy.ca.gov/getdocument.aspx?tn=220615>.

²⁷ CEC. 2013 Natural Gas Issues Trends, and Outlook. Accessed December 24, 2019. <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 Soil Resource Report generated from the Natural Resources Conservation Service website in December 2019. A copy of the report is attached in Appendix H 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 (AP) was passed following the 1971 San Fernando earthquake. The AP 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 California Building Standards Code (CBC) prescribes standards for constructing safer 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; the current version is the 2019 CBC, effective January 1, 2020.

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 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.

Paleontological Resources Regulations

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. The 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 Municipal Code

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

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to geologic and seismic hazards, as listed in the following table.

General Plan Policies: Geology, Soils, and Seismic Hazards	
Policy 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.
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy 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.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

General Plan Policies: Geology, Soils, and Seismic Hazards	
Policy 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.
Policy EC-4.3	Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards (e.g., deep seated landslides in the Special Geologic Hazard Study Area and former landfills) to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy 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 15 and April 15.
Policy 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*

Geology and Soils

The City of San José is located in Santa Clara Valley, an alluvial basin underlain by sedimentary and metamorphic rocks of the Franciscan Complex. These alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel. The Santa Clara Valley is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The Valley was formed when sediments derived from both mountain ranges were exposed by tectonic uplift and regression of the inland sea which previously inundated this area.

The project site and area is relatively flat. The soils on-site consist of Urbanland-Elpaloalto complex (approximately 35 percent) and Urbanland-Campbell complex (approximately 65 percent). The Urbanland-Elpaloalto soils consist of clay loam and silty clay loam and would have moderate expansion potential. The Urbanland-Campbell complex soils consist of silt loams, silty clay, and silty clay loams with moderate to very high expansion potential.

The project is not located in a landslide hazard zone.²⁸ The project site is, however, located within a liquefaction hazard zone.²⁹ Liquefaction is defined as ground failure or loss of strength that causes otherwise solid soil to take on the characteristics of a liquid. This phenomenon is triggered by earthquakes or ground shaking that causes saturated or partially saturated soils to lose strength, potentially resulting in the soil's inability to support structures. Liquefaction can result in adverse impacts to human and building safety, and is typically addressed at the building design stage of a project. Additionally, the potential for lateral spreading is low due to the distance between the project site and Guadalupe River (approximately 0.1 mile west of the project site).

Seismicity and Seismic Hazards

The project site is located within the San Francisco Bay Area, the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Based on a 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 2044.³⁰ The project site is not located within an Alquist-Priolo Earthquake Fault Zone. Active faults near the project site are shown below in Table 4.7-1.

Table 4.7-1: Active Faults Near the Project Site	
Fault	Distance from Site
Hayward	10.5 miles north
San Andreas	11.7 miles west
Calaveras	10 miles east

Groundwater

Groundwater has been encountered nearby (95 South Almaden Avenue) at a depth of 14 to 16 feet below the ground surface (bgs).³¹ Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Paleontological Resources

Per the City's Paleontological Sensitivity Map³², the proposed project is located in an area of high paleontological sensitivity at depth.

²⁸ California Geological Survey. "Earthquake Zones of Required Investigation." Accessed December 12, 2019. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

²⁹ Ibid.

³⁰ U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System. Fact Sheet 2015-3009." Accessed December 12, 2019. <http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf>.

³¹ Path Forward Partners, Inc. *Phase I Environmental Site Assessment*. November 21, 2018.

³² City of San José. *Envision San José 2040 General Plan*. November 2011.

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:					
1) 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"/>
2) 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"/>
3) 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"/>
4) 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"/>
5) 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"/>
6) 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.

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 an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone. While existing faults are located within 10 miles of the site and because the proposed project is located outside of the identified fault zones, the potential for fault rupture at the site is low.

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 6.7 or higher. During an earthquake, very strong ground shaking could occur at the project site. Although the project site is not located within a landslide hazard zone, the project site is located within a liquefaction hazard zone. The project site is not located near creeks or channels; therefore, the potential for lateral spreading would be low during large seismic events. Additionally, the site is located within an area of moderate to very high expansion potential.

In accordance with the City's General Plan and current standard practices in the City, the proposed project would comply with the following Standard Permit Conditions to reduce significant seismic and seismic-related impacts.

Standard Permit Condition:

The project will implement the following Standard Permit Condition to reduce significant seismic and seismic-related impacts:

- To avoid or minimize potential damage from seismic shaking, project construction shall use standard engineering and seismic safety design techniques. Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation report shall be reviewed and approved by the Department of Public Works as part of the building permit review and entitlement process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

With implementation of the above Standard Permit Condition, the proposed project would not expose people or structures to substantial adverse effects due to ground shaking; nor would the project exacerbate existing geological hazards on the project site such that it would impact (or worsen) off-site geological and soil conditions. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The proposed project would result in a substantial amount of ground disturbance due to the demolition of nine existing buildings, excavation for the below-grade parking garage, and construction of the proposed 19-story office towers with ground floor retail. 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:

- Schedule all excavation and grading work in dry weather months or weatherize construction sites.
- Cover stockpiles and excavated soils with secured tarps or plastic sheeting.
- Install ditches to divert runoff around excavations and graded areas if necessary.
- Construct the project in accordance with standard engineering practices in the California Building Code, as adopted by the City of San José. Obtain a grading permit from the Department of Public Works prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

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)]**

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?

As discussed in *Section 4.7.1.2*, the project site is located within a liquefaction zone and the potential for lateral spreading to occur on-site is low due to the location of the project site. Although the site is located within an area of moderate to very high expansion potential, the project shall be constructed using standard engineering and seismic safety design techniques and in conformance with a site-specific geotechnical investigation (see Standard Permit Condition above). The proposed project would not be located on soil that is or would become unstable and result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Groundwater

The project would excavate to a depth of approximately 72 feet bgs for the five levels of below-grade parking. Based on a site nearby, groundwater is estimated at a depth ranging from 14 to 16 feet bgs. and, as a result, dewatering would be required.

Consistent with the measure identified in the Downtown Strategy 2040 and City policy, the project would implement the following Standard Permit Condition to reduce and/or avoid impacts related to ground settlement.

Standard Permit Condition:

- If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

The project would comply with the required measure and would have a less than significant impact on groundwater. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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. As mentioned previously (refer to previous Standard Permit Condition), the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. By adhering to the Standard Permit Condition, 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)]**

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 waste water?

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)]**

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 five levels of below-grade parking. The entire site would be excavated 72 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, Building and Code Enforcement or the Director's designee 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, Building and Code Enforcement or the Director's designee.

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 a project on the environment 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 investigation³³ 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

³³ 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 Assessment³⁴ prepared by *Illingworth & Rodkin, Inc.* in January 2020. The report is attached 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.

³⁴ The retail square footage has increased from 15,449 square feet to 32,500 square feet and the office space has been reduced from 3,648,584 square feet to 3,574,533 square feet since the air quality analysis was completed. The total building square footage would remain the same. Since the total square footage has not changed, there would be no substantial changes to the operational impacts and conclusions of the analysis.

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.

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). The project site is located within a PDA.³⁵

Regional and City of San José

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. The

³⁵ ArcGIS. "PDA - Priority Development Areas." Accessed December 18, 2019. <https://abag.ca.gov/our-work/land-use/pda-priority-development-areas>.

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 Jose. 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.

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 and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas Reduction Strategy (GHGRS) to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHGRS is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHGRS.

The City's GHGRS identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the City's GHGRS is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHGRS. Projects that are consistent with the GHGRS would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted State of California Climate Change Scoping Plan through 2020.

The environmental impacts of the GHGRS were analyzed in the General Plan FEIR as amended. Beyond 2020, the emission reductions in the GHGRS are not large enough to meet the City's identified 3.04 metric tons (MT) carbon dioxide equivalent per service population (CO₂e/SP) efficiency metric for 2035. An additional reduction of 5,392,000 MT CO₂e per year would be required for the projected service population to meet the City's target for 2035.³⁶

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHGRS adopted by the City Council in 2015. The General Plan FEIR (as amended) disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips – especially to and from workplaces. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the

³⁶ As described in General Plan FEIR (as amended), the 2035 efficiency target above, reflects a straight-line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO₂e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050. The necessary information to estimate a second mid-term or interim efficiency target (e.g., statewide emissions, population and employment in 2030) is being developed by CARB.

latest revisions to the GHGRS (e.g., when the Final General Plan SFEIR was certified on December 15, 2015). Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHGRS over time as new technologies or practical measures are identified.

Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHGRS. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, would ultimately be required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHGRS and the target of 80 percent below 1990 emission levels by 2050.

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, as listed in the following table. 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	
Policy 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.
Policy 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.
Policy 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 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.).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-5.6	Enhance the construction and demolition debris recycling program to increase diversion from the building sector.
Policy 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,

General Plan Policies - GHG Emissions	
	water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy 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.

4.8.1.3 Existing Conditions

The project site is currently developed with nine office and commercial buildings. GHG emissions generated by the existing uses are primarily attributable to energy use of the on-site buildings (heating, cooling, and electricity) and vehicles traveling 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:					
1) 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"/>
2) 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 per service population (future residences and fulltime workers) per year 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 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.³⁷

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. Because construction would be (approximately 69 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. The FEIR determined that 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.

The California Emissions Estimator model (CalEEMod) was used to estimate the daily emissions associated with operation of the fully developed site under the proposed project. The CalEEMod model for the proposed project took into account long-term operational emissions estimates associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Estimated pollutant concentrations were converted to metric tons of CO₂e for comparative purposes. The reduced emissions output of the project in 2030 reflects an estimated increase in efficiency across all sectors due to technological advances and increasingly stringent State targets. To be considered a significant GHG emissions impact, the project must exceed the service population significance threshold. 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 20,911 full-time employees.³⁸

³⁷ 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.

³⁸ The number of workers was estimated based on approximately one office worker per 175 square feet of office space and one retail worker per 250 square feet of small retail space. Strategic Economics. 2016. *San José Market Overview and Employment Lands Analysis*. January 20. Illingworth & Rodkin, Inc. *CityView Plaza Air Quality and Greenhouse Gas Emission Assessment*. February 19, 2020.

Table 4.8-1: Annual Project GHG Emissions (MT of CO₂e)	
Source Category	Project in 2026
Area	0
Energy Consumption	12,731
Mobile	14,758
Solid Waste Generation	1,785
Water Usage	893
Total	30,168
Project MT of CO₂e/year/service population	1.44
Significance Threshold	2.6 in 2030

The proposed project would not exceed the 2.6 MT CO₂e/year/service population threshold in 2030. Therefore, implementation of the proposed project would not result in a GHG emissions impact.

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

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

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 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 involves the demolition of nine existing buildings and the construction of three 19-story office towers with ground floor retail and a five-level, below-grade parking garage. It is expected that the proposed project 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 project site is consistent with the current land use and zoning designations (see *Section 3.5, Land Use and Planning* of the SEIR). The proposed project would be constructed in compliance with the San José Green Building Ordinance and CBC requirements and would include 776 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. 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 applicant proposes to demolish the historic Park Center Plaza which is the subject of the SEIR and feasible mitigation measures (e.g., redesign, rehabilitation, reuse, relocation, incorporation of the resources into the project, and/or salvage) are discussed therein. The project would be consistent with Mandatory Criteria 4. The proposed project qualifies as a large employer³⁹ and would be required to prepare a TDM Program. The applicant proposes the following measures⁴⁰ as part of the TDM program for the proposed project:

- Transit Measures
 - Design and locate buildings to facilitate transit access
- Bicycle Measures
 - Provide secure, weather-protected bicycle parking for employees
 - Provide safe, direct access for bicyclists to adjacent bicycle routes
 - Provide showers and lockers for bicycling or walking to work
- Transportation Coordinator

³⁹ A large employer is defined as an employer with a minimum of 50 full-time employees or an equivalent number of part-time employees.

⁴⁰ Lindberg, Britt. Senior Associate, Gensler. July 29, 2019.

- Provide a transportation coordinator who would be responsible for overseeing general traffic operations on the site and providing outreach to the office and retail tenants.

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

4.9 HAZARDS AND HAZARDOUS MATERIALS

The project would demolish nine buildings on the approximately 8.1-acre site and would construct three 19-story office buildings with ground floor retail.

4.9.1 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) 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"/>
2) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) 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"/>
4) 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"/>
5) 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"/>
6) 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"/>
7) 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"/>

Implementation of the proposed project could result in a significant impact to hazards and hazardous materials. The project's impact on hazardous materials is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Water Quality 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 U.S. EPA and the State Water Resources Control Board (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 RWQCBs. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Federal

Clean Water Act

The Clean Water Act (CWA) regulates the discharge of pollutants into the waters of the U.S. and the quality standards for surface waters which includes lakes, rivers, streams, wetlands, and coastal areas. The CWA made it unlawful to discharge any pollutant into navigable waters (as defined by the U.S. Army Corps of Engineers) unless an NPDES permit is obtained.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order 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 (FIRM) that identify Special Flood Hazard Areas (SFHA). 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.

State

Statewide Construction General Permit

The SWRCB has implemented a 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

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 Stormwater NPDES Permit/Provision C.3

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit⁴¹ (MRP) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. 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.

In addition to water quality controls, the MRP requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65-percent impervious.

Santa Clara Valley Water District (Valley Water)

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 the Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

⁴¹ MRP Number CAS612008

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.⁴² Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and State level. In accordance with the State Dam Safety Act, dams are inspected regularly, and detailed evacuation procedures have been prepared for each dam.

As part of its comprehensive dam safety program, the Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

City of San José

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 all new development and redevelopment projects to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM). This policy also established specific design standards for post-construction TCM for projects that create, add, 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 all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Envision San José 2040 General Plan

Various policies in the City's Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality, as listed below.

⁴² State of California. September 2018. *2018 State Hazards Mitigation Plan*. Accessed February 4, 2019. https://www.caloes.ca.gov/HazardMitigationSite/Documents/002-2018%20SHMP_FINAL_ENTIRE%20PLAN.pdf.

General Plan Policies - Hydrology and Water Quality	
Policy 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.
Policy 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.
Policy ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
Policy IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
Policy 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.
Policy IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.

General Plan Policies - Hydrology and Water Quality	
Policy 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*

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 “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Stormwater runoff from the project site and surrounding area is collected by storm drains and discharged into the Guadalupe River. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals.

Flooding

According to the FEMA Flood Insurance Rate Maps (FIRM),⁴³ the western half of the project site is located in Flood Zone X and the eastern half of the project site is located in Flood Zone D. Zone X 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. Zone D is an area of undetermined but possible flood hazard that is outside the 100-year flood plain. There are no City floodplain requirements for Zone D.

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 14 and 16 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

⁴³ Federal Emergency Management Agency. “FEMA Flood Map Service Center”. Accessed December 18, 2019. <https://msc.fema.gov/portal/search?AddressQuery=125%20south%20market%20street#searchresultsanchor>.

⁴⁴ Santa Clara Valley Water District. “Anderson Dam Flood Inundation Maps.” Accessed December 18, 2019. <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 December 18, 2019. <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:					
1) 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"/>
2) 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"/>
3) 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"/>
4) 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 December 18, 2019. 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:					
5) 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.

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

Construction-Related Water Quality Impacts

Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in local waterways. The proposed project would disturb more than one acre of soil and would be required to obtain an NPDES General Construction Permit and prepare a SWPPP. The following measures have been included in the project as Standard Permit Conditions to reduce potential construction-related water quality impacts.

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 Standard Permit Conditions, consistent with the Downtown Strategy 2040 FEIR.

Standard Permit Conditions:

- **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 307,858 square feet (87 percent) of the project site is covered with impervious surfaces. Under project conditions, the site would be covered by approximately 326,930 square feet (93 percent) of impervious surfaces, a net increase of approximately 19,072 square feet (six percent). Because the project would remove and replace more than 10,000 square feet of impervious surface area, it 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 bioretention areas⁴⁸. 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 pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact.

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

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?

⁴⁷ This measure is identified in the Downtown Strategy 2000 EIR which is incorporated by reference in the Downtown Strategy 2040 FEIR.

⁴⁸ Bioretention areas are shallow landscaped areas that use soil, plants, and microbes to treat and remove pollutants from stormwater runoff.

Five levels of below-grade parking are proposed as part of the project which would require the entire site to be excavated to a depth of approximately 72 feet. 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 project would not interfere with groundwater flow or impact the groundwater aquifer. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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 8.1-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	154,888	44	190,534	54	+35,646	+10
Parking	6,500	2	6,000	2	-500	0
Sidewalks, Patios, Driveways, etc.	146,470	41	130,396	37	-16,074	-4
Public Streets	0	0	0	0	0	0
Private Streets	0	0	0	0	0	0
<i>Subtotal</i>	307,858	87	326,930	93	+19,072	+6
Pervious						
Pavement and Landscape	45,000	13	25,928	7	19,072	-6
Green Roof and Other Pervious Surfaces	0	0	0	0	0	0
Total	352,858	100	352,858	100		

Under project conditions, the site would be covered by approximately 326,930 square feet (93 percent) of impervious surfaces, a net increase of approximately 19,072 square feet (six percent). 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. In addition, 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. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The project site is not located within a Special Flood Hazard Area as delineated by FEMA. The project site is located in Flood Zone X which has no floodplain requirements. Additionally, there are no bodies of water near the project site that would affect the project area in the event of a seiche or tsunami. As a result, development of the proposed project would not release any pollutants due to flood hazards, tsunamis, or seiches that would impact adjacent properties.

As previously mentioned, the project site is located in the Anderson dam and Lexington dam failure inundation zone. The California Division of Safety of Dams (DSOD) inspects dam on an annual basis and Valley Water routinely monitors the 10 dams, including the Anderson and Lexington dams. 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)]**

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

The project would demolish nine buildings on the approximately 8.1-acre site and would construct three 19-story office buildings with ground floor retail.

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:					
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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"/>
3) 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, Paseo de San Antonio, Guadalupe River Park, and/or McEnery Park)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As proposed, the project would demolish the existing buildings and construct three 19-story office buildings with ground floor retail. The proposed project would be a maximum height of 293 feet to the top of the parapet which has the potential to result in a significant and unavoidable shade and shadow impact to Plaza de César Chávez. The analysis of land use and planning impacts is presented in the SEIR. No further analysis is provided in this Initial Study.

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.

Pursuant to the mandate of the SMARA, the SMGB has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

4.12.1.2 *Existing Conditions*

Under the SMARA, the SMGB 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 in this area, San José does not have mineral deposits subject to SMARA.

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:					
1) 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"/>
2) 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 have no impact on mineral resources, as described below.

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 proposed project site is not located in an area of San José that is known to contain mineral resources. Implementation of the project would not result in the loss of availability of locally important mineral resources. **[Same Impact as Approved Project (No Impact)]**

The project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No mineral resource recovery sites are located within the downtown area of the City. Consistent with the findings of the Downtown Strategy 2040 FEIR, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site. **[Same Impact as Approved Project (No Impact)]**

4.13 NOISE

4.13.1 Environmental Setting

The approximately 8.1-acre site is currently developed with nine buildings. Noise levels in the project area are primarily influenced by vehicular noise on the surrounding roadways and aircraft associated with the Norman Y. Mineta San José International Airport.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 buildings and construct three 19-story office buildings with ground floor retail. Implementation of the proposed project would result in significant unavoidable noise impacts due to the extended nighttime construction hours, increase in traffic noise, length of construction (69 months), and distance from existing commercial uses and planned residential uses. The projects impact to noise and vibration is evaluated in the SEIR. 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.⁴⁹ As of January 2019, the City had approximately 335,887 housing units⁵⁰ and, by 2040, the City's population is projected to reach 1,334,100.⁵¹

The City of San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build out under the General Plan.

4.14.1.1 *Existing Conditions*

The proposed project is located within the downtown area of the City and is currently occupied by commercial and office buildings. The project site does not provide any housing. The project site is located within the bounds of the growth area analyzed in the Downtown Strategy 2040 FEIR.

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:					
1) 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"/>
2) 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.

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)?

⁴⁹ State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019." Accessed December 18, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁵⁰ Ibid.

⁵¹ City of San José. "Population." Accessed December 18, 2019. <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/data-and-maps/demographics/population>.

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).

Under the project, an 8.1-acre site in the downtown area would be redeveloped with three office buildings. No residential uses are proposed under the project. The site is currently being used for commercial and office purposes. The proposed project would result in an increase in jobs citywide of up to 20,911 employees⁵², but would not increase population growth beyond what is assumed in the General Plan. The City's General Plan recognized that the City has an overall jobs/housing imbalance, and encourages projects, such as the proposed project, that would provide more jobs in the City. The project does not propose to extend roads or other infrastructure to previously undeveloped areas. For these reasons, the project would not induce substantial population growth in the City. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

As mentioned previously, the site is currently developed with commercial and office buildings. 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)]**

⁵² The number of workers was estimated based on approximately one office worker per 175 square feet of office space and one retail worker per 250 square feet of small retail space. Strategic Economics. 2016. *San José Market Overview and Employment Lands Analysis*. January 20. Illingworth & Rodkin, Inc. *CityView Plaza Air Quality and Greenhouse Gas Emission Assessment*. February 19, 2020.

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

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts associated with public facilities and services, as listed in the following table.

General Plan Policies - Public Facilities and Services	
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
Policy 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.
Policy 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.
Policy 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.
Policy 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.

General Plan Policies - Public Facilities and Services	
Policy 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.
Policy 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 San José are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. There are 33 fire stations that serve approximately 200 square miles and over one million residents.⁵³ The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time.

The closest fire station to the project site is San José Fire Station 1, located at 225 North Market Street, approximately 0.4 mile north of the site.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 1.4 miles north of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Central Division. The SJPD has established the goal of responding to Priority 1 calls (present or imminent danger to life or major damage to/loss of property) within six minutes, 70 percent of the time, and responding to Priority 2 calls (involving injury or property damage, or the potential for either to occur) within 11 minutes. In 2017-2018, the average response time for Priority 1 calls was 9.2 minutes.⁵⁴ The average response time for Priority 2 calls was 22.4 minutes.

Schools

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

⁵³ City of San José. *Annual Report on City Services 2017-2018*.

⁵⁴ Ibid.

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 195 neighborhood-serving parks and nine regional parks.⁵⁵

The nearest public parks to the project site are the Plaza de César Chávez, located at 194 South Market Street, and John P. McEnery Park, located at West San Fernando Street and South Almaden Boulevard. Plaza de César Chávez and John P. McEnery Park are located approximately 85 feet east and 460 feet west of the project site, respectively.

Library and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is the Dr. Martin Luther King, Jr. Library, approximately 0.4 mile east of the project site.

The City of San José operates 50 community centers. The nearest community center to the site is the Gardner Community Center, located approximately 0.8 mile southwest of the site.

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:					
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) 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.

⁵⁵ City of San José. *Fast Facts*. December 20, 2018.

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 fire protection services?

The proposed project would place more people on-site (20,911 employees)⁵⁶ during regular business hours compared to existing conditions which would increase the demand for fire protection 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)]**

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 police protection services?

It is anticipated that the project may result in the need for additional police officers, but would not result in the construction of new or physically altered governmental facilities.⁵⁷

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 identified in the Downtown Strategy 2040 FEIR to avoid unsafe building conditions and promote public safety. No new facilities would be required and implementation of the project would not result in a physical impact on the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

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 schools?

As mentioned, the project is a commercial development and does not include residential development. No new students would be generated by the project and, as a result, the project would

⁵⁶ The number of workers was estimated based on approximately one office worker per 175 square feet of office space and one retail worker per 250 square feet of small retail space. Strategic Economics. 2016. *San José Market Overview and Employment Lands Analysis*. January 20. Illingworth & Rodkin, Inc. *CityView Plaza Air Quality and Greenhouse Gas Emission Assessment*. February 19, 2020.

⁵⁷ Cook, Paul. Commander – Research & Development Unit San José Police Department. Personal communications. February 22, 2020.

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)]**

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 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. Future employees of the project may use local parks, such as the Plaza de César Chávez; however, weekday employees are unlikely to place a major physical burden on these facilities. Further, the project would include open space in the form of a plaza on the ground level and terraces in the buildings which would partially offset the demand on off-site park facilities. For these reasons, the project would not result in a significant impact on park facilities in the area. **[Same Impact as Approved Project (Less than Significant Impact)]**

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 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 195 neighborhood parks, 50 community centers, nine regional parks, and over 60 miles of trails.⁵⁸ The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities.

The nearest parks to the project site are the Plaza de César Chávez, located at 194 South Market Street, and John P. McEnery Park, located at West San Fernando Street and South Almaden Boulevard. Plaza de César Chávez and John P. McEnery Park are located approximately 85 feet east and 460 feet west of the project site, respectively.

The nearest community center to the site is Gardner Community Center, located approximately 0.8 mile southwest of the 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
1) 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"/>
2) 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.

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 be expected to substantially increase the use of recreational facilities in the surrounding areas. 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

⁵⁸ City of San José. *Fast Facts*. December 20, 2018.

include terraces, outdoor courtyards, and an open space plaza 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)]**

Would 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 included or proposed as part of the project. As mentioned above, the proposed office towers would include terraces, outdoor courtyards, and an open space plaza which would reduce the use of public recreational facilities in the area. In addition, employees do not generate the same demand for recreational facilities as residents. Therefore, 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. Based on the above, 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 completed by *Hexagon Transportation Consultants, Inc.* in February 2020. A copy of this report is included in Appendix I of this document.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (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 the replacement of automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor’s Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions are required 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, or not. Notably, projects that locate within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional

Metropolitan Transportation Committee

The Metropolitan Transportation Commission (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 the region’s Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, State, regional and local sources over the next 24 years).

Congestion Management Program

The VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant State legislation requires that all 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, 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.

Local

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 to 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

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation, as listed in the following table.

General Plan Policies - Transportation	
Policy 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).
Policy 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			
Policy 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.			
Policy 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.		
Policy 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.		
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.		
Policy 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.		
Policy 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.		
Policy TR-5.3	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.		

General Plan Policies - Transportation	
	<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.
Policy TR-7.1	Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees.
Policy 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.
Policy 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.
Policy 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.
Policy 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 site is provided via State Route (SR) 87 and Interstate 280 (I-280).

SR 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 Highway 101 (U.S. 101).

Interstate 280 connects from U.S. 101 in San José to Interstate 80 (I-80) in San Francisco. It is an eight-lane freeway that provides access to downtown San José. Highway 17/Interstate 880 and Interstate 680 cross I-280 and U.S. 101 and provide access to areas to the south, west, and east of San José.

Local Access

Local access to the project site is provided by South Almaden Boulevard, West San Fernando Street, Market Street, Park Avenue, Almaden Avenue, and San Pedro Street.

South Almaden Boulevard is a north-south, four-lane divided arterial that runs along the project's western frontage. It extends between St. John Street and Grant Street.

West San Fernando Street is an east-west, two-lane street that runs along the northern project frontage and extends through the heart of downtown between Autumn Street to the west and North 17th Street to the east.

Market Street is a north-south, four-lane street located along the east project frontage. The northbound and southbound lanes of Market Street are divided by Plaza de César Chávez.

Park Avenue is a two- to four-lane roadway that extends from Market Street westward to Meridian Avenue then northwest to The Alameda, where it terminates. Park Avenue runs along the project's south frontage.

Almaden Avenue is a two-lane roadway that extends from West San Fernando Street to the north to St. John Street, where it transitions to Terraine Street.

San Pedro Street is a two-lane roadway that extends from West San Fernando Street to the north to Julian Street.

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 Park Avenue.

Class II bicycle lanes are also provided along the following roadways within the project area:

- South Almaden Boulevard, between Woz Way and Carlyle Street
- Park Avenue, west of Market Street
- West San Fernando Street, between Tenth Street and Cahill Street
- Woz Way, between San Carlos Street and Almaden Avenue
- Santa Clara Street, west of South Almaden Boulevard
- San Salvador Street, between Market Street and Seventh Street
- Second Street, south of William Taylor Street
- Third Street, north of St. James Street
- Fourth Street, between Jackson Street and Reed Street

Class III bicycle routes with shared-lane pavement markings are provided along the following roadways:

- San Carlos Street, between Woz Way and Fourth Street
- West 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

Class IV bicycle facilities (protected bicycle 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 South Almaden Boulevard and Tenth Street
- Second Street, between San Carlos Street and William Street
- Third Street, between St. James Street and Reed Street

The Guadalupe River Trail, an 11-mile Class I bicycle path that extends from Curtner Avenue to Alviso, can be accessed along both West San Fernando Street and Park Avenue, approximately 700 feet west of the site. Existing bicycle facilities are shown in Figure 4.17-1.

Pedestrian Facilities

Crosswalks and pedestrian signal heads are located at all signalized intersections within the project area. The majority of crosswalks at signalized intersections in the vicinity of the site consist of high visibility crosswalks, enhancing pedestrian visibility and safety while crossing the intersections.

An approximately 50-foot wide pedestrian paseo is located south of the project site and provides a direct connection between San Carlos Street and Park Avenue. In addition, a crosswalk is located across Park Avenue which provides access to the paseo from the project site's south frontage. The existing sidewalks and paseos provide adequate pedestrian connectivity and safe routes to surrounding land uses. Overall, the existing network has good connectivity and provides pedestrians with safe routes to transit and other services and points of interest in the downtown area.

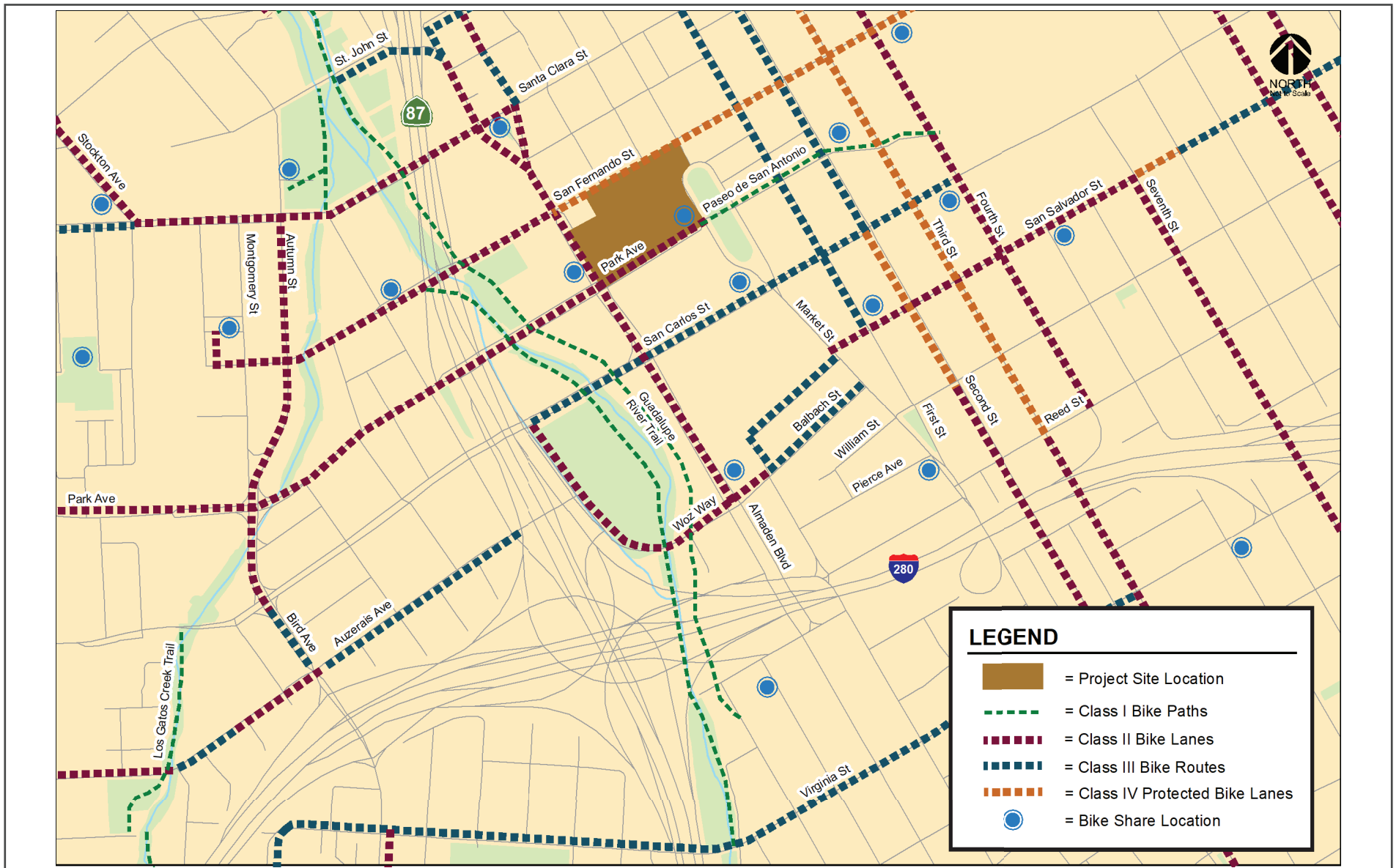
Existing pedestrian facilities are shown on Figure 4.17-2.

Transit Services

Train services in the project area is provided by the VTA, Caltrain, ACE, and Amtrak. Existing transit facilities are shown in Figure 4.17-3. The project site is located approximately 600 feet north of the Convention Center Light Rail Station and approximately 0.75-mile from the San José Diridon Station.

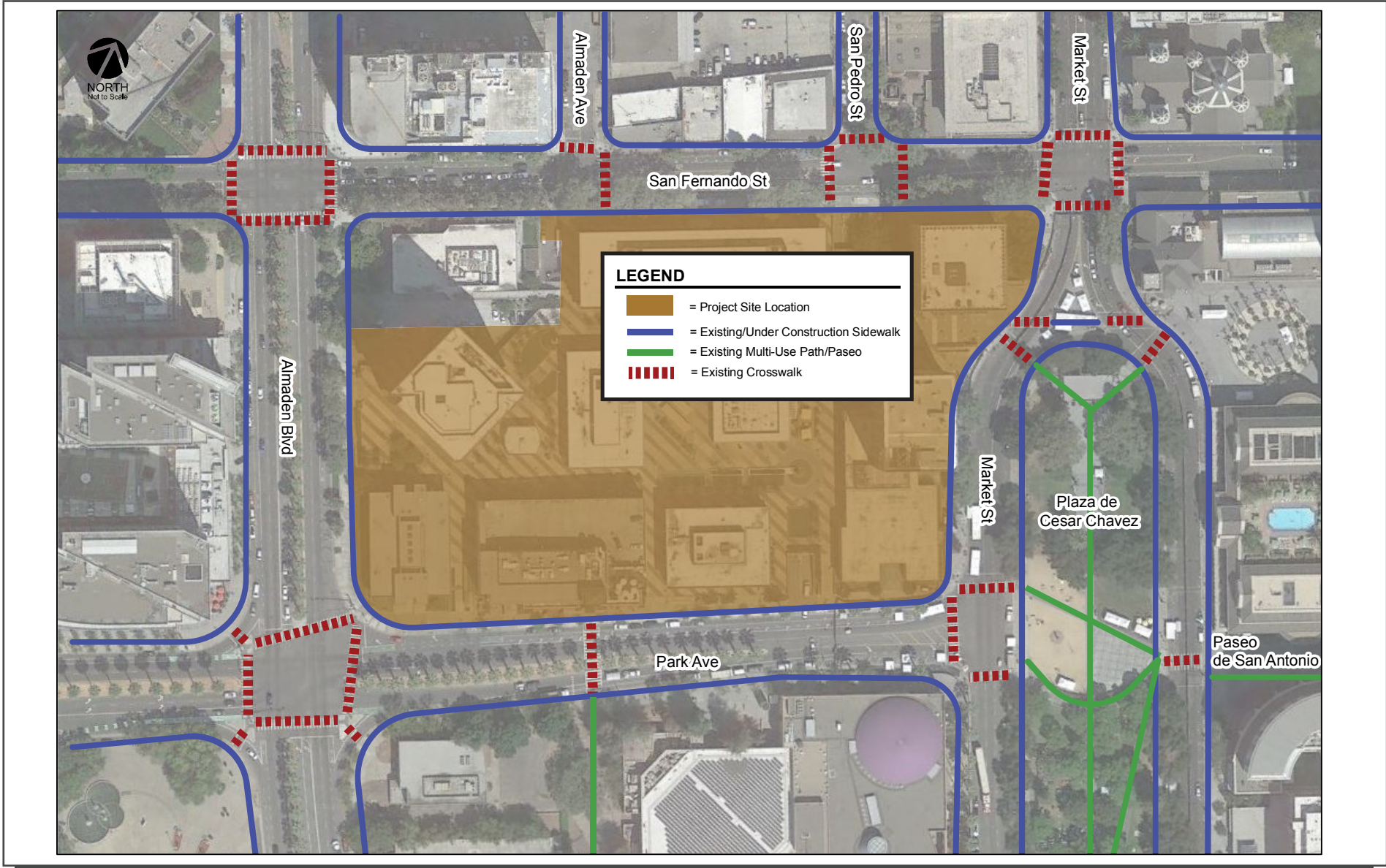
Bus Service

The downtown area is served by multiple local bus lines. Existing bus lines (within approximately a quarter mile of the project site) are listed in Table 4.17-1 below. The nearest bus stops are located on South First Street, San Carlos Street, and Santa Clara Street.



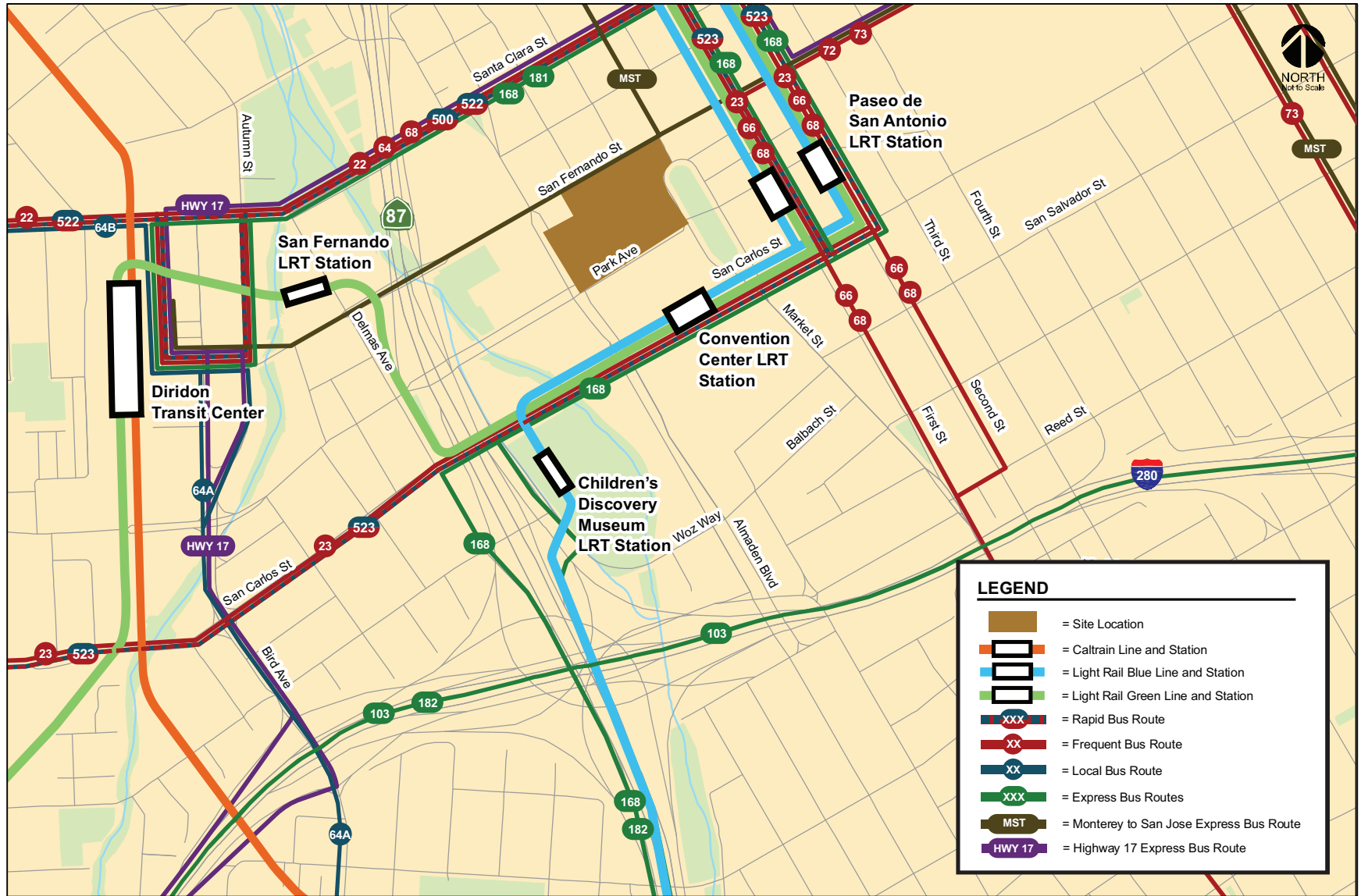
EXISTING BICYCLE FACILITIES

FIGURE 4.17-1



EXISTING PEDESTRIAN FACILITIES

FIGURE 4.17-2



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 22	Palo Alto Transit Center to Eastridge 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
Frequent Route 68	San José Diridon Station to Gilroy Transit Center	15-20
Frequent Route 72	Downtown San José to Senter and Monterey via McLaughlin	5-20
Frequent Route 73	Downtown San José to Senter and 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 Station	15-20
Rapid Route 500	San José Diridon Station to Downtown San José	15-20
Rapid Route 522	Palo Alto Transit Center to Eastridge Transit Center	10-15
Rapid 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 San Antonio LRT station is located less than 700 feet of the project site on Paseo de San Antonio. The Convention Center LRT station is located less than 600 feet from the paseo that runs between Park Avenue and San Carlos Street. The San José Diridon Station (approximately 0.75-mile west from the site) 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 and is accessible from the San José Diridon Station. Trains stop frequently at the San José 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 weekday commute hours.

Altamont Commuter Express Service

The ACE provides commuter passenger train 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/evening with headways averaging 60 minutes. ACE train stops at the San José 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 Capital 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 Capital 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 San José 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:					
1) 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"/>
2) 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"/>
3) 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"/>
4) 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.

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

There are sidewalks located along all project frontages on Market Street, West San Fernando Street, South Almaden Boulevard, and Park Avenue. Additionally, there are crosswalks available at all signalized intersections in the vicinity of the site.

An approximately 50-foot wide pedestrian paseo is located south of the project site and provides a direct connection between San Carlos Street and Park Avenue. A crosswalk is located across Park Avenue which provides access to the paseo from the project site's south frontage. Access to the

Convention Center LRT Station is provided via a signalized crosswalk along San Carlos Street that is located approximately 250 feet east of the paseo. Another crosswalk exists that provides access to the Paseo de San Antonio Walk from Plaza de César Chávez.

The existing pedestrian facilities in the area provide pedestrians with 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

There are Class II striped bicycle lanes along South Almaden Boulevard and Park Avenue and Class IV protected bicycle lanes are being implemented along West San Fernando Street as part of the City's Better Bikeways program. The Guadalupe River Trail is located approximately 700 feet west of project site's South Almaden Boulevard frontage. 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. The nearest bus stops are located along First Street, San Carlos Street, and Santa Clara Street. The Mountain View–Winchester and Alum Rock–Santa Teresa LRT lines operate along San Carlos Street and along First and Second Streets, north of San Carlos Street.

The San Antonio and Convention Center LRT Stations are located less than 700 feet and 600 feet of the project site, respectively. 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 3.4 Hazards and Hazardous Materials* of the SEIR for a discussion of project compliance with federal aviation regulations.

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

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

CEQA Guidelines Section 15064.3(b) states that, in general, land use projects such as the proposed project, that are within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to result in a less than significant transportation impact. The project site is located approximately 0.75-mile from the San José Diridon Station, approximately 600 feet north from the Convention Center Light Rail Station, and all the streets within one block of the project site, are served by bus transit.

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 City has policies that require TDM measures for reductions in parking within the downtown. In addition, 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 reductions 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)]**

The project would 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

The applicant proposes two full-access driveways along West San Fernando Street, one full-access signalized driveway along South Almaden Boulevard, one unsignalized driveway on South Almaden Boulevard, and one right-in, right-out reversible driveway along Market Street (inbound only during the AM Peak Hour and outbound only during the PM Peak Hour). Based on the site plan, the project applicant would install signals at the Almaden Avenue/West San Fernando Street and San Pedro Street/West San Fernando Street intersections. The proposed two-way driveways would be required to meet the City's 32-foot width requirement. The Complete Streets Design Guidelines allow for a minimum width of 12 feet at driveways located within the Downtown area. Project driveways that do not meet the City's standard guidelines would be subject to City review and approval. The one-way reversible driveway on Market Street would be approximately 14 feet wide, consistent with the Complete Streets Design Guidelines.

The traffic report analyzed access to the West San Fernando Street, South Almaden Boulevard, and Market Street driveways. Based on the recommendations of the report, the applicant will work with the City to develop site access improvements and design.

Site 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. Market Street and West San Fernando Street 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 30 mph is 200 feet. A driver making a right-turn from the Market Street and San Fernando project driveways must be able to see 155 feet to the north along Market Street and 155 feet to the west along West San Fernando Street in order to avoid a collision. In addition, drivers making a right-turn from the South Almaden Boulevard driveway must be able to see 200 feet to the south in order to avoid a collision.

Based on the proposed site plan, vehicles exiting would be able to see approaching traffic at least 200 feet from the project driveways. As a result, the project driveways would meet AASHTO minimum stopping sight distance standards. 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)]

Would the project result in inadequate emergency access?

The City requires consistency with applicable fire department standards for emergency access 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)]**

4.17.2.1 *Operational Transportation Issues Not Covered Under CEQA*

The following discussion is included for informational purposes only because the City of San José has policies that address existing transportation conditions.

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 members of single-family houses, and middle-aged and older housing stock. Office developments within urban high-transit areas have a vehicle mode share of 69 percent; therefore, a 31-percent reduction was applied to trips generated by the proposed 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	35,371	3,623	590	4,213	668	3,508	4,176
Office – Retail Internal Reduction	<614>	<6>	<10>	<16>	<32>	<30>	<62>
Location Based Reduction	<10,775>	<1,121>	<180>	<1,301>	<197>	<1,078>	<1,275>
Shopping Center	1,227	19	12	31	60	64	124
Office – Retail Internal Reduction	<614>	<10>	<6>	<16>	<30>	<32>	<62>
Location Based Reduction	<104>	<2>	<1>	<3>	<5>	<5>	<11>
Existing Land Uses							
General Office Building	N/A	<260>	<10>	<270>	<153>	<154>	<307>
Total Net Project Trips	N/A	2,243	395	2,638	311	2,273	2,584

Based on the trip generation table above, the project would generate approximately 2,638 net new daily trips (2,243 inbound trips and 395 outbound trips) during the AM Peak Hour and 2,584 net new daily trips (311 inbound trips and 2,273 outbound trips) during the PM Peak Hour.

Truck Operations

Truck delivery/loading areas are proposed via one two-way driveway along South Almaden Boulevard and two one-way drive aisles adjacent to each of the West San Fernando Street. The proposed plan set provided by the applicant does not provide detail of the waste bin area. If trash compactors are proposed, adequate turnaround space should be provided for the trucks. Smaller waste bins would need to be wheeled out to West San Fernando Street since trucks would not enter the enclosed loading area along West San Fernando Street. The South Almaden Boulevard loading area would not be enclosed which allows for larger trucks to enter the loading area.

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. The proposed project would be required to provide a total of 36 off-street loading spaces. Per Section 20.70.450.B of the City's Municipal Code, the Director of Planning, Building and Code Enforcement may reduce the number of loading spaces if the Director finds that sufficient on-street loading space within the public right-of-way. All off-street loading spaces shall be designed to be no less than 10 feet wide, 30 feet long, and 15 feet high.

A total of 12 loading spaces would be provided on-site with eight spaces located within the northern (West San Fernando Street) loading area and four spaces located in the western (South Almaden Boulevard) loading area. The project would be inconsistent with the City's requirement for off-street loading spaces and should work with the City to identify the required off-street loading spaces.

Bicycle Parking

The proposed project would be required to provide one bicycle parking space per 4,000 square feet of office space. Bicycle parking should consist of at least 80 percent short-term and at-most 20 percent long-term spaces. Additionally, the proposed ground floor retail would be required to provide two short-term bicycle parking spaces and one long-term bicycle parking space. The project would be required to provide a total of 775 bicycle parking spaces (620 short-term and 155 long-term parking spaces). The project would provide 776 long-term bicycle parking spaces and thirty short-term bicycle parking spaces, which meets the total minimum number of bicycle parking spaces required.

Vehicle Parking

Based on the City's downtown zoning regulations parking requirement (Table 20-140 of the City's Municipal Code), the project is required to provide 2.5 off-street parking spaces per 1,000 square feet of office use. Based on the City's parking requirements, the project would be required to provide 7,718 off-street parking spaces. No parking spaces would be required for the ground floor retail.

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 600 feet of the Convention Center LRT Station. The proposed project would also meet the City's bicycle parking requirement. Therefore, the project would qualify for a 20-percent reduction in off-street parking spaces. The required number of parking spaces would be reduced from 7,718 spaces to 6,175 spaces. Therefore, the 6,230 parking spaces proposed would meet the City's off-street parking requirement for office use.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, 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 when it is concluded that mutual agreement cannot be reached.

Under AB 52, a 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 Resources⁵⁹
 - 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:				

⁵⁹ See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member State review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

- | | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1) 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"/> |
| 2) 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. | <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 tribal cultural resources impacts, as described below.

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 0.1 mile 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. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site (including the underground parking) and area.

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 August 8, 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)]**

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 Assessment⁶⁰ prepared by San José Water (SJW) in January 2020. A copy of this report is provided in Appendix J of this document.

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

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.

Wastewater

The San Francisco Bay RWQCB includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (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

Assembly Bill (AB) 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All 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.

⁶⁰ Please note that the project size and square footage of demolition has increased by approximately 1.2 acres and 57,729 square feet, respectively, since the Water Supply Assessment (WSA) was completed. The increase would not result in a substantive change to the conclusions of the WSA. Walsh, Jake. Director of Capital Planning & Asset Management, San José Water Company. Personal communications. February 5, 2020.

Senate Bill 1383

Senate Bill (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 not less than 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 2040 General Plan includes the following policies for the purpose of reducing or avoiding impacts associated with utilities and service systems.

General Plan Policies - Utilities & Service Systems	
Policy 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.
Policy 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.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
Policy 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.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Policy 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.
Policy 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.
Policy IN-3.4	Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to: <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

General Plan Policies - Utilities & Service Systems	
	<p>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.</p> <ul style="list-style-type: none"> • 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.
Policy 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.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy 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.
Policy 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.
Policy IP-17.1 ⁶¹	<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> <p>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.</p>

⁶¹ Policy IP-17.1, as shown, is modified in this list to reflect only those items relevant to the discussion of solid waste.

General Plan Policies - Utilities & Service Systems	
Policy IN-4.6	Encourage water conservation and other programs which result in reduced demand for wastewater treatment 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 estimated water use of the existing buildings on-site, is approximately 31,310 gallons per day (gpd).

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 Services. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.⁶² 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.

The General Plan FEIR (as amended) states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water use. The estimated wastewater generation rate for the existing development on the project site is 26,614 gpd.

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 307,858 square feet of impervious surface area.

Storm drain lines serving the project site (located in West San Fernando Street, South Almaden Boulevard, Park Avenue, and Market Street) 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

⁶² City of San José. San José-Santa Clara Regional Wastewater Facility. Accessed December 18, 2019. <http://www.sanjoseca.gov/?nid=1663>.

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 2030.⁶³

All residential 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 2041.⁶⁴ 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.⁶⁵

The existing development on the project site is estimated to generate 6,107 pounds of solid waste per day.⁶⁶

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:					
1) 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"/>
2) 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"/>

⁶³ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

⁶⁴ North, Daniel. General Manager, Republic Services. Personal communications. November 14, 2019.

⁶⁵ Ibid.

⁶⁶ CalRecycle. "Estimated Solid Waste Generation Rates." Accessed December 18, 2019.

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Solid waste generation was estimated at a rate of six pounds per 1,000 square feet per day for office space.

	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:					
3) 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"/>
4) 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"/>
5) 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.

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?

Water Supply

The proposed development would use approximately 375,825 gpd of water, a net increase of approximately 344,515 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 project would not require or result in the expansion of the existing water conveyance system or the construction of new infrastructure. The proposed project would include lateral connections to water lines in the streets immediately adjacent to the site; lateral utility connections would occur during trenching and would not result in significant impacts to the water supply.

Wastewater Treatment Facilities

Implementation of the project would generate approximately 319,451 gpd⁶⁷ of wastewater, a net increase of approximately 292,837 gpd of wastewater. 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.

Electric Power, Natural Gas and Telecommunications

The project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities.

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

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, San José Water concluded that the increase was already accounted for in San José Water's 2015 UWMP. 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)]**

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)]**

⁶⁷ Assumes wastewater is equal to 85 percent of total potable water use on-site.

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 22,709 pounds of solid waste per day^{68,69}, a net increase of 16,602 pounds of solid waste per day compared to existing conditions. As discussed in the *Existing Conditions* section above, NISL had approximately 14.6 million cubic yards of capacity remaining in December 2019. Additionally, future projects are required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of non-hazardous 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)]**

Would the project be noncompliant with federal, State, and local management and reduction statutes and regulations related to solid waste?

Per CALGreen requirements, 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. 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)]**

⁶⁸ CalRecycle. "Estimated Solid Waste Generation Rates." Accessed December 18, 2019. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

⁶⁹ 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.⁷⁰

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:					
1) 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"/>
2) 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"/>
3) 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"/>
4) 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)**

⁷⁰ CALFIRE. "Wildland Hazard & Building Codes." Accessed December 18, 2019. <http://egis.fire.ca.gov/FHSZ/>.

4.21

MANDATORY FINDINGS OF SIGNIFICANCE

	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

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 would result in a significant impact to air quality, biological resources, cultural resources, hazards and hazardous materials, land use and planning, and noise. The project's impact on the identified resource sections are evaluated in detail in the SEIR. Responses to the impact statements above are discussed in *Section 3.1 Air Quality*, *Section 3.2 Biological Resources*, *Section 3.3 Cultural Resources*, *Section 3.4 Hazards and Hazardous Materials*, *Section 3.5 Land Use and Planning*, *Section 3.6 Noise*, and *Section 5.0 Significant and Irreversible Environmental Changes*, in the SEIR.

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:

ArcGIS. “PDA - Priority Development Areas.” Accessed December 18, 2019.

<https://abag.ca.gov/our-work/land-use/pda-priority-development-areas>.

ArcGIS. “Williamson Act Parcels”. Accessed December 5, 2019.

<https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=199810930ef9465a9a1ae0315e5a7535&layerId=0>.

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.

Cal Fire. “FRAP”. Accessed March 5, 2020. <http://frap.fire.ca.gov/>

CalEPA. “Cortese List Data Resources.” Accessed December 24, 2019.

<https://calepa.ca.gov/sitecleanup/corteselist>.

CALFIRE. “Wildland Hazard & Building Codes.” Accessed December 18, 2019.

<http://egis.fire.ca.gov/FHSZ/>.

California Department of Conservation. “Farmland Mapping and Monitoring Program”. Accessed March 5, 2020. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

California Department of Conservation. “Williamson Act”. Accessed March 5, 2020.

<http://www.conservation.ca.gov/dlrp/lca>.

California Department of General Services. “California Building Standards Codes.” Accessed December 23, 2019. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed December 9, 2019. <https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf>.

California Energy Commission. “California Energy Demand Updated Forecast, 2018-2028.” Accessed December 23, 2019. <https://efiling.energy.ca.gov/getdocument.aspx?tn=220615>.

California Energy Commission. “Natural Gas Consumption by County”. Accessed December 9, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

California Energy Commission. Energy Consumption Data Management System. “Electricity Consumption by County.” Accessed December 5, 2019.

<http://ecdms.energy.ca.gov/elecbycounty.aspx>.

California Gas and Electric Utilities. 2018 California Gas Report. Accessed December 9, 2019. https://www.socalgas.com/regulatory/documents/cgr/2017_California_Gas_Report_Supplement_63017.pdf.

California Geological Survey. "Earthquake Zones of Required Investigation." Accessed December 12, 2019. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

CalRecycle. "Estimated Solid Waste Generation Rates." Accessed December 18, 2019. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

Caltrans. "Introduction." Accessed December 18, 2019. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

Caltrans. "Scenic Highways." Accessed March 3, 2020. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

CEC. 2013 Natural Gas Issues Trends, and Outlook. Accessed December 24, 2019. <http://www.energy.ca.gov/2014publications/CEC-200-2014-001/CEC-200-2014-001-SF.pdf>.

City of San José. "Population." Accessed December 18, 2019. <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/data-and-maps/demographics/population>.

City of San José. *Annual Report on City Services 2017-2018*.

City of San José. Envision San José 2040 General Plan. November 2011.

City of San José. *Fast Facts*. December 20, 2018.

City of San José. Integrated Final Environmental Impact Report Downtown Strategy 2040. December 2018.

City of San José. Municipal Code.

City of San José. San José-Santa Clara Regional Wastewater Facility. Accessed December 18, 2019. <http://www.sanjoseca.gov/?nid=1663>.

Cook, Paul. Commander – Research & Development Unit San José Police Department. Personal communications. February 22, 2020.

Federal Emergency Management Agency. "FEMA Flood Map Service Center". Accessed December 18, 2019. <https://msc.fema.gov/portal/search?AddressQuery=125%20south%20market%20street#searchresultsanchor>.

Hexagon Transportation Consultants, Inc. *Cityview Office Development Local Transportation Analysis*. February 24, 2020.

Illingworth & Rodkin, Inc. *CityView Plaza Air Quality and Greenhouse Gas Emission Assessment*. February 19, 2020.

Lindberg, Britt. Senior Associate, Gensler. July 29, 2019.

Metropolitan Transportation Commission. *Transit Priority Areas (2017)*. Accessed January 21, 2019. http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-121.930%2C37.306%2C-121.898%2C37.312.

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

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>.

Path Forward Partners, Inc. *Phase I Environmental Site Assessment*. November 21, 2018.

Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed December 9, 2019. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

San José Water. *Water Supply Assessment City View Plaza Project*. January 2020.

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

Santa Clara Valley Urban Runoff Pollution Prevention Program. “Hydromodification Management Applicability Maps.” Accessed December 18, 2019. http://www.scvurppp-w2k.com/hmp_maps.htm.

Santa Clara Valley Water District. “Anderson Dam Flood Inundation Maps.” Accessed December 18, 2019. <https://www.valleywater.org/sites/default/files/Anderson%20Dam%20Inundation%20Maps%202016.pdf>.

Santa Clara Valley Water District. “Lexington Dam Flood Inundation Maps.” Accessed December 18, 2019. <https://www.valleywater.org/sites/default/files/Lexington%20Dam%20Inundation%20Map%202016.pdf>.

Soil Survey Staff. *Custom Soil Resource Report*. December 12, 2019.

State of California, Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019.” Accessed December 18, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

State of California. September 2018. *2018 State Hazards Mitigation Plan*. Accessed February 4, 2019. https://www.caloes.ca.gov/HazardMitigationSite/Documents/002-2018%20SHMP_FINAL_ENTIRE%20PLAN.pdf.

U.S. Energy Information Administration. “Natural Gas Summary.” Accessed December 9, 2019. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.

U.S. Energy Information Administration. *State Profile and Energy Estimates, 2017*. Accessed December 5, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

U.S. EPA, 2000. Regulatory Announcement, Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements. EPA420-F-00-057. December 2000.

U.S. Geological Survey. “UCERF3: A New Earthquake Forecast for California’s Complex Fault System. Fact Sheet 2015-3009.” Accessed December 12, 2019. <http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf>.

United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed December 9, 2019. <http://www.afdc.energy.gov/laws/eisa>.

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

Walsh, Jake. Director of Capital Planning & Asset Management, San José Water Company. Personal communications. February 5, 2020.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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Rosalynn Hughey, *Director*

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6.2 CONSULTANTS

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