CHAPTER 3
Environmental Setting, Impacts, and Mitigation

Introduction

This chapter describes the physical and regulatory context, or "setting," of the Downtown West Mixed-Use Plan (proposed project) described in Chapter 2, *Project Description*, and analyzes the potential physical environmental impacts of implementing the proposed project at a project level. Mitigation measures are identified where necessary to reduce the severity of potentially significant impacts. This Environmental Impact Report (EIR) evaluates the maximum environmental impact that could result from the implementation of all components and phases of the proposed project.

Scope and Organization of Analysis

The information and analysis in this chapter are organized by environmental resource topics as follows:

- 3.1 Air Quality
- 3.2 Biological Resources
- 3.3 Cultural Resources and Tribal Cultural Resources
- 3.4 Energy
- 3.5 Geology, Soils, and Paleontological Resources
- 3.6 Greenhouse Gas Emissions
- 3.7 Hazards and Hazardous Materials
- 3.8 Hydrology and Water Quality
- 3.9 Land Use
- 3.10 Noise and Vibration
- 3.11 Population and Housing
- 3.12 Public Services and Recreation
- 3.13 Transportation
- 3.14 Utilities and Service Systems

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014. Among other things, SB 743 added Section 21099 to the California Public Resources Code, which states that "[a]esthetic and parking impacts of a residential, mixed-

use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." The proposed project meets the definition of a mixed-use residential project on an infill site located within a transit priority area as specified by California Public Resources Code Section 21099. Accordingly, this EIR does not contain a separate discussion of the topics of aesthetics or parking, which can no longer be considered under CEQA in determining the proposed project's physical environmental effects.

The EIR nonetheless provides illustrative drawings of the proposed project for informational purposes as part of Chapter 2, *Project Description*, and provides a discussion in Section 3.13, *Transportation*, regarding the project's consistency with applicable plans and policies regarding transportation impacts, including the *City of San José Envision 2040 General Plan* (General Plan), which includes policies concerning parking. In addition, the topic of parking is addressed in the Local Transportation Analysis, which is an evaluation of non-CEQA transportation impacts included for informational purposes in Appendix J2.

With regard to aesthetics, it should be noted that the project area includes two "Civic Icons" identified in the City's 2019 Downtown Design Guidelines: the SAP Center and Diridon Station. In accordance with SB 743, this EIR does not address potential aesthetic impacts on these two "icons," including views of the buildings and the design of nearby structures and open spaces. Instead, this EIR describes any direct and indirect physical changes to these buildings and their setting in evaluating the environmental resource topics listed above, such as historic and architectural resources (in the case of Diridon Station) and emergency access (in the case of the SAP Center). While not a CEQA issue, aesthetics can be considered by the City during its consideration of project approvals, including adoption of the proposed Downtown West Design Standards and Guidelines, which would guide proposed new construction and site improvements during build-out of the project. See Section 2.12, *Design Standards and Guidelines*, for more information.

The information and discussion for each environmental topic analyzed in this chapter include the following subsections, which are described below:

- Environmental Setting
- Regulatory Framework
- Impacts and Mitigation Measures
- Cumulative Impacts

Chapter 7, *References*, lists all references used for the analysis, including all persons and documents consulted or relied on by the EIR preparers. All references cited in this draft EIR constitute part of the administrative record and are provided on the City of San José website for public reference, with the exception of documents that are confidential or copyright-protected. An index of these confidential or copyright-protected materials is available on the website, and printed copies can be requested via Shannon Hill, Environmental Project Manager (for contact information, see Chapter 1, *Introduction*).

Environmental Setting

This subsection describes the baseline physical conditions or point of reference from which the environmental impacts of the proposed project and the alternatives to the project are measured to determine whether an impact is significant. CEQA Guidelines Section 15360 defines the environment (or the setting) as "the physical conditions which exist within the area which will be affected by a proposed project."

Generally, the EIR sections describe the environmental setting or baseline conditions as they existed when the notice of preparation (NOP) was published (in this case, October 2019). However, CEQA also states that, when necessary, the environmental setting and/or baseline conditions may be described by historic conditions, conditions expected when the project becomes operational, or projected future conditions when supported by substantial evidence (CEQA Guidelines Section 15125[a][1]). Where the analysis for a particular topic has used a baseline other than the existing environmental setting, an explanation supported by substantial evidence is provided.

Since publication of the NOP, the COVID-19 pandemic has introduced a substantial amount of uncertainty to human lives. The pandemic has directly affected human behavior, requiring people to shelter in place, implement social distancing, and make other changes to the manner in which they live. Indirectly, COVID-19 has affected the economy by resulting in reduced consumer spending, business closures, and widespread unemployment. Some of these trends are considered short-term and are expected to reverse; however, there likely will be more permanent changes in the ways people live and behave in the post-pandemic world. Some EIR sections note the recent changes to behavior and the economy resulting from COVID-19 for informational purposes; however, the EIR analysis is based on an environmental baseline without COVID-19, and it would be speculative to identify long-term consequences of the pandemic at this time.

Regulatory Framework

The regulatory framework subsection presents relevant information about federal, state, regional, and/or local laws, regulations, and plans or policies that pertain to the environmental topic addressed in the section. These include relevant General Plan policies.

Impacts and Mitigation Measures

This subsection discusses the significance criteria, or thresholds of significance, for determining impacts, followed by an explanation of the approach to the analysis for the resource topic. The *Impact Analysis* subsection then describes the relationship of the proposed project to the thresholds of significance and evaluates the potential for the proposed project to result in direct and indirect adverse effects on the existing physical environment, with consideration of both short-term and long-term effects. Based on CEQA Guidelines Section 15382, an impact is considered significant if it would constitute "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." Mitigation measures are identified where feasible for the impacts considered significant, consistent with CEQA Guidelines Section 15126.4, which states that an EIR "shall describe feasible measures

which could minimize significant adverse impacts …" CEQA Guidelines Section 15364 defines *feasible* as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

Significance Criteria

The thresholds of significance used in this EIR are those used by the City of San José Department of Planning, Building, and Code Enforcement and based on CEQA Guidelines Appendix G. The significance thresholds used to analyze each environmental resource topic are presented in each resource section of this chapter before the *Approach to Analysis* and *Impact Analysis* subsections. The categories used to designate impact significance are described as follows:

- **No Impact.** An impact is considered not applicable (no impact) if there is no potential for impacts, or the environmental resource does not occur within the project area or the area of potential effects—essentially, a project would result in no physical changes in the setting. For example, because the project area is not within the vicinity of a private airstrip, there would be no impacts related to exposure of people residing or working in the project area to excessive noise levels within the vicinity of a private airstrip. Many of the "no impact" conclusions are addressed below, at the end of this introductory section.
- **Less-than-Significant Impact.** This determination applies if there is potential for some limited effect, but not a substantial adverse effect that qualifies under the significance criterion as a significant impact. No mitigation is required for impacts determined to be less than significant.
- **Less-than-Significant Impact with Mitigation.** This determination applies if implementation of the project would result in an adverse effect that meets the significance criterion, but feasible mitigation is available that would reduce the impact to a less-than-significant level.
- **Significant Unavoidable Impact.** This determination applies if implementation of the project would result in an adverse effect that meets the significance criterion, but there appears to be no feasible mitigation available to reduce the impact to a less-than-significant level. In some cases, mitigation may be available to lessen a given impact, but the residual effects of that impact would continue to be significant even after implementation of the mitigation measure(s).

Approach to Analysis

The *Approach to Analysis* subsection describes the relevant features of the project for the impact particular analysis, followed by the methodology used to analyze potential environmental impacts based on the identified significance thresholds. Depending on the resource topic and applicable significance criteria, evaluations for topics may be quantitative or qualitative.

Impact Analysis

The *Impact Analysis* subsection evaluates the potential for the proposed project to result in direct and indirect adverse effects on the physical environment. The analysis covers all phases of the proposed project, including construction and operation, and is based on the significance criteria and the approach to analysis described in the previous subsection. Each impact is numbered to

correspond to the evaluation criterion or significance threshold identified at the start of the section. For example, Impact BI-1 corresponds with the first criterion listed in Section 3.2, *Biological Resources*. In some instances, multiple impacts may correspond to a single significance evaluation criterion. For example, Impact BI-1 addresses potential impacts on multiple species. Mitigation measures are also generally numbered to correspond to the impact they address. For example, Mitigation Measure BI-2 refers to the mitigation measure for the second impact in the *Biological Resources* section. (There are some exceptions, where mitigation measures appear under a more relevant impact and are numbered accordingly.) Where more than one mitigation measure addresses a given impact, letters are used to distinguish between measures (e.g., Mitigation Measures BI-2a, BI-2b, and BI-2c).

Purpose of This EIR and Basis of the Analysis

This document is a project-level EIR pursuant to CEQA Guidelines Section 15161. A project-level EIR focuses on the changes in the environment that would result from construction and operation of a specific development project. Thus, the primary purpose of this EIR is to assess the physical changes to the environment that could result from approval and implementation (construction and operation) of the project referred to as the Downtown West Mixed-Use Plan, and to provide this information to decision makers and the public before any decision regarding whether to proceed with the project. The EIR provides information and does not make a recommendation about whether to approve or not approve the project.

Chapter 2, *Project Description*, provides the foundation for the EIR's analysis and contains a description of the proposed project, including its development program and other physical characteristics, as well as the proposed General Plan amendment and other discretionary approval actions that would be required for the project to move forward. As discussed in that chapter, the project is being proposed as a Planned Development. Thus, the project would require City approval of a Planned Development rezoning for the project site, including a General Development Plan and a Planned Development permit. This would include the adoption of the proposed Downtown West Design Standards and Guidelines (refer to the draft in Appendix M), which describes the process for ministerial review of most subsequent project approvals.

The analysis of the physical effects of implementing the proposed project is based in part on growth assumptions (described further below under *Growth Projections*). Such assumptions are of primary relevance for the analysis of effects related to the intensity of development and associated activities, such as transportation, population and housing, air quality, and noise. For other effects on the physical realm, the analysis relies on the description and location of proposed project features. For example, the analysis considers maximum building heights and building envelopes, which reflect a maximum buildout of the project site if the proposed amendments to General Plan land use designations, zoning, and permitted height districts were to be adopted, along with other approvals listed in Section 2.15, *Uses of this EIR and Required Project Approvals*.

These assumptions provide a basis for the analysis and should not be understood as predicting how a particular site would look in the future. The Downtown West Design Standards and

Guidelines proposed as part of the project would shape the physical conditions on the project site (refer to Section 2.12, *Design Standards and Guidelines*).

Physical Environmental Impacts

CEQA directs lead agencies to identify the potential environmental effects of a project, to determine the significance of a project's environmental effects, and to identify feasible mitigation measures and/or alternatives that could avoid or minimize any adverse environmental effects. This EIR considers direct and indirect physical environmental effects that may be attributable to the proposed project. A *direct* physical change in the environment is "a physical change in the environment which is caused by and immediately related to the project" (CEQA Guidelines Section 15064(d)(1)). An *indirect* physical change in the environment is "a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project" (CEQA Guidelines Section 15064(d)(2)). An EIR would only consider indirect effects if the change "is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable" (CEQA Guidelines Section 15064(d)(3)).

In general, economic and social changes resulting from a project are not treated as significant effects on the environment.[1] Social and economic effects are relevant under CEQA only if they would result in or are caused by an adverse physical impact on the environment. To the extent that social or economic changes associated with project implementation may engender secondary or indirect physical changes, such effects are addressed in this EIR.

Growth Projections

Citywide growth forecasts prepared by the City of San José Department of Planning, Building, and Code Enforcement are part of the basis of the analysis in this EIR. As part of the ongoing Diridon Station Area Plan (DSAP) update described in Chapter 2, *Project Description*, the City's ongoing process to update the DSAP is considering increasing the number of residential units and commercial/office uses projected in Downtown San José by the year 2040 by reallocating up to 12,619 housing units and 14,144,154 gross square feet (gsf) of commercial/office uses from other General Plan growth areas in the city to the Downtown. The additional 12,619 Downtown housing units would likely be transferred from Horizons 2 and 3 Urban Village growth areas.[2] The commercial/office uses would be shifted from other General Plan–designated employment areas, such as the North Coyote Valley growth area.[3] The final growth allocation, including the precise numbers of dwelling units and jobs transferred from each growth area, will be determined by the San José City Council via adoption of a General Plan amendment following a public planning process and a public hearing.

1 CEQA Guidelines Sections 15064(d)(1) through 15064(d)(3) and 15064(e).
2 Nearly half of the units would be moved from the Oakridge Mall and Vicinity urban village.
3 In November 2019, the City Council voted to purchase 937 acres of North Coyote Valley. The transaction, in which the Peninsula Open Space Trust and the Santa Clara Valley Open Space Authority also participated financially, involved most of the land in the North Coyote Valley employment growth area. With the purchase, the North Coyote Valley land will be preserved for open space and conservation purposes, rather than developed.

The General Plan amendment for the proposed project would reallocate a subset of the total reallocation being considered for the DSAP as a whole to ensure that Downtown San José has more than enough capacity for the project. Specifically, because the proposed project is anticipated to come before the City Council for approval in advance of the DSAP amendment, the project applicant proposes a project-specific General Plan amendment to reallocate up to 5,575 housing units and 6,306,000 gsf of commercial/office uses from other General Plan growth areas outside of Downtown to the Downtown. This proposed reallocation would be a subset of the overall DSAP reallocation described in the preceding paragraph and is also less than the overall development program for the proposed project because one portion of the project site—the former San Jose Water Company site (Blocks E1, E2, and E3 of the proposed project)—was entitled previously and because there is sufficient retail and hotel capacity within Downtown. With the reallocation, the total amount of growth anticipated under the General Plan would not change, but instead would shift to the more transit-rich Downtown area. See Section 3.11, *Population and Housing*, for more information.

Some development and growth within the DSAP and project site would occur even without implementation of the proposed project. In many cases, existing development does not reach its full potential under current building height limits, and those parcels could be developed regardless of future changes in land use policies and zoning controls. Development projected to occur on the project site without project implementation is described in the No Project Alternative/DSAP Development Alternative included in Chapter 5, *Alternatives*.

Cumulative Impacts

Cumulative impacts, as defined in CEQA Guidelines Section 15355, refer to two or more individual effects that, when taken together, are "considerable" or that compound or increase other environmental impacts. A cumulative impact from several projects is the change in the environment that would result from the incremental impact of the project when added to the impacts of other closely related past, present, or reasonably foreseeable future projects. Pertinent guidance for cumulative impact analysis is provided in CEQA Guidelines Section 15130:

- An EIR shall discuss cumulative impacts of a project when the project's incremental effect is "cumulatively considerable" (i.e., the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current, and probable future projects, including those outside the control of the agency, if necessary).
- An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR.
- A project's contribution is less than cumulatively considerable, and thus not significant, if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.
- The discussion of impact severity and likelihood of occurrence need not be as detailed as for effects attributable to the project alone.
- The focus of analysis should be on the cumulative impact to which the identified other projects contribute, rather than on attributes of the other projects that do not contribute to the cumulative impact.

An EIR must determine whether an individual project's contribution to a significant cumulative impact is *considerable*. This means that the project's proportional share is considered adverse in conjunction with other similar projects that may combine to result in physical impacts.

The cumulative impact analysis for each individual resource topic is described in the corresponding resource section of this chapter, immediately following the description of the project-specific impacts and mitigation measures.

Two approaches to a cumulative impact are articulated in CEQA Guidelines Section 15130(b)(1): (1) The analysis can be based on a list of past, present, and reasonably foreseeable probable future projects producing closely related impacts that could combine with those of a proposed project; or (2) a summary of projections contained in a general plan or related planning document can be used to determine cumulative impacts.

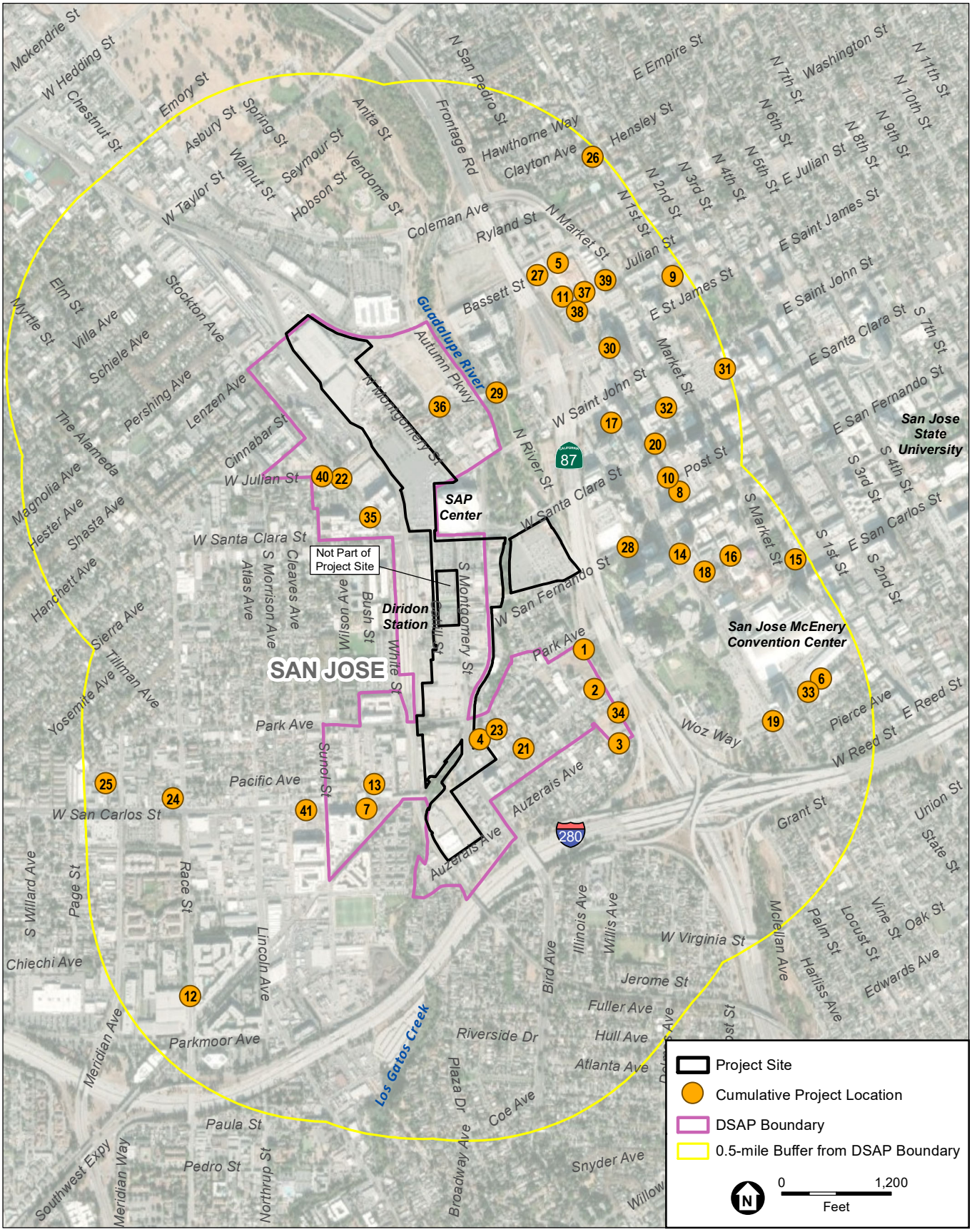
The analysis in this EIR employs both the list-based approach and a projections approach, depending on which approach best suits the individual resource topic being analyzed. For instance, Section 3.7, *Hazards and Hazardous Materials*, considers several large individual projects that are anticipated or approved in the project area and vicinity and takes into account that known hazardous materials issues are close or adjacent to the project site. By comparison, Section 3.13, *Transportation*, relies on the City of San José Travel Demand Forecasting Model, which encompasses growth projections to the year 2040.

The following factors were used to determine an appropriate list of individual projects to be considered in the cumulative impact analysis where the list-based approach is used:

- **Similar Environmental Impacts**—A relevant project contributes to effects on resources that are also affected by the proposed project. A relevant future project is defined as one that is "reasonably foreseeable," such as a proposed project for which an application has been filed with the approving agency or has approved funding.
- **Geographic Scope and Location**—A relevant project is located within the geographic area within which effects could combine. The geographic scope varies on a resource-by-resource basis. For example, the geographic scope for evaluating cumulative effects on regional air quality consists of the affected air basin.
- **Timing and Duration of Implementation**—Effects associated with activities for a relevant project (e.g., short-term construction or demolition, or long-term operations) would likely coincide in timing with the related effects of the proposed project.

For the resource topics using the list-based approach, **Figure 3-1** depicts nearby projects generally located within 0.5 miles of the DSAP boundary that are approved but not built, or were the subject of a pending development application at the time the NOP was issued. The projects shown on Figure 3-1 are keyed to a list that is provided in **Appendix B**.

In addition, three large-scale projects in and near the proposed project site are considered in the cumulative impact analysis where appropriate: the Bay Area Rapid Transit (BART) Silicon Valley Phase II Project, Peninsula Corridor Electrification Project, and DSAP amendments. These projects are described below.



SOURCES: Esri, 2019, City of San Jose, 2019, ESA, 2020

Downtown West Mixed-Use Plan

Figure 3-1
Cumulative Projects in the Project Vicinity

- **The Santa Clara Valley Transportation Authority (VTA) BART Silicon Valley Phase II Project** is a 6-mile, four-station extension that will bring BART train service from Berryessa/North San José through Downtown San José to the city of Santa Clara. The Phase II Project is planned to include an approximately 5-mile tunnel that would include three underground stations (Alum Rock/28th Street, Downtown San José, and Diridon), one ground-level station (Santa Clara), and general and maintenance facilities. Based on the Recommended Project Description approved by the VTA Board of Directors and the BART Board in April 2018, VTA's BART Diridon Station would be located adjacent to the south side of West Santa Clara Street, between Autumn Street and the San José Diridon Caltrain Station. This station would consist of a belowground concourse and boarding platform. The proposed underground station and system facilities would be located beneath Santa Clara Street, between the SAP Center and the current Diridon Station parking lot. Geotechnical and utility field investigations began in September 2018. Construction is anticipated for 2022 through 2028.
- **The Peninsula Corridor Electrification Project** is a key component of the Caltrain Modernization (CalMod) Program and will electrify the corridor from San Francisco's 4th and King Caltrain Station to the Tamien Caltrain Station, a distance of approximately 51 miles. Electrification improvements include converting diesel-hauled trains to electric trains, increasing service to six trains per peak hour per direction, and maintaining operating speed up to 79 miles per hour. The project would require the installation of 130–140 single-track miles of an overhead contact system for the distribution of electrical power to the electric rolling stock.

  Electrification of the corridor would require the construction or enhancement of overbridge protection barriers. Overbridge protection barriers would be 6.5 feet high above the sidewalk or pavement level, and placed along the parapet of the bridge at least 10 feet from the closest energized conductors crossing underneath. Two new barriers would be constructed at the following crossings in San José: Interstate 880, San Carlos Street, Almaden Expressway, and Curtner Avenue.

  Construction activities include locating underground utilities, testing soil conditions, inspecting signal/communications equipment, pruning/removing trees, and installing foundations in preparation for the installation and operation of the overhead contact system to power the new electric trains. Work will be performed during the day and at night. To limit the impact on regular train service, night work will occur between 8 p.m. and 6 a.m., when there are fewer regular service trains. Groundbreaking began in late 2017. Caltrain electrification crews have begun staging materials and equipment between the Santa Clara Station and the College Park Station in San José. Construction staging will occur along the Caltrain right-of-way south of the Santa Clara Station. Construction and system testing is expected to be completed in 2021.
- The **DSAP amendments**[4] include expansion of the DSAP boundary eastward to the Guadalupe River between West Santa Clara Street and the VTA tracks, and eastward to Los Gatos Creek between the VTA tracks and Park Avenue; this latter change would also allow for potential park and trail development along the creek. A long-term goal intended to support recreational uses in the city would be to include grade separations of trail crossings at San Carlos, San Fernando, and Santa Clara Streets. These grade separations would be the subject of a feasibility study and further environmental review if and when

[4] The DSAP amendments described herein are based on a conceptual DSAP project description that is subject to change between now and adoption of the amendments.

they proceed; thus, the impacts of the grade separations are not addressed with any specificity in this EIR.

In addition, the DSAP boundary would be extended eastward to the Guadalupe River between West Julian Street and West St. John Street.

The DSAP amendments would incorporate changes to development capacity; the current DSAP maximum buildout includes 5,387,500 square feet of commercial and 2,588 residential dwelling units. As part of its ongoing process to update the DSAP, the City is considering increasing the number of residential units and jobs projected in Downtown San José by the year 2040 by reallocating development from other General Plan growth areas in the city to Downtown. (See the discussion of growth projections above.) To account for the development capacity changes, the DSAP amendments would also include changes to the transportation network, parks and open space, and parking.

SAP Center parking changes are described in Section 2.7.6, *Off-Site Transportation Improvements*, and are analyzed as a likely component of development in the DSAP area. There are several options for providing replacement parking, including a potential parking garage on a group of parcels known as "Lot E," immediately north of and across West St. John Street from SAP Center, or the so-called Milligan site one block farther east. Because the configuration and location of replacement parking is not known at this time, the analysis is provided at a programmatic or qualitative level, and replacement parking is considered in the context of the DSAP, which assumed a parking garage at this location, and as a project to be undertaken by other entities, not on the project site.

Under the DSAP amendments, land use and zoning designations would be changed to eliminate a previously proposed major league baseball ballpark; to accommodate the proposed Downtown West Mixed-Use Project; and, depending on the option selected, to allow residential use along the Guadalupe River between West Julian Street and West St. John Street or high-density residential development in the southwest corner of the DSAP area along Auzerais Avenue between the Caltrain tracks and Los Gatos Creek. High-density residential development is also proposed to be allowed in the southern DSAP triangle (the West San Carlos Street/McEvoy Street/Dupont Street area).

The DSAP amendments would evaluate whether to continue to pursue completion of the Autumn Parkway extension south of West Julian Street and accommodate the street network changes proposed by the Downtown West Mixed-Use Project.

Finally, the DSAP amendments would make certain adjustments to planned open spaces, including removing a portion of the San José Fire Department training center site (within the Downtown West project site); accommodating the Downtown West Mixed-Use Project's planned open spaces; and adding park sites at the northeast corner of Stockton Avenue and West Santa Clara Street, on a City-owned lot at Gifford and Park Avenues, and along the Guadalupe River and Los Gatos Creek.

In addition to the three major cumulative projects listed above, there are two other major projects that are not fully funded or approved, yet are relevant to sections of this EIR. Therefore, the current status and planning of the following other projects are discussed at a high level:

- The California High-Speed Rail Project plans to connect the Los Angeles metropolitan area, the Central Valley, and the San Francisco Bay Area, and is currently under construction in the Central Valley between Merced and Bakersfield. California High-Speed Rail plans to serve Diridon Station before continuing north to San Francisco. The

2020 Draft Business Plan[5] for the project does not currently identify a date for the beginning of operations at Diridon Station, but does indicate that service on the Central Valley segment is planned for 2028–2029.

In April 2020, the California High-Speed Rail Authority published the Draft EIS/EIR (DEIS/R) for that project's San Jose to Merced Project Section. The DEIS/R evaluated four alternatives in addition to a No Project Alternative. Three of the alternatives would entail construction of elevated tracks through the Diridon Station area and an elevated station. The Authority's Preferred Alternative, Alternative 4, envisions at-grade tracks through the Diridon Station area and an at-grade station. The Preferred Alternative, therefore, would not conform with the preferred Concept Layout that has been developed through the DISC planning process (discussed immediately below). As acknowledged in the DEIS/R, "The ongoing multi-agency Diridon Integrated Station Concept (DISC) planning process is a separate planning process and decisions about future changes to the Diridon station and the surrounding, Caltrain-owned rail infrastructure and corridor are the subject of multiple planning and agreement processes that are proceeding independently from this [High-Speed Rail] environmental process."[6]

- The DISC Plan is currently being prepared in a joint effort by the City of San José, the Peninsula Corridor Joint Powers Board (Caltrain), BART, VTA, and the California High-Speed Rail Authority. The DISC Plan will evaluate how to expand and redesign Diridon Station as a world-class transit center that provides for intermodal connections and integration with the surrounding neighborhoods. The DISC Plan will not propose any land use changes, but will focus on station design, including the spatial configuration that shows how the various track and station elements will fit together and relate to the surrounding neighborhood. In February, the City Council endorsed a conceptual layout for the DISC Plan.[7]

  The DISC process initially identified three conceptual layouts for the future Diridon Station: an at-grade station on West San Fernando Street, an elevated station on West Santa Clara Street, and an elevated station near West Stover Street. Through a community input process and ongoing technical work with the partner agencies, a fourth alternative was identified as the preferred Concept Layout for the DISC Plan, a preliminary alignment for elevated heavy rail tracks through Diridon Station. In February 2020, the San José City Council, the Caltrain board, and the California High-Speed Rail Authority board endorsed the Concept Layout, and the VTA board did so in June 2020. See Section 2.2.2, *Existing and Planned Transportation Facilities*, for more information.

The cumulative impact analyses for biological resources and hydrology also refer to projects and initiatives that are relevant to the watershed and San Francisco Bay.

5 California High-Speed Rail Authority, *2020 Business Plan: Delivering the Vision*, February 2020. Available at https://www.hsr.ca.gov/docs/about/business_plans/2020_Business_Plan.pdf. Accessed March 20, 2020.

6 California High-Speed Rail Authority, *California High-Speed Rail Project, San Jose to Merced Project Section, Draft Environmental Impact Report/Environmental Impact Statement, April 2020*. Available at https://hsr.ca.gov/programs/environmental/eis_eir/draft_san_jose_merced.aspx. Accessed July 7, 2020.

7 City of San José, City Council Meeting Minutes, February 4, 2020. Available at https://sanjose.legistar.com/MeetingDetail.aspx?ID=712175&GUID=42B7D295-2384-4896-AA46-B400D3F914C6&Options=info&Search=. Accessed March 20, 2020.

Effects Not Found to Be Significant

CEQA Guidelines Sections 15128 and 15143 require the identification of impacts of a project that were determined not to be significant and were not discussed in detail in the impact section of the EIR. The following subsections briefly describe the environmental issues for which impacts of the proposed project were not found to be significant, including agricultural resources, forestry resources, mineral resources, and wildfire. Implementation of the project would result in no impacts on these resources.

Agricultural Resources

The San José Zoning Ordinance identifies the City's zoning district designations. No portion of the project site is within the Agricultural zoning district.

The California Department of Conservation implements the Farmland Mapping and Monitoring Program, which produces maps and statistical data used for analyzing impacts on California's agricultural resources. The maps are updated every 2 years, and are used to rate agricultural land based on soil quality and irrigation status; the best quality land is referred to as Prime Farmland. According to the *Santa Clara County Important Farmland 2016* map, the entire project site is classified as "Urban and Built-up Land."[8] This category of land is not determined to be of particular importance to the local agricultural economy. No areas of the project site are designated as Prime Farmland by the California Department of Conservation or subject to a Williamson Act contract. For these reasons, the project would have no impact on agricultural resources.

Forestry Resources

California Public Resources Code Section 12220 defines forest land as "land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits."

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 are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.

Within the project site, only Los Gatos Creek and the Guadalupe River riparian corridors through the site could potentially be considered forest land; these corridors support native species and provide public benefits. Trees growing alongside the creek and river are considered part of San

[8] California Department of Conservation, Santa Clara County Important Farmland 2016, 2018. Available at ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/scl16.pdf. Accessed September 10, 2019.

[9] 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). Timberland Production land is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104[g]).

José's Community Forest, as defined in the General Plan. However, the City does not consider any land on the project site or in Downtown San José to be "forest land" as that term is commonly understood. The project site also does not contain any areas with an "Open Space" zoning district classification. However, the site does contain approximately 5 acres that are designated as "Open Space, Parkland, and Habitat" on the General Plan's land use map. This 5-acre area is currently paved and is being used by the San José Fire Department as a training center. Rezoning this parcel as part of the proposed project's Planned Development Zoning District would not represent a conversion of forest land to non-forest use because it does not currently support habitat for biological communities.

Mineral Resources

Multiple sources of information were consulted to determine the presence of mineral resources within the project area. These included the Mineral Resources Data System (MRDS) administered by the U.S. Geological Survey (USGS), which provides data describing mineral resources (such as deposit name, location, commodity, deposit description, production status, and references). MRDS data can be used to confirm the presence or absence of existing surface mines, closed mines, occurrences/prospects, and unknown/undefined mineral resources. Maps created by the California Geological Survey, designed to protect mineral resources in California by classifying the regional significance of mineral resources, were also reviewed for this analysis.

The locations of past and current mining activity and the presence of geologic materials that can be mined can also be used to assess the potential for the presence of mineral resources or the existence of mineral resource recovery sites (mines). According to MRDS data available on the USGS website, there are no significant mineral resources in the project area.[10] As noted in the Envision San José 2040 General Plan EIR, the only area in the city of San José that is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing regionally significant mineral deposits is Communications Hill, which is more than 2 miles southeast of the Downtown area. For these reasons, the project would have no impact on mineral resources.

Wildfire

The project site is located in an urban area, and is not adjacent to a designated wildfire hazard area. Implementation of the proposed project would not expose any people or structures to risk from wildland fires due to the project's location within the city. The proposed project development would be subject to plan review and inspection by the City Fire Department and Department of Planning, Building, and Code Enforcement to ensure that the project meets all state and local Building and Fire Code requirements. For these reasons, no impacts from wildland fire would be expected from development of the proposed project, given the location of the project within the city.

[10] U.S. Geological Survey, Mineral Resources Data System database, 2019.