

3.6 Greenhouse Gas Emissions

This section presents an analysis of potential impacts associated with greenhouse gas (GHG) emissions. For more information about the analysis assumptions, refer to Appendix C1, *Air Quality and Greenhouse Gas Emissions Calculations*.

3.6.1 Environmental Setting

Climate Science

“Global warming” and “climate change” are common terms used to describe the increase in the average temperature of the earth’s near-surface air and oceans since the mid-20th century. Natural processes and human actions have been identified as affecting the climate. The Intergovernmental Panel on Climate Change (IPCC) has concluded that variations in natural phenomena such as solar radiation and volcanoes produced most of the warming from pre-industrial times to 1950 and had a small cooling effect afterward.

However, increasing GHG concentrations resulting from human activity since the 19th century, such as fossil fuel combustion, deforestation, and other activities, are believed to be a major factor in climate change. GHGs in the atmosphere naturally trap heat by impeding the exit of solar radiation that has hit the earth and is reflected back into space—a phenomenon sometimes referred to as the “greenhouse effect.” Some GHGs occur naturally and are necessary for keeping the Earth’s surface inhabitable. However, increases in the concentrations of these gases in the atmosphere during the last 100 years have trapped solar radiation and decreased the amount that is reflected back into space, intensifying the natural greenhouse effect and resulting in the increase of global average temperature.

Carbon dioxide (CO₂), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are the principal GHGs. When concentrations of these gases exceed historical concentrations in the atmosphere, the greenhouse effect is intensified. CO₂, methane, and nitrous oxide occur naturally and are also generated through human activity. Emissions of CO₂ are largely by-products of fossil fuel combustion, whereas methane results from off-gassing, natural gas leaks from pipelines and industrial processes, and incomplete combustion associated with agricultural practices, landfills, energy providers, and other industrial facilities. Nitrous oxide emissions are also largely attributable to agricultural practices and soil management. CO₂ sinks include vegetation and the ocean, which absorb CO₂ through sequestration and dissolution, and are two of the largest reservoirs of CO₂ sequestration. Other human-generated GHGs include fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, which have much higher heat-absorption potential than CO₂, and are byproducts of certain industrial processes.

CO₂ is the reference gas for climate change, as it is the GHG emitted in the highest volume. The effect that each of the GHGs have on global warming is the product of the mass of their emissions and their global warming potential (GWP). GWP indicates how much a gas is predicted to contribute to global warming relative to how much warming would be predicted to be caused by the

same mass of CO₂. For example, methane and nitrous oxide are substantially more potent GHGs than CO₂, with GWPs of 25 and 298 times that of CO₂ respectively, which has a GWP of 1.¹

In emissions inventories, GHG emissions are typically reported as metric tons (MT) of CO₂ equivalent (CO₂e). CO₂e is calculated as the product of the mass emitted of a given GHG and its specific GWP. While methane and nitrous oxide have much higher GWPs than CO₂, CO₂ is emitted in higher quantities and it accounts for the majority of GHG emissions in CO₂e, both from commercial developments and human activity in general.

Effects of Global Climate Change

The scientific community's understanding of the fundamental processes responsible for global climate change has improved over the past decade, and its predictive capabilities are advancing. However, there remain scientific uncertainties in, for example, predictions of local effects of climate change, occurrence, frequency, and magnitude of extreme weather events, effects of aerosols, changes in clouds, shifts in the intensity and distribution of precipitation, and changes in oceanic circulation. Due to the complexity of and inability to accurately model Earth's climate system, the uncertainty surrounding climate change may never be completely eliminated. Nonetheless, the IPCC's AR5 states that is extremely likely that the dominant cause of the observed warming since the mid-20th century is the anthropogenic increase in GHG concentrations.² The National Academies of Science from 80 countries have issued statements endorsing the consensus position that humans are the dominant cause for global warming since the mid-20th century.³

The Fourth California Climate Change Assessment (Fourth Assessment), published in 2018, found that the potential impacts in California due to global climate change include: loss in snow pack; sea-level rise; more extreme heat days per year; more high ozone days; more extreme forest fires; more severe droughts punctuated by extreme precipitation events; increased erosion of California's coastlines and sea water intrusion into the Sacramento and San Joaquin Deltas and associated levee systems; and increased pest infestation.⁴ The Fourth Assessment's findings are consistent with climate change studies published by the California Natural Resources Agency (CNRA) since 2009, starting with the *California Climate Adaptation Strategy*⁵ as a response to the Governor's Executive Order S-13-2008. In 2014, the CNRA rebranded the first update of the 2009 adaptation strategy as

¹ U.S. Environmental Protection Agency, *Emission Factors for Greenhouse Gas Inventories*, March 9, 2018. Available at https://www.epa.gov/sites/production/files/2018-03/documents/emission-factors_mar_2018_0.pdf. Accessed April 25, 2019.

² Intergovernmental Panel on Climate Change, *Climate Change 2014: Synthesis Report, Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.), Geneva, Switzerland: IPCC, 151 pp, 2014. Available at www.ipcc.ch/report/ar5/syrhttps://. Accessed March 10, 2019.

³ J. Cook et al., Consensus on consensus: a synthesis of consensus estimates on human-caused global warming, *Environmental Research Letters* Vol. 11 No. 4, DOI:10.1088/1748-9326/11/4/048002, April 13, 2016.

⁴ California Governor's Office of Planning and Research, Scripps Institution of Oceanography, CEC, California Public Utilities Commission, *California's Fourth Climate Change Assessment: Statewide Summary Report*, Publication no. SUMCCCA4-2018-013, August 2018. Available at https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf. Accessed August 6, 2020.

⁵ California Natural Resources Agency, *2009 California Climate Adaptation Strategy*, 2009. Available at https://resources.ca.gov/CNRALegacyFiles/docs/climate/Statewide_Adaptation_Strategy.pdf. Accessed March 10, 2019.

the *Safeguarding California Plan*.⁶ The 2018 update to *Safeguarding California Plan* identifies hundreds of ongoing actions and next steps state agencies are taking to safeguard Californians from climate impacts within a framework of 81 policy principles and recommendations.⁷

In 2016, the CNRA released *Safeguarding California: Implementation Action Plans* in accordance with Executive Order B-30-15, identifying a lead agency to lead adaptation efforts in each sector.⁸ In accordance with the 2009 *California Climate Adaptation Strategy*, the California Energy Commission (CEC) was directed to develop a website on climate change scenarios and impacts that would be beneficial for local decision makers. The website, known as Cal-Adapt, became operational in 2011.⁹ The information provided on the Cal-Adapt website represents a projection of potential future climate scenarios comprised of local average values for temperature, sea-level rise, snowpack and other data representative of a variety of models and scenarios, including potential social and economic factors. Below is a summary of some of the potential effects that could be experienced in California as a result of global warming and climate change.

Temperature Increase

The primary effect of adding GHGs to the atmosphere has been a rise in the average global temperature. The impact of human activities on global temperature is readily apparent in the observational record. Since 1895, the contiguous US has observed an average temperature increase of 1.5°F per century.¹⁰ The last 5-year period (2014–2018) is the warmest on record for the contiguous US,¹¹ while the 20 warmest years have occurred over the past 22-year period.¹² The Fourth Assessment indicates that average temperatures in California could rise 5.6°F to 8.8°F by the end of the century, depending on the global trajectory of GHG emissions.¹³ According to the Cal-Adapt website, the portion of the state in which the Project Site is located could result in an average increase in temperature of approximately 4.2° to 6.9°F by 2070–2090, compared to the baseline period of 1961–1990.

⁶ California Natural Resources Agency, *Safeguarding California: Reducing Climate Risk, an Update to the 2009 California Climate Adaptation Strategy*, 2014. Available at <https://files.resources.ca.gov/climate/safeguarding/>. Accessed March 10, 2019.

⁷ California Natural Resources Agency, *Safeguarding California Plan: 2018 Update*, January 2018. Available at <http://resources.ca.gov/climate/safeguarding/>. Accessed March 10, 2019.

⁸ California Natural Resources Agency, *Safeguarding California: Implementation Action Plans*, 2016. Available at <https://www.adaptationclearinghouse.org/resources/safeguarding-california-implementation-action-plans.html#:~:text=The%20new%20report%2C%20E2%80%9CSafeguarding%20California,impacts%20of%20a%20changing%20climate>. Accessed August 6, 2020.

⁹ Cal-Adapt. Available at <http://cal-adapt.org>. Accessed August 6, 2020.

¹⁰ National Oceanic and Atmospheric Association, *Assessing the US Climate in 2018*, published February 6, 2019. Available at <https://www.nci.noaa.gov/news/national-climate-201812>. Accessed April 25, 2019.

¹¹ National Oceanic and Atmospheric Association, *Assessing the US Climate in 2018*, published February 6, 2019. Available at <https://www.nci.noaa.gov/news/national-climate-201812>. Accessed April 25, 2019.

¹² Climate Central, February 6, 2019. Available at <https://www.climatecentral.org/gallery/maps/2018-global-temp-review-landocean>. Accessed April 25, 2019.

¹³ California Governor's Office of Planning and Research, Scripps Institution of Oceanography, CEC, California Public Utilities Commission, *California's Fourth Climate Change Assessment: Statewide Summary Report*, Publication no. SUMCCCA4-2018-013, August 2018. Available at https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf. Accessed August 6, 2020.

With climate change, extreme heat conditions and heat waves are predicted to impact larger areas, last longer, and have higher temperatures. Heat waves, defined as three or more days with temperatures above 90°F, are projected to occur more frequently by the end of the century. Extreme heat days and heat waves can negatively impact human health. Heat-related illness includes a spectrum of illnesses ranging from heat cramps to severe heat exhaustion and life threatening heat stroke.¹⁴

Wildfires

The hotter and dryer conditions expected with climate change will make forests more susceptible to extreme wildfires. California's Fourth Climate Change Assessment found that if GHG emissions continue to rise, the frequency of extreme wildfires burning over approximately 25,000 acres would increase by nearly 50 percent, and the average area burned statewide each year would increase by 77 percent, by the year 2100. In the areas that have the highest fire risk, wildfire insurance is estimated to see costs rise by 18 percent by 2055 and the fraction of property insured would decrease.¹⁵

Air Quality

Higher temperatures, conducive to air pollution formation, could worsen air quality in California and make it more difficult for the state to achieve air quality standards. Climate change may increase the concentration of ground-level ozone in particular, which can cause breathing problems, aggravate lung diseases such as asthma, emphysema, chronic bronchitis, and cause chronic obstructive pulmonary disease (COPD) but the magnitude of the effect, and therefore, its indirect effects, are uncertain. Emissions from wildfires can lead to excessive levels of particulate matter, ozone, and volatile organic compounds.¹⁶ Additionally, severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the state.¹⁷

Precipitation and Water Supply

There is a high degree of uncertainty with respect to the overall impact of global climate change on future water supplies in California. Studies indicate considerable variability in predicting precise impacts of climate change on California hydrology and water resources. Increasing uncertainty in the timing and intensity of precipitation will challenge the operational flexibility of California's water management systems. Warmer, wetter winters would increase the amount of runoff available for groundwater recharge; however, this additional runoff would occur at a time when some basins are either being recharged at their maximum capacity or are already full.

¹⁴ Red Cross Red Crescent Climate Centre (RCCC), *Heatwave Guide for Cities*, July 2019. Available at <https://toolkit.climate.gov/reports/preparing-california-extreme-heat-guidance-andrecommendations>. Accessed August 6, 2020.

¹⁵ Anthony LeRoy Westerling, *Wildfire Simulations for the Fourth California Climate Assessment: Projecting Changes in Extreme Wildfire Events with a Warming Climate*, California's Fourth Climate Change Assessment, California Energy Commission, Publication no. CCCA4-CEC-2018-014, 2018.

¹⁶ NOAA, Fact Sheets: Wildfires/ FIREX Mission, 2020. Available at <https://www.esrl.noaa.gov/csl/factsheets/csdWildfiresFIREX.pdf>. Accessed August 6, 2020.

¹⁷ Red Cross Red Crescent Climate Centre (RCCC), *Heatwave Guide for Cities*, July 2019. Available at <https://toolkit.climate.gov/reports/preparing-california-extreme-heat-guidance-andrecommendations>. Accessed August 6, 2020.

Conversely, reductions in spring runoff and higher evapotranspiration because of higher temperatures could reduce the amount of water available for recharge.¹⁸

Hydrology and Sea-Level Rise

As discussed above, climate changes could potentially affect: the amount of snowfall, rainfall and snow pack; the intensity and frequency of storms; flood hydrographs (flash floods, rain or snow events, coincidental high tide and high runoff events); sea-level rise and coastal flooding; coastal erosion; and the potential for salt water intrusion. Sea-level rise can be a product of global warming through two main processes: expansion of seawater as the oceans warm, and melting of ice over land. A rise in sea levels could result in coastal flooding and erosion and could jeopardize California's water supply. Sea level could rise as much as 8.2 feet (2.5 meters) above 2000 levels by 2100. Rising seas could impact transportation infrastructure, utilities, and regional industries.¹⁹

Agriculture

California has a massive agricultural industry that represents over 13 percent of total US agricultural revenue.²⁰ Higher CO₂ levels can stimulate plant production and increase plant water-use efficiency. However, a changing climate presents significant risks to agriculture due to changes in maximum and minimum temperatures, reduction of winter chill hours, extreme heat leading to additional costs for livestock cooling and losses in production, and declines in water quality, groundwater security, soil health, and pollinator species, and increased pest pressures.²¹

Ecosystems and Wildlife

Increases in global temperatures and the potential resulting changes in weather patterns could have ecological effects on a global and local scale. Increased concentrations of GHGs are likely to accelerate the rate of climate change. As stated in the *Safeguarding California Plan*, "species and ecosystems in California are valued both for their intrinsic worth and for the services they provide to society. Air purification, water filtration, flood attenuation, food provision, recreational opportunities such as fishing, hunting, wildlife viewing, and more are all services provided by ecosystems. These services can only be maintained as long as ecosystems are healthy and robust, and continue to function properly under the impacts of climate change. A recent study examined the vulnerability of all vegetation communities statewide in California and found that 16 of 29 were highly or nearly highly vulnerable to climate change, including Western North American freshwater marsh, Rocky Mountain subalpine and high montane conifer forest, North American Pacific coastal salt marsh, and more."²² Soil moisture is likely to decline in many regions, and intense rainstorms are likely to become more frequent. With climate change, ecosystems and wildlife will be challenged by the spread of invasive species, barriers to species migration or movement in response

¹⁸ California Natural Resources Agency, *Safeguarding California Plan: 2018 Update*, January 2018. Available at <http://resources.ca.gov/climate/safeguarding/>. Accessed March 10, 2019.

¹⁹ NOAA, Climate Change: Global Sea Level, November 19, 2019. Available at <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level>. Accessed August 6, 2020.

²⁰ California Department of Food and Agriculture (CDFA), California Agricultural Production Statistics. Available at <https://www.cdfa.ca.gov/statistics/>. Accessed August 6, 2020.

²¹ California Natural Resources Agency, *Safeguarding California Plan: 2018 Update*, January 2018. Available at <http://resources.ca.gov/climate/safeguarding/>. Accessed March 10, 2019.

²² California Natural Resources Agency, *Safeguarding California Plan: 2018 Update*, January 2018. Available at <http://resources.ca.gov/climate/safeguarding/>. Accessed March 10, 2019.

to changing climatic conditions, direct impacts to species health, and mismatches in timing between seasonal life-cycle events such as species migration and food availability.²³

U.S. Emissions

In 2017, the United States emitted about 6,457 million metric tons (MMT) of CO₂e (MMTCO₂e), with 76.1 percent of those emissions coming from fossil fuel combustion. Of the major sectors nationwide, transportation accounts for the highest amount of GHG emissions (approximately 29 percent), followed by electricity (28 percent), industry (22 percent), agriculture (9 percent), commercial buildings (6 percent), and residential buildings (5 percent). Between 1990 and 2017, total U.S. GHG emissions rose by 1.3 percent, but emissions have generally decreased since peaking in 2005. Since 1990, U.S. emissions have increased at an average annual rate of 0.4 percent.²⁴

California Greenhouse Gas Emissions Inventory

The California Air Resources Board (CARB) compiles GHG inventories for the state. Based on the 2016 GHG inventory data (i.e., the latest year for which data are available from CARB) prepared by CARB in 2018, California emitted 429.4 MMTCO₂e including emissions resulting from imported electrical power.²⁵ Between 1990 and 2020, the population of California grew by approximately 10 million (from 29.8 to 39.8 million).²⁶ This represents an increase of approximately 34 percent from 1990 population levels. In addition, the California economy, measured as gross state product, grew from \$773 billion in 1990 to \$3.14 trillion in 2019, representing an increase of approximately 306 percent (more than three times the 1990 gross state product) in today's dollars.²⁷

Despite the population and economic growth, CARB's 2016 statewide inventory indicated that California's net GHG emissions in 2016 were just below 1990 levels, which is the 2020 GHG reduction target codified in California Health and Safety Code Division 25.5, also known as the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32). **Table 3.6-1** identifies and quantifies statewide anthropogenic GHG emissions and sinks (e.g., carbon sequestration due to forest growth) in 1990 and 2016. As shown in the table, the transportation sector is the largest contributor to statewide GHG emissions at approximately 39 percent in 2016.

²³ California Natural Resources Agency, *Safeguarding California Plan: 2018 Update*, January 2018. Available at <http://resources.ca.gov/climate/safeguarding/>. Accessed March 10, 2019.

²⁴ U.S. Environmental Protection Agency, *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2017*, April 11, 2019. Available at <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks-1990-2017>. Accessed April 25, 2019.

²⁵ California Air Resources Board, *California Greenhouse Gas 2000–2016 Inventory by Scoping Plan Category—Summary*, June 22, 2018. Available at https://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_sum_2000-16.pdf. Accessed March 10, 2019.

²⁶ California Department of Finance, *E-4 Historical Population Estimates for Cities, Counties, and the State and E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020*. Available at <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/>. Accessed July 12, 2020.

²⁷ California Department of Finance, *Gross State Product, 2020*. Available at http://www.dof.ca.gov/Forecasting/Economics/Indicators/Gross_State_Product/. Accessed July 2020. Amounts are based on current dollars as of the date of the report (April 2020).

**TABLE 3.6-1
 STATE OF CALIFORNIA GREENHOUSE GAS EMISSIONS**

Category	Total 1990 Emissions Using IPCC SAR (MMTCO ₂ e)	Percent of Total 1990 Emissions	Total 2016 Emissions Using IPCC AR4 (MMTCO ₂ e)	Percent of Total 2016 Emissions
Transportation	150.7	35%	169.4	39%
Electric Power	110.6	26%	68.6	16%
Commercial Fuel Use	14.4	3%	15.2	4%
Residential	29.7	7%	24.2	6%
Industrial	103.0	24%	89.6	21%
Recycling and Waste ^a	—	—	8.8	2%
High GWP/Non-Specified ^b	1.3	<1%	19.8	5%
Agriculture/Forestry	23.6	6%	33.8	8%
Forestry Sinks	-6.7	-2%	— ^c	—
Net Total (IPCC SAR)	426.6	100%^e	—	—
Net Total (IPCC AR4)^d	431	100%^e	429.4	100%^e

NOTES:
 AR4 = Fourth Assessment Report; GWP = global warming potential; IPCC = Intergovernmental Panel on Climate Change; MMTCO₂e = million metric tons of carbon dioxide equivalents; SAR = Second Assessment Report

- ^a Included in other categories for the 1990 emissions inventory.
- ^b High GWP gases are not specifically called out in the 1990 emissions inventory.
- ^c Revised methods under development (not reported for 2016).
- ^d CARB revised the state's 1990-level greenhouse gas (GHG) emissions using GWPs from the IPCC AR4.
- ^e Total of individual percentages may not add up to 100% due to rounding

SOURCES:
 California Air Resources Board, 1990 to 2004 Inventory Data and Documentation. Available at <https://www.arb.ca.gov/cc/inventory/1990level/1990data.htm>. Accessed March 11, 2019.
 California Air Resources Board, California Greenhouse Gas 2000–2016 Inventory by Scoping Plan Category—Summary, June 22, 2018. Available at https://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_sum_2000-16.pdf. Accessed March 10, 2019.

City of San José Emissions Inventory

In April 2019, the City of San José published its community-wide inventory of 2017 GHG emissions. As compared to the 2014 inventory, the 2017 inventory reports a decrease in GHG emissions of just over 17 percent.²⁸ The City attributes this decrease primarily to Pacific Gas and Electric Company's (PG&E's) cleaner electricity grid and a reduction in energy consumption. The transportation sector remained the greatest contributor of GHG emissions, as is typical statewide.²⁹ For a sector-by-sector summary of community-wide GHG emissions, see **Table 3.6-2**. The City intends to complete annual GHG inventories to track reduction progress while focusing on implementation of the key policies and actions identified in its 2018 climate action plan. Target areas for GHG emission reduction identified by the City include energy

²⁸ City of San José, *2017 Inventory of Community Greenhouse Gas Emissions*, April 2019. Available at <https://www.sanjoseca.gov/your-government/environment/climate-smart-san-jos>. Accessed January 13, 2020.
²⁹ California Air Resources Board, *GHG Current California Emission Inventory Data*, 2019. Available at <https://ww2.arb.ca.gov/ghg-inventory-data>. Accessed January 13, 2020.

efficiency, renewable energy and electrification, vehicle fuel efficiency, alternative transportation, vehicle trip reduction, and land use and transit planning.³⁰

**TABLE 3.6-2
 CITY OF SAN JOSÉ 2017 COMMUNITY-WIDE
 GREENHOUSE GAS EMISSIONS BY SECTOR**

Sector	MTCO₂e
Residential Energy	763,961
Commercial Energy	627,496
Industrial Energy	399,690
Transportation	3,589,159
Solid Waste	271,862
Water & Wastewater	29,235
Process & Fugitive	30,262
Total	5,711,665

NOTE:
 MTCO₂e = metric tons of carbon dioxide equivalent
 SOURCE: City of San José, *2017 Inventory of Community Greenhouse Gas Emissions*, 2019. Available at <https://www.sanjoseca.gov/your-government/environment/climate-smart-san-jos>. Accessed January 13, 2020.

Downtown San José Emissions Inventory

The City of San José certified its Downtown Strategy 2000 Final EIR in July 2005. The Downtown Strategy 2000 provided a planning framework for future housing, office, commercial, and hotel development within the city’s Downtown area. The City has developed an update to the Downtown Strategy 2000, the Downtown Strategy 2040, which includes changes to the amount of new commercial office space and residential development capacity, as well as proposed changes to the *Envision San José 2040 General Plan* (General Plan). The Downtown Strategy 2040 Final EIR, which was certified in December 2018, evaluated the environmental impacts associated with the Downtown Strategy 2040, which included an estimate of the existing Downtown area’s GHG emissions. Overall, the Downtown Strategy 2040 Final EIR reported that the Downtown area generates approximately 130,264 metric tons of carbon dioxide equivalent (MTCO₂e) per year.³¹ A summary of estimated GHG emissions for the Downtown area by source is included in **Table 3.6-3**.

³⁰ City of San José, *2017 Inventory of Community Greenhouse Gas Emissions*, 2019. Available at <https://www.sanjoseca.gov/your-government/environment/climate-smart-san-jos>. Accessed January 13, 2020.

³¹ City of San José, *Integrated Final EIR: Downtown Strategy 2040*, 2018. Available at <https://www.sanjoseca.gov/Home/ShowDocument?id=44054>. Accessed January 2020.

**TABLE 3.6-3
 DOWNTOWN SAN JOSÉ EXISTING (2015) GREENHOUSE GAS
 EMISSIONS ESTIMATES**

Source	MTCO ₂ e
Area	291
Energy Consumption	15,083
Mobile	111,543 ^a
Solid Waste Generation	2,084
Water Use	1,263
Total	130,264
Efficiency Metric	2.82^b

NOTES:
 MTCO₂e = metric tons of carbon dioxide equivalent
^a Includes Downtown area-specific vehicle miles traveled.
^b Based on a service population of 46,156 (12,548 residents and 33,608 jobs).
 SOURCE: City of San José, *Integrated Final EIR: Downtown Strategy 2040*, State Clearinghouse Number 2003042127, December 2018. Available at <https://www.sanjoseca.gov/Home/ShowDocument?id=44054>. Accessed January 2020.

Existing Project Site

The project site currently contains a mix of residential, retail, office, and industrial spaces. Approximately 40 percent of the project site is devoted to parking lots. A complete description of the project site’s existing land uses is described in Section 2.2, *Project Site and Location*. Existing emissions were calculated based on California Emissions Estimator Model software (CalEEMod) defaults for energy, area sources, water, wastewater, and solid waste. As shown in **Table 3.6-4**, existing GHG emissions, excluding mobile-source emissions, total approximately 2,510 MTCO₂e/year. This is consistent with the project transportation analysis, which did not deduct trips from existing uses on the project site. It is noted that the transportation modeling on which project mobile-source emissions are based effectively nets out existing mobile-source emissions because inputs to the City of San José traffic model replace existing uses with proposed uses.

**TABLE 3.6-4
 PROJECT SITE EXISTING GREENHOUSE GAS EMISSIONS**

Source	MTCO ₂ e
Area	1
Energy Consumption	1,713
Solid Waste Generation	491
Water Use	305
Total	2,510^a

NOTES:
 Emissions exclude mobile sources.
 MTCO₂e = metric tons of carbon dioxide equivalent
^a The existing emissions are not exactly the same as the emissions presented in the 900 Application as use of the CalEEMod model defaults without off-model adjustments. From a CEQA perspective, the existing emissions presented in this EIR are more conservative because the total is less than the existing emissions in AB 900, particularly given that existing mobile-source emissions were not included.
 SOURCE: Appendix C1, *Air Quality and Greenhouse Gas Emissions Calculations*.

3.6.2 Regulatory Framework

Federal

Clean Air Act and U.S. Environmental Protection Agency “Endangerment” and “Cause or Contribute” Findings

In 2007, the U.S. Supreme Court held that the U.S. Environmental Protection Agency (EPA), the federal agency responsible for implementing the Clean Air Act (CAA), must consider regulation of motor vehicle GHG emissions. In *Massachusetts v. Environmental Protection Agency et al.*, twelve states and cities, including California, together with several environmental organizations sued to require EPA to regulate GHGs as pollutants under the CAA (127 S. Ct. 1438 [2007]). The Supreme Court ruled that GHGs fit within the CAA’s definition of a pollutant and EPA had the authority to regulate GHGs.

On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under CAA Section 202(a):

- **Endangerment Finding:** The current and projected concentrations of the six key GHGs—CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The combined emissions of these GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution that threatens public health and welfare.

Vehicle Emissions Standards

In 1975, Congress enacted the Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, EPA and the National Highway Traffic Safety Administration (NHTSA) are responsible for establishing additional vehicle standards. In August 2012, standards were adopted for model years 2017 through 2025 for passenger cars and light-duty trucks. According to EPA, a model year 2025 vehicle would emit half the GHG emissions of a model year 2010 vehicle.³² Notably, the State of California harmonized its vehicle efficiency standards through 2025 with the federal standards at this time (see *Advanced Clean Cars Program* below).

In August 2018, EPA and the NHTSA proposed maintaining the 2020 corporate average fuel economy (CAFE) and CO₂ standards for model years 2021 through 2026. The estimated CAFE and CO₂ standards for model year 2020 are 43.7 miles per gallon (mpg) and 204 grams of CO₂ per mile for passenger cars and 31.3 mpg and 284 grams of CO₂ per mile for light trucks, projecting an overall industry average of 37 mpg, as compared to 46.7 mpg under the standards issued in 2012. In September 2019, EPA finalized the Safer Affordable Fuel-Efficient Vehicles

³² U.S. Environmental Protection Agency and National Highway Traffic Safety Administration, *Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule*, May 5, 2010. Available at <https://www.govinfo.gov/content/pkg/FR-2010-05-07/pdf/2010-8159.pdf>. Accessed January 10, 2020.

Rule Part One: One National Program and announced its decision to withdraw the Clean Air Act preemption waiver granted to the State of California in 2013.³³

State

California Environmental Quality Act and Senate Bill 97

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is a prominent environmental issue requiring analysis under CEQA. This bill directed the Governor’s Office of Planning and Research (OPR) to prepare, develop, and transmit to the California Natural Resources Agency (CNRA) guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA, no later than July 1, 2009. On December 30, 2009, the CNRA adopted amendments to the CEQA Guidelines, as required by SB 97. The CEQA Guidelines amendments, effective March 18, 2010, provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in draft CEQA documents.

CEQA Guidelines

The CEQA Guidelines are embodied in the California Code of Regulations (CCR), Title 14, beginning with Section 15000. The current CEQA Guidelines Section 15064.4 states that “a lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project.” Section 15064.4 further states:

A lead agency should consider the following factors, when determining the significance of impacts from greenhouse gas emissions on the environment:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;*
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.*
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see e.g., section 15183.5(b)).*

The CEQA Guidelines also state that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including plans or regulations for the reduction of GHG emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located (CEQA Guidelines Section 15064(h)(3)).

The CEQA Guidelines do not require or recommend a specific analytical method or provide quantitative criteria for determining the significance of GHG emissions, nor do they set a numerical threshold of significance for GHG emissions. Section 15064.7(c) clarifies that “when adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously

³³ U.S. Environmental Protection Agency and National Highway Traffic Safety Administration, *One National Program Rule on Federal Preemption of State Fuel Economy Standards*, 2019. Available at <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100XI4W.pdf>. Accessed January 16, 2020.

adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

When GHG emissions are found to be significant, CEQA Guidelines Section 15126.4(c) includes the following direction on measures to mitigate GHG emissions:

Consistent with Section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:

- (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency’s decision.*
- (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures.*
- (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project’s emissions.*
- (4) Measures that sequester greenhouse gases.*
- (5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.*

State of California Executive Orders

Executive Order S-3-05

In 2005, in recognition of California’s vulnerability to the effects of climate change, then-Governor Arnold Schwarzenegger issued Executive Order S-3-05, which set forth a series of target dates by which statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

Executive Order S-1-07

Executive Order S-1-07, signed by Governor Schwarzenegger in 2007, proclaims that the transportation sector is the main source of GHG emissions in California, generating more than 40 percent of statewide emissions. It established a low carbon fuel standard (LCFS) with a goal to reduce the carbon intensity of transportation fuels sold in California by at least 10 percent by 2020.

In September 2018, CARB extended the LCFS program to 2030, making significant changes to the design and implementation of the program, including a doubling of the carbon intensity reduction to 20 percent by 2030.

Executive Orders S-14-08 and S-21-09

In November 2008, Governor Schwarzenegger signed Executive Order S-14-08, which expands the state’s Renewable Portfolio Standard (RPS) to 33 percent renewable power by 2020. In September 2009, Governor Schwarzenegger continued California’s commitment to the RPS by signing Executive Order S-21-09, which directs CARB under its AB 32 authority to enact regulations to help the state meet its RPS goal of 33 percent renewable energy by 2020.

Executive Order S-13-08

Governor Schwarzenegger signed Executive Order S-13-08 on November 14, 2008. The order resulted in the *2009 California Climate Adaptation Strategy* report, developed to summarize the best known science on climate change impacts in the state to assess vulnerability and outline possible solutions that can be implemented within and across state agencies to promote resiliency. The state has also developed an Adaptation Planning Guide to provide a decision-making framework intended for use by local and regional stakeholders to aid in the interpretation of climate science and to develop a systematic rationale for reducing risks caused or exacerbated by climate change.³⁴

Executive Order B-16-12

In March 2012, then-Governor Jerry Brown issued an executive order establishing a goal of 1.5 million zero-emission vehicles (ZEVs) on California roads by 2025. In addition to the ZEV goal, Executive Order B-16-12 stipulated that by 2015 all major cities in California will have adequate infrastructure and be “zero-emission vehicle ready”; that by 2020 the state will have established adequate infrastructure to support 1 million ZEVs; that by 2050, virtually all personal transportation in the state will be based on ZEVs; and that GHG emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

Executive Order B-30-15

Governor Brown signed Executive Order B-30-15 on April 29, 2015, which:

- Established a new interim statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030;
- Ordered all state agencies with jurisdiction over sources of GHG emissions to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 reduction targets; and
- Directed CARB to update the Climate Change Scoping Plan (Scoping Plan) to express the 2030 target in terms of million metric tons of CO₂ equivalent.

Executive Order B-48-18

On January 26, 2018, Governor Brown issued an executive order establishing a goal of 5 million ZEVs on California roads by 2030.

³⁴ California Natural Resources Agency, *California Adaptation Planning Guide: Planning for Adaptive Communities*, 2012. Available at http://resources.ca.gov/docs/climate/01APG_Planning_for_Adaptive_Communities.pdf. Accessed January 13, 2020.

Executive Order B-55-18

On September 10, 2018, Governor Brown signed Executive Order B-55-18, committing California to total, economy-wide carbon neutrality by 2045. Executive Order B-55-18 directs CARB to work with relevant state agencies to develop a framework to implement and accounting to track progress toward this goal.

State of California Policy and Legislation

Assembly Bill 1493

In 2002, then-Governor Gray Davis signed AB 1493. AB 1493 required that CARB develop and adopt, by January 1, 2005, regulations to achieve “the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State.”

To meet the requirements of AB 1493, in 2004 CARB approved amendments to the CCR adding GHG emissions standards to California’s existing standards for motor vehicle emissions. All mobile sources were required to comply with these regulations as they were phased in from 2009 through 2016.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) required retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Assembly Bill 32 and Senate Bill 32

In September 2006, Governor Schwarzenegger signed the California Global Warming Solutions Act of 2006 (AB 32). AB 32 established regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and established a cap on statewide GHG emissions. AB 32 required that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction was to be accomplished by enforcing a statewide cap on GHG emissions that would be phased in starting in 2012. To effectively implement the cap, AB 32 directed CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 specified that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also included language stating that if the AB 1493 regulations could not be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

In 2016, SB 32 and its companion bill AB 197 amended Health and Safety Code Division 25.5, establishing a new climate pollution reduction target of 40 percent below 1990 levels by 2030, and included provisions to ensure that the benefits of state climate policies reach disadvantaged communities.

Climate Change Scoping Plan

A specific requirement of AB 32 was to prepare a Climate Change Scoping Plan for achieving the maximum technologically feasible and cost-effective GHG emission reduction by 2020. CARB

developed and approved the initial scoping plan in 2008, outlining the regulations, market-based approaches, voluntary measures, policies, and other emission reduction programs that would be needed to meet the 2020 statewide GHG emission limit and initiate the transformations needed to achieve the state’s long-range climate objectives.³⁵

CARB approved the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update) in December 2017. The 2017 Scoping Plan Update outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels.³⁶ Through a combination of data synthesis and modeling, CARB determined that the target statewide 2030 emissions limit is 260 MMTCO_{2e}, and that further commitments will need to be made to achieve an additional reduction of 50 MMTCO_{2e} beyond current policies and programs. The cornerstone of the 2017 Scoping Plan Update is an expansion of the cap-and-trade program to meet the aggressive 2030 GHG emissions goal and ensure achievement of the 2030 limit set forth by Executive Order B-30-15.

In the 2017 Scoping Plan Update, CARB recommends statewide targets of no more than 6 MTCO_{2e} per capita by 2030 and no more than 2 MTCO_{2e} per capita by 2050. CARB acknowledges that because the statewide per-capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the state, it is appropriate for local jurisdictions to derive evidence-based local per-capita goals based on local emissions sectors and growth projections.

To demonstrate how a local jurisdiction can achieve its long-term GHG goals at the community plan level, CARB recommends developing a geographically specific GHG reduction plan (i.e., climate action plan) consistent with the requirements of CEQA Section 15183.5(b). A so-called “CEQA-qualified” GHG reduction plan, once adopted, can provide local governments with a streamlining tool for project-level environmental review of GHG emissions, provided there are adequate performance metrics for determining project consistency with the plan. Absent conformity with such a plan, CARB recommends “that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” While acknowledging that recent land use development projects in California have demonstrated the feasibility to achieve zero net additional GHG emissions (e.g., Newhall Ranch Resource Management and Development Plan), the 2017 Scoping Plan Update states that:

Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA. Lead agencies have the discretion to develop evidence-based numeric thresholds (mass

³⁵ California Air Resources Board, *Climate Change Scoping Plan: A Framework for Change*, 2008. Available at https://ww3.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed January 13, 2020.

³⁶ California Air Resources Board, *California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target*, 2017. Available at https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed January 13, 2020.

emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science...To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT [vehicle miles traveled], and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits locally.³⁷

Cap-and-Trade Program

Initially authorized by the California Global Warming Solutions Act of 2006 (AB 32), and extended through the year 2030 with the passage of AB 398 (2017), the California Cap-and-Trade Program is a core strategy that the state is using to meet its GHG reduction targets for 2020 and 2030, and ultimately achieve an 80 percent reduction from 1990 levels by 2050. CARB designed and adopted the California Cap-and-Trade Program to reduce GHG emissions from “covered entities”³⁸ (e.g., electricity generation, petroleum refining, cement production, and large industrial facilities that emit more than 25,000 MTCO₂e per year), setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve reductions.³⁹ Under the Cap-and-Trade Program, an overall limit is established for GHG emissions from capped sectors. The statewide cap for GHG emissions from the capped sectors commenced in 2013. The cap declines over time. Facilities subject to the cap can trade permits to emit GHGs.⁴⁰

Senate Bill 375

Signed into law on October 1, 2008, SB 375 supplements GHG reductions from new vehicle technology and fuel standards with reductions from more efficient land use patterns and improved transportation. Under the law, CARB approved GHG reduction targets in February 2011 for California's 18 federally designated regional planning bodies, known as Metropolitan Planning Organizations. The target reductions for the Bay Area are a regional reduction of per-capita GHG emissions from cars and light-duty trucks by 7 percent by 2020 and by 15 percent by 2035, compared to a 2005 baseline.

The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) address these goals in *Plan Bay Area 2040*, which identifies Priority Development Areas (PDAs) near transit options to reduce the use of on-road vehicles. By focusing and incentivizing future growth in PDAs, *Plan Bay Area 2040* demonstrates how the nine-county Bay Area can reduce

³⁷ California Air Resources Board, *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target*, 2017, pp. 100–101. Available at https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed January 13, 2020.

³⁸ “Covered entity” means an entity in California that has one or more of the processes or operations and has a compliance obligation as specified in Subarticle 7 of the Cap-and-Trade Regulation; and that has emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level specified in section 95812(a) of the Regulation.

³⁹ 17 CCR 95800–96023.

⁴⁰ See generally 17 CCR 95811 and 95812.

per-capita CO₂ emissions by 16 percent by 2035.⁴¹ In a March 2018 hearing, CARB approved revised targets: to reduce per-capita emissions 10 percent by 2020 and 19 percent by 2035.⁴²

Senate Bill X 1-2

SB X 1-2, signed by Governor Brown in April 2011, enacted the California Renewable Energy Resources Act. The law obligated all California electricity providers, including investor-owned and publicly owned utilities, to obtain at least 33 percent of their energy from renewable resources by the year 2020.

Advanced Clean Cars Program

In January 2012, pursuant to Recommended Measures T-1 and T-4 of the Scoping Plan, CARB approved the Advanced Clean Cars Program, a new emissions-control program for model years 2017 through 2025. The program combines the control of smog, soot, and GHGs with requirements for greater numbers of ZEVs. By 2025, when the rules will be fully implemented, the new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions.

Mobile Source Strategy

In May 2016, CARB released the updated Mobile Source Strategy that demonstrates how the state can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next 15 years. The strategy promotes a transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled (VMT). The Mobile Source Strategy calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) by 2025 and 4.2 million ZEVs by 2030. The strategy also calls for more-stringent GHG requirements for light-duty vehicles beyond 2025 as well as GHG reductions from medium-duty and heavy-duty vehicles and increased deployment of zero emission trucks primarily for class 3–7 “last mile” delivery trucks in California. Statewide, the Mobile Source Strategy would result in a 45 percent reduction in GHG emissions from mobile sources and a 50 percent reduction in the consumption of petroleum-based fuels.⁴³

Senate Bill 743

In 2013, Governor Brown signed SB 743, which added Public Resources Code Section 21099 to CEQA. SB 743 changed the way that transportation impacts are analyzed in Transit Priority Areas (TPAs) under CEQA, better aligning local environmental review with statewide objectives to reduce GHG emissions, encourage infill mixed-use development in designated priority development areas, reduce regional sprawl development, and reduce VMT in California.

⁴¹ Metropolitan Transportation Commission and Association of Bay Area Governments, *Plan Bay Area 2040*, adopted July 26, 2017. Available at <https://www.planbayarea.org/plan-bay-area-2040>. Accessed May 2020.

⁴² California Air Resources Board, *Resolution 18-12: Proposed Update to Senate Bill 375 Greenhouse Gas Emissions Reduction Targets*, March 22, 2018. Available at <https://ww3.arb.ca.gov/board/res/2018/res18-12.pdf>. Accessed May 2020.

⁴³ California Air Resources Board, 2016 Mobile Source Strategy, May 2016. Available at <https://www.arb.ca.gov/planning/sip/2016sip/2016mobsrc.htm>. Accessed March 10, 2019.

As required under SB 743, OPR developed potential metrics to measure transportation impacts that may include, but are not limited to, VMT, VMT per capita, automobile trip generation rates, or automobile trips generated. The new VMT metric is intended to replace the use of automobile delay and level of service as the metric to analyze transportation impacts under CEQA.

In its 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*, OPR recommends different thresholds of significance for projects depending on land use types.⁴⁴ For example, residential and office space projects must demonstrate a VMT level that is 15 percent less than that of existing development to determine whether the mobile-source GHG emissions associated with the project are consistent with statewide GHG reduction targets. With respect to retail land uses, any net increase of VMT may be sufficient to indicate a significant transportation impact.

Senate Bill 350

SB 350, the Clean Energy and Pollution Reduction Act of 2015 (Chapter 547, Statutes of 2015), was approved by Governor Brown on October 7, 2015. SB 350 increased the standards of the California RPS program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased from 33 percent to 50 percent by December 31, 2030. The act requires the State Energy Resources Conservation and Development Commission to establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in existing electricity and natural gas final end uses of retail customers by January 1, 2030.

Senate Bill 100

On September 10, 2018, Governor Brown signed SB 100, establishing that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by December 31, 2045. SB 100 also creates new standards for the RPS goals that were established by SB 350 in 2015. Specifically, the law increases the percentage of energy that both investor-owned utilities and publicly owned utilities must obtain from renewable sources from 50 percent to 60 percent by 2030. Incrementally, these energy providers must also have a renewable energy supply of 33 percent by 2020, 44 percent by 2024, and 52 percent by 2027. The updated RPS goals are considered achievable, because many California energy providers are already meeting or exceeding the RPS goals established by SB 350.

Senate Bill 1383 (Short-Lived Climate Pollutants)

SB 1383, enacted in 2016, requires statewide reductions in short-lived climate pollutants across various industry sectors. The climate pollutants covered under SB 1383 include methane, fluorinated gases, and black carbon—all GHGs with a much higher warming impact than CO₂ and with the potential to have detrimental effects on human health. SB 1383 requires CARB to adopt a strategy to reduce methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030. The methane emissions reduction goals include a 75 percent reduction in the level of statewide disposal of organic waste from 2014 levels by 2025.

⁴⁴ Governor's Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts in CEQA*, 2018. Available at http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. Accessed January 13, 2020.

Assembly Bill 341

AB 341, which became law in 2011, established a new statewide goal of 75 percent recycling through source reduction, recycling, and composting by 2020, and changed the way that the state measures progress toward the 75 percent recycling goal, focusing on source reduction, recycling, and composting. AB 341 also requires all businesses and public entities that generate 4 cubic yards or more of waste per week to have a recycling program in place. The purpose of the law is to reduce GHG emissions by diverting commercial solid waste to recycling efforts and expand the opportunity for additional recycling services and recycling manufacturing facilities in California.⁴⁵

Assembly Bill 1826

AB 1826, known as the Commercial Organic Waste Recycling Law, became effective on January 1, 2016, and requires businesses and multi-family complexes (with five units or more) that generate specified amounts of organic waste (compost) to arrange for organics collection services. The law phases in the requirements on businesses with full implementation realized in 2019:

- **First Tier:** Commencing in April 2016, the first tier of affected businesses included those that generate 8 or more cubic yards of organic materials per week.
- **Second Tier:** In January 2017, the affected businesses expanded to include those that generate 4 or more cubic yards of organic materials per week.
- **Third Tier:** In January 2019, the affected businesses expanded further to include those that generate 4 or more cubic yards of commercial solid waste per week.

Assembly Bill 900, Jobs and Economic Improvement Through Environmental Leadership Act of 2011

AB 900, signed by Governor Brown in September 2011, established specified judicial review procedures for judicial review of EIRs and approvals granted for a leadership projects related to the development of residential, retail, commercial, sports, cultural, entertainment, or recreational use projects, or clean renewable energy or clean energy manufacturing projects. The law authorizes the governor to certify a leadership project for streamlining if certain conditions are met. Among the required conditions are:

- Exceed \$100 million in investment in California.
- Satisfy the prevailing and living wage requirements of Public Resources Code Section 21183(b).
- Achieve Leadership in Energy and Environmental Design (LEED) Gold certification.
- Result in “no net additional” GHG emissions.
- Achieve at least 15 percent greater transportation efficiency than comparable projects.

The proposed project sought AB 900 certification and obtained the certification as of December 30, 2019. This certification is voluntary and provides streamlined CEQA judicial review for projects that qualify.⁴⁶ As stated in Chapter 1, *Introduction*, SB 995, a bill to extend the provisions of

⁴⁵ California Department of Resources Recycling and Recovery, *California’s 75 Percent Initiative Defining the Future*, 2019. Available at <https://www.calrecycle.ca.gov/75percent>. Accessed January 13, 2020.

⁴⁶ Governor’s Office of Planning and Research, *Downtown West Mixed-Use Plan*, 2019. Available at <http://opr.ca.gov/ceqa/california-jobs.html>. Accessed February 4, 2020.

AB 900, passed the state legislature in 2020 but the differing versions of the bill were not reconciled by the two chambers prior to the end of the legislative session in August. Accordingly, AB 900 currently provides that if a lead agency fails to approve a project certified by the Governor before January 1, 2021, then the certification expires and is no longer valid. Nevertheless, the project applicant has committed, even if no extension of AB 900 is forthcoming, that the project would provide the environmental benefits required under AB 900, including no net increase in GHG emissions. Therefore, this EIR assumes that the substantive requirements of AB 900 would continue to apply to the project, regardless of whether legislation is approved to extend the time period for approval of a Governor-certified project. Moreover, the City is working with the author of SB 995, legislative advocates, and other cities to encourage consideration of SB 995 in a Special Legislative Session that could be held this fall or as an urgency bill considered when the Legislature convenes in January 2021 and applied retroactively. Thus, it is reasonably foreseeable that either the provisions AB 900 will be extended or that the project would continue to meet the substantive requirements of AB 900.

Through the AB 900 certification process, CARB confirmed that the various project commitments to reduce GHG emissions, including the acquisition of carbon credits, will result in no net additional GHG emissions for the life of the project. In making this determination, CARB has required the project applicant to purchase GHG offset credits to fully offset the projected net increase in GHG emissions attributable to the proposed project, as calculated during the AB 900 certification process, on a prorated basis at the time each phase is permitted by the lead agency (the City of San José). The City has committed to monitor and enforce the applicant's commitment that the project result in no net additional GHG emissions for the life of the obligation, including the extent to which the applicant relies on GHG offsets, as a condition of project approval.

State of California Building Codes

California Building and Energy Efficiency Standards (Title 24)

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although the standards were not originally intended to reduce GHG emissions, increased energy efficiency and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and non-residential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods. The current Title 24, Part 6 standards (2019 standards) were made effective on January 1, 2020.⁴⁷

California Green Buildings Standards Code

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, require low-pollution-emitting

⁴⁷ California Energy Commission, *2019 Building Energy Efficiency Standards*, 2019. Available at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>. Accessed January 13, 2020.

substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code is reviewed and updated on a three-year cycle.

The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the new measures took effect on January 1, 2020.⁴⁸

Regional

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that regulates stationary sources of air pollution in the nine San Francisco Bay Area counties. BAAQMD regulates GHG emissions through the following plans, programs, and guidelines.

Clean Air Plan

BAAQMD and other air districts prepare clean air plans in accordance with the federal and state Clean Air Acts. On April 19, 2017, the BAAQMD Board of Directors adopted the 2017 *Clean Air Plan: Spare the Air, Cool the Climate*, an update to the 2010 Clean Air Plan.⁴⁹ The Clean Air Plan is a comprehensive plan that focuses on the closely related goals of protecting public health and protecting the climate. Consistent with the state's GHG reduction targets, the plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

BAAQMD Climate Protection Program

BAAQMD established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the San Francisco Bay Area Air Basin. The climate protection program includes measures that promote energy efficiency, reduce VMT, and develop alternative sources of energy, all of which assist in reducing GHG emissions and reducing air pollutants that affect the health of residents. BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines were prepared to assist in the evaluation of air quality impacts of projects and plans proposed in the Bay Area. The guidelines also include recommended assessment methodologies for air toxics, odors, and GHG emissions. In June 2010,

⁴⁸ California Building Standards Commission, *CALGreen*, 2019. Available at <https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen#@ViewBag.JumpTo>. Accessed January 13, 2020.

⁴⁹ Bay Area Air Quality Management District, *2017 Final Clean Air Plan*, 2017. Available at https://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed February 10, 2020.

BAAQMD's Board of Directors adopted CEQA thresholds of significance and an update of the BAAQMD CEQA Guidelines, which included significance thresholds for GHG emissions based on the emission reduction goals for 2020 articulated by the California Legislature in AB 32. The first threshold, 1,100 MTCO₂e per year, is a numeric emissions level below which a project's contribution to global climate change would be less than cumulatively considerable. For larger and mixed-use projects, the guidelines state that emissions would be less than cumulatively significant if the project as a whole would result in an efficiency of 4.6 MTCO₂e per service population or better.

Under the current BAAQMD Air Quality Guidelines, a local government may prepare a qualified GHG reduction strategy that is consistent with AB 32 goals. If a project is consistent with an adopted qualified GHG reduction strategy and general plan that addresses the project's GHG emissions, it can be presumed that the project will not have significant GHG emissions under CEQA.⁵⁰

Metropolitan Transportation Commission/Association of Bay Area Governments Sustainable Communities Strategy—Plan Bay Area

MTC is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area, which includes Santa Clara County and the city of San José. On July 18, 2013, Plan Bay Area was jointly approved by ABAG's Executive Board and by MTC.

The plan includes the region's Sustainable Communities Strategy, as required under SB 375, and the 2040 Regional Transportation Plan. The Sustainable Communities Strategy lays out how the region will meet GHG reduction targets set by CARB. CARB's current targets call for the region to reduce per-capita vehicular GHG emissions 10 percent by 2020 and 19 percent by 2035 from a 2005 baseline.⁵¹

A central GHG reduction strategy of Plan Bay Area is the concentration of future growth in Priority Development Areas and Transit Priority Areas. To be eligible for PDA designation, an area must be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing. A TPA is an area within 0.5 miles of an existing or planned major transit stop such as a rail transit station, a ferry terminal served by transit, or the intersection of two or more major bus routes.⁵² The project site is located within both a PDA and a TPA.

On July 26, 2017, MTC adopted *Plan Bay Area 2040*, a focused update that builds upon the growth pattern and strategies developed in the original Plan Bay Area but with updated planning

⁵⁰ Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, 2017. Available at https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed January 13, 2020.

⁵¹ California Air Resources Board, *SB 375 Regional Greenhouse Gas Emissions Reduction Targets*, 2018. Available at <https://www.arb.ca.gov/cc/sb375/finaltargets2018.pdf>. Accessed March 11, 2019.

⁵² Metropolitan Transportation Commission, *Plan Bay Area: Strategy for a Sustainable Region*, 2013. Available at http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf. Accessed January 13, 2020.

assumptions that incorporate key economic, demographic, and financial trends since the original plan was adopted.⁵³

Local

Envision San José 2040 General Plan

The City of San José adopted the *Envision San José 2040 General Plan* in 2011.⁵⁴ Many of the goals and policies identified in the General Plan reflect the City's commitment to sustainability, and the General Plan goals listed below are directly related to reduction of GHG emissions. See Table 3.6-11, below, in the impacts evaluation below for a comprehensive list of GHG emissions reduction policies relevant to the proposed project.

Goal MS-1: Green Building Policy Leadership. Demonstrate San José's commitment to local and global Environmental Leadership through progressive use of green building policies, practices, and technologies to achieve 100 million square feet of new or retrofitted green buildings by 2040.

Goal MS-2: Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

Goal MS-5: Waste Diversion. Divert 100% of waste from landfills by 2022 and maintain 100% diversion through 2040.

Goal MS-6: Waste Reduction. Reduce generation of solid and hazardous waste.

Goal MS-7: Environmental Leadership and Innovation. Establish San José as a nationally recognized leader in reducing the amount of materials entering the solid waste stream.

Goal MS-14: Reduce Consumption and Increase Efficiency. Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

Goal MS-15: Renewable Energy. Receive 100% of electrical power from clean renewable sources (e.g., solar, wind, hydrogen) by 2022 and to the greatest degree feasible increase generation of clean, renewable energy within the City to meet its own energy consumption needs.

Goal MS-16: Energy Security. Provide access to clean, renewable, and reliable energy for all San José residents and businesses.

Goal MS-18: Water Conservation. Continuously improve water conservation efforts in order to achieve best in class performance. Double the City's annual water conservation savings by 2040 and achieve half of the Water District's goal for Santa Clara County on an annual basis.

⁵³ Metropolitan Transportation Commission, *Plan Bay Area 2040*, 2017. Available at <http://files.mtc.ca.gov/library/pub/30060.pdf>. Accessed January 13, 2020.

⁵⁴ City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended March 16, 2020). Available at <https://www.sanjoseca.gov/home/showdocument?id=22359>. Accessed January 16, 2020.

Goal MS-21: Community Forest. Preserve and protect existing trees and increase planting of new trees within San José to create and maintain a thriving Community Forest that contributes to the City’s quality of life, its sense of community, and its economic and environmental wellbeing.

Goal IN-5: Solid Waste-Materials Recovery/Landfill. Develop and maintain materials recovery and landfill facilities to meet community needs, advance the City’s Zero Waste goals and to comply with applicable regulatory requirements.

Goal CD-3: Connections. Maintain a network of publicly accessible streets and pathways that are safe and convenient for walking and bicycling and minimize automobile use; that encourage social interaction; and that increase pedestrian activity, multi-modal transit use, environmental sustainability, economic growth, and public health.

Goal H-4: Housing—Environmental Sustainability. Provide housing that minimizes the consumption of natural resources and advances our City’s fiscal, climate change, and environmental goals.

Goal LU-2: Growth Areas. Focus new growth into identified Growth Areas to preserve and protect the quality of existing neighborhoods, including mobile home parks, while establishing new mixed-use neighborhoods with a compact and dense form that is attractive to the City’s projected demographics i.e., a young and senior population, and that supports walking, provides opportunities to incorporate retail and other services in a mixed-use format, and facilitates transit use.

Goal LU-10: Efficient Use of Residential and Mixed-Use Lands. Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.

Goal TR-1: Balanced Transportation System. Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

Goal TR-2: Walking and Bicycling. Improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes in San José.

Goal TR-3: Maximize Use of Public Transit. Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

Goal TR-4: Passenger Rail Service. Provide maximum opportunities for upgrading passenger rail service for faster and more frequent trains, while making this improved service a positive asset to San José that is attractive, accessible, and safe.

Goal TR-7: Transportation Demand Management. Implement effective Transportation Demand Management (TDM) strategies that minimize vehicle trips and vehicle miles traveled.

Goal TR-8: Parking Strategies. Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

Goal TR-9: Tier I Reduction of Vehicle Miles Traveled. Reduce Vehicle Miles Traveled (VMT) by 10% per service population, from 2009 levels, as an interim goal.

Goal TR-10: Tier II Reduction of Vehicle Miles Traveled. Reduce vehicle miles traveled by an additional 10% per service population above Goal TR-9 (a 20% reduction as measured from 2009), at a later date to be determined by the City Council, based on staff analysis of the City’s achieved and anticipated success in reducing VMT.

Goal TR-11: Regional and State VMT Reduction Efforts. Reduce VMT by an additional 20% per service population above Goals TR-9 and TR-10 (a total reduction of 40% as measure from 2009) by participating and taking a leadership role in on-going regional and statewide efforts to reduce VMT.

Goal TN-2: Trails as Transportation. Develop a safe and accessible Trail Network to serve as a primary means of active transportation and recreation within an integrated multi-modal transportation system.

City of San José Greenhouse Gas Reduction Strategy

The City prepared its initial *Greenhouse Gas Reduction Strategy* in 2011 in conjunction with the General Plan; the strategy was subsequently updated in 2015.⁵⁵ The original strategy was prepared in accordance with AB 32 and CEQA Guidelines Section 15183.5. One of the strategy’s five purposes is to “achieve General Plan–level environmental clearance for future development activities (through the year 2020).” In response to SB 32’s 2030 goal, the City in August 2020 published the *2030 Greenhouse Gas Reduction Strategy*.⁵⁶ This new document, which has not yet been adopted, is a comprehensive update to the 2011 *GHG Reduction Strategy* and reflects the plans, policies, and codes as approved by the City Council. It builds on the policies set forth in the General Plan and in *Climate Smart San José* (2018). If adopted in fall 2020, the updated *2030 Greenhouse Gas Reduction Strategy* would use a development checklist that identifies clear strategies for GHG reductions that new projects in the city must implement to demonstrate consistency with the 2030 Greenhouse Gas Reduction Strategy and to achieve the City’s 2030 GHG reduction target.

Climate Smart San José

The City adopted its *Climate Smart San José* plan in 2018.⁵⁷ The plan builds upon the foundational goals and policies identified in the General Plan, and provides additional analysis, recommendations, and corresponding metrics. The plan creates a measurable pathway to meeting the City’s GHG emissions reduction targets. See Table 3.6-12, below, for the three pillars and nine strategies identified in the plan. As discussed above, the City published the *2030 Greenhouse Gas Reduction Strategy* in August 2020. The *2030 Greenhouse Gas Reduction Strategy* is scheduled for hearing before the Planning Commission in October 2020 and is anticipated to go

⁵⁵ City of San José, *Greenhouse Gas Reduction Strategy*, 2015. Available at <https://www.sanjoseca.gov/home/showdocument?id=28213>. Accessed January 13, 2020.

⁵⁶ City of San José, *2030 Greenhouse Gas Reduction Strategy*, August 2020. Available at <https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy>. Accessed September 23, 2020.

⁵⁷ City of San José, *Climate Smart San José*, 2018. Available at <https://www.sanjoseca.gov/home/showdocument?id=32171>. Accessed January 13, 2020.

to the City Council for adoption in November 2020. Assuming it is adopted, the new strategy will then serve as a framework for the purposes of tiering under CEQA.

City of San José Municipal Code

The City’s Municipal Code includes regulations to reduce GHG emissions from both construction and operation of development projects. The regulations with potential applicability to the proposed project include:

- Chapter 17.84.220—Green Building Regulations for Private Development;
- Chapter 15.11—Water Efficient Landscape Standards for New and Rehabilitated Landscaping;
- Chapter 11.105—Transportation Demand Management;
- Chapter 9.10, Part 15—Construction and Demolition Diversion Deposit Program; and
- Chapter 9.11—Wood Burning Appliances.

City of San José Private Sector Green Building Policy

The City’s Private Sector Green Building Policy (Council Policy 6-32) was adopted on October 7, 2008, and sets minimum standards for green building performance levels.⁵⁸ The requirements of this policy are summarized in **Table 3.6-5**. The proposed project would be subject to the green building standards required by this policy.

**TABLE 3.6-5
 CITY OF SAN JOSÉ PRIVATE-SECTOR GREEN BUILDING REQUIREMENTS**

Applicable Project	Requirement
Commercial/Industrial—Tier 1 (<25,000 sf)	LEED Applicable NC Checklist
Commercial/Industrial—Tier 2 (≥25,000 sf)	LEED Silver
Residential—Tier 1 (<10 units)	GreenPoint or LEED Checklist
Residential—Tier 2 (≥20 units)	GreenPoint Rated 50 Points or LEED Certified
High-Rise Residential (75 feet or higher)	LEED Certified

NOTES:
 LEED = Leadership in Energy and Environmental Design; NC = New Construction; sf = square feet
 SOURCE: City of San José, Policy 6-32, City of San José Private Sector Green Building Policy, 2008. Available at [https://openei.org/wiki/City_of_San_Jose_-_Private_Sector_Green_Building_Policy_\(California\)](https://openei.org/wiki/City_of_San_Jose_-_Private_Sector_Green_Building_Policy_(California)). Accessed May 2020.

City of San José Reach Code

The City has adopted a reach code, which is a building code that is more advanced than those required by the State of California. Reach codes that support energy efficiency, electrification, and renewable energy can save energy and reduce GHG emissions. In September 2019, the San José City Council approved a building reach code ordinance that encourages building electrification and

⁵⁸ City of San José, *Policy 6-32, City of San José Private Sector Green Building Policy*, 2008. Available at [https://openei.org/wiki/City_of_San_Jose_-_Private_Sector_Green_Building_Policy_\(California\)](https://openei.org/wiki/City_of_San_Jose_-_Private_Sector_Green_Building_Policy_(California)). Accessed January 2020.

energy efficiency, requires solar readiness on nonresidential buildings, and requires electric vehicle (EV) readiness and installation of EV equipment.⁵⁹

The City of San José adopted Chapter 17.845 of the San José Municipal Code, also known as Ordinance No. 30330, in November 2019. Chapter 17.845 prohibits natural gas infrastructure in newly constructed single-family dwellings, low-rise residential buildings (three stories or less), and detached accessory dwelling units. This requirement became effective on January 1, 2020.⁶⁰

3.6.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a GHG emissions impact would be significant if implementing the proposed project would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess GHG emissions quantitatively and/or qualitatively. The guidelines do not establish a bright-line quantitative threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies, or suggested by other experts, such as the California Air Pollution Control Officers Association, so long as any threshold chosen is supported by substantial evidence (refer to CEQA Guidelines Section 15064.7(c)). In August 2020, the City published its updated *City of San José 2030 Greenhouse Gas Reduction Strategy*, which, once adopted, will serve as a Qualified Climate Action Plan for the purposes of tiering under CEQA.

CNRA has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA's requirements for cumulative impact analysis (refer to Section 15064(h)(3)).

According to CEQA Guidelines Section 15064.4(b):

[I]n determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions.

⁵⁹ City of San José, *San Jose Reach Code*, 2019. Available at <https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos/2019-reach-code-initiative>. Accessed February 2020.

⁶⁰ City of San José, Ordinance No. 30330, 2019. Available at <https://records.sanjoseca.gov/Ordinances/ORD30330.pdf>.

The significance of impacts shall consider the project's impact as compared to the existing environmental setting, whether the project exceeds a threshold of significance, and compliance with relevant GHG-related plans.⁶¹ According to CEQA Guidelines Section 15064.4(b)(3):

[T]he extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (refer to, for example, Section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions.

Greenhouse Gas Efficiency Metric

To achieve the AB 32 GHG emissions targets for 2020, BAAQMD recommends evaluating proposed projects using a project-level GHG emission efficiency metric of 4.6 MTCO_{2e} per year per service population (MTCO_{2e}/year/SP).⁶² The City's 2011 *Greenhouse Gas Reduction Strategy* established an efficiency metric for the year 2020 (6.6 MTCO_{2e}/year/SP). BAAQMD's current recommended GHG thresholds in the BAAQMD CEQA Air Quality Guidelines are based on the state's 2020 GHG targets, which are superseded by the 2030 GHG targets established in SB 32. SB 32 requires that statewide GHG emissions be reduced to 40 percent below the 1990 level by 2030.

The City of San José has identified efficiency metrics in its Downtown Strategy 2040 EIR for the years 2030 and 2040 based on emission reductions necessary to achieve the goals of Executive Orders B-30-15 and SB 32. Specifically, the Downtown Strategy 2040 EIR compared emissions to a "Substantial Progress" threshold of 2.6 MTCO_{2e}/year/SP in 2030 and an efficiency metric of 1.7 MTCO_{2e}/year/SP for 2040.⁶³ The efficiency threshold of 2.6 MTCO_{2e}/year/SP per year needed to meet the 2030 target is based on the GHG reduction goals of SB 32/Executive Order B-30-15, and the projected 2030 statewide population and employment levels. The efficiency metric of 1.7 MTCO_{2e}/year/SP for 2040 was also calculated using the same method.

As discussed above, the project applicant has voluntarily sought and obtained certification of the project under AB 900. As such, AB 900 requires the applicant to reduce or offset GHG emissions that would be generated during construction and a 30-year operational lifetime of the project to pre-project levels. Because the proposed project falls within the area covered by the Downtown Strategy, this EIR uses the efficiency metrics defined in the Downtown Strategy 2040 as its CEQA thresholds of significance.⁶⁴ In addition, the analysis considers consistency with AB 900, which requires that the proposed project achieve "no net additional" emissions. By achieving no net additional emissions, the project is effectively meeting a net-zero threshold for GHG emissions. In other words, the project would result in net-zero GHG emissions compared to existing conditions through compliance with AB 900. Both consistency with adopted plans,

⁶¹ 14 CCR 15064.4(b).

⁶² MTCO_{2e}/year/SP is defined as a metric ton of CO₂ equivalent per year per service population (future residents and full-time workers).

⁶³ The City's 2030 Greenhouse Gas Reduction Strategy, published in published in August 2020 but not yet adopted, proposes a slightly less stringent efficiency metric for the year 2030 of 2.94 MTCO_{2e}/year/SP.

⁶⁴ The Downtown Strategy 2040 efficiency metrics for GHG emissions are applicable to the project. Even though the project would reallocate growth, the growth reallocation would increase growth to Priority Development Areas and reduce growth elsewhere.

including AB 900, as discussed below, and consistency with the City’s adopted efficiency metric thresholds are used to evaluate significance.

If the proposed project would achieve the Downtown Strategy 2040 EIR’s efficiency metric thresholds for 2030 and 2040, the project’s GHG emissions impact would be less than significant. The Downtown Strategy 2040 EIR’s efficiency metric for 2030 was derived using the 2017 Scoping Plan’s recommendation that local land use development contribute its “fair share” of emission reductions to the statewide GHG target for 2030. This efficiency metric is also consistent with the Association of Environmental Professionals (AEP) 2016 white paper, which recommends using “Substantial Progress” thresholds for land use development to show consistency with statewide targets.⁶⁵ (Note that the AEP white paper is advisory only; it is not binding guidance or an adopted set of CEQA thresholds.)

As discussed above, the 2030 efficiency threshold of 2.6 MTCO₂e/year/SP per year is based on the GHG reduction goals of SB 32, and the 2040 efficiency threshold of 1.7 MTCO₂e/year/SP per year is based on the GHG reduction goals of Executive Order B-30-15, consistent with Scoping Plan and AEP guidance.

Project Consistency with Plans

A significant impact would occur if the proposed project would conflict with applicable regulations, plans, and policies that were adopted to reduce GHG emissions that contribute to global climate change. For the proposed project, as a land use development project, this analysis considers the proposed project’s consistency with applicable plans, policies, and regulations to reduce GHG emissions.

The “no net additional” emissions requirement of AB 900 means that if the proposed project would not emit any additional GHG emissions beyond existing conditions over its estimated 30-year life as determined by CARB, the impact would be less than significant.⁶⁶ This serves as a *project-specific* requirement and does not set precedent for future City projects.

Achieving no net additional GHG emissions through AB 900 would exceed the proposed project’s “fair share” of mitigation of CO₂ equivalent, as described in the *Golden Door Properties v. County of San Diego* court case, because no net new GHGs would be emitted. OPR’s Final Statement of Reasons for SB 97 revisions to the CEQA Guidelines states that “AB32, and regulations implementing that statute, will require reductions in emissions from certain sectors in the economy, but do not preclude new emissions. Moreover, as explained in the Initial Statement

⁶⁵ Association of Environmental Professionals, *Final White Paper—Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*, October 18, 2016. Available at https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf. Accessed January 2020.

⁶⁶ The project’s GHG reduction requirement under the “no net additional” standard is quantified in the AB 900 certification.

of Reasons, the proposed amendments do not establish a zero-emissions threshold of significance because there is no ‘one molecule rule’ in CEQA.”⁶⁷

Under CEQA, individual projects are only required to mitigate a fair share of the impact; a net-zero threshold likely exceeds this fair share requirement. In addition, according to AEP, “It is a fundamental principle under CEQA that new projects cannot be required to mitigate impacts that they did not create. The statewide targets for 2020 and 2030 (and even 2050) are not zero GHG emissions; this is evidence that a zero threshold cannot be legally applied as a significance threshold under CEQA... a zero net additional threshold is not a “Less than Significant” threshold, but rather a “No Impact” Threshold.”⁶⁸ By achieving no net additional emissions, the project is effectively meeting a net-zero threshold for GHG emissions. Following this line of reasoning, achieving “no net additional” emissions pursuant to AB 900 the project would ensure that the project would have a less-than-significant impact under CEQA.

Further, the AB 900 requirement is not derived from any statewide or countywide targets, whether adopted or not; thus, it does not rely on the interpretation of applicable guidelines, as was done in the case of *Cleveland National Forest v. San Diego Association of Governments*. In addition, this method does not hinge on demonstration of compliance with standards, and thus, relevancy to the standards does not need to be demonstrated, as was argued in the *Center for Biological Diversity v. California Department of Fish and Wildlife* case.

Approach to Analysis

GHG emissions and global climate change represent cumulative impacts from human activities and development projects locally, regionally, statewide, nationally, and worldwide. GHG emissions from all of these sources cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects around the world have contributed and will continue to contribute to global climate change and its associated environmental impacts.

The following analysis of the proposed project’s impact on climate change focuses on the proposed project’s contribution to cumulatively significant GHG emissions. Because the analysis of GHG emissions is only relevant in a cumulative context, this section does not include an individual, project-specific impact assessment.

Net Additional Emissions

The *net additional GHG emissions* associated with the proposed project are defined as the difference in emissions between existing conditions and the emissions from construction and

⁶⁷ The “one molecule rule” means that a project’s emissions would create a cumulatively significant impact by emitting any emissions whatsoever, including a single molecule. CEQA does not require compliance to the ‘one molecule rule. (CBE, *supra*, 103 Cal.App.4th at 120.). California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action*, December 2009, pp. 20–26. Available at http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf. Accessed in March 2019.

⁶⁸ Association of Environmental Professionals, *Comments on CARB’s January 20, 2017, Draft 2017 Climate Change Scoping Plan Update, The Proposed Strategy for Achieving California’s 2030 Greenhouse Gas Target*, April 2017. Available at https://califaep.org/docs/AEP_Comments_on_ARB_Scoping_Plan_4.7.17.pdf. Accessed in May 2019.

operation of the proposed project. The proposed project's operational emissions would start in 2025 with partial buildout of Phase 1, reaching full buildout and occupancy as early as 2032. For analytical purposes under AB 900, the project's lifetime emissions are assumed to include construction and the 30-year operational life of the proposed project to 2061.

Operational emissions for each project phase were assumed to last for 30 years, starting at the date when the phase is operational: specifically, 2028–2057 for Phase 1, 2030–2059 for Phase 2, and 2032–2061 for Phase 3. The proposed project's annual operational emissions include total construction emissions amortized over the 30-year life of the proposed project, which is the approach accepted by CARB in the AB 900 application and the CARB Determination (dated December 19, 2019) for the proposed Downtown West Mixed-Use Plan.⁶⁹

Existing Conditions

As described in Chapter 2, *Project Description*, the approximately 81-acre project site currently contains approximately 100 individual parcels. The built environment of the project site and vicinity is characterized by a pattern of one- and two-story buildings that cover only portions of their lots, with the remaining unbuilt lot space used as surface parking.

GHG emissions originate from several sources during operation of these existing on-site businesses:⁷⁰

- On-site combustion of natural gas for heating and cooking;
- Off-site emissions for the generation of electricity for existing uses;
- Off-site emissions associated with solid waste generated by existing uses, and with water supplied to and wastewater generated by existing uses; and
- On-site area-source emissions from landscaping equipment.

However, data were not readily available regarding the exact activity level (i.e., utility consumption) at each business, so existing emissions were based on default values. GHG emissions for these existing activities were estimated using CalEEMod (Version 2016.3.2), a California-based computer model of land use emissions. Emission calculation methods are described by sector in greater detail below.

Existing uses may continue to operate throughout part of construction. In this EIR analysis, non-mobile-source GHG emissions from existing conditions were subtracted from the total new emissions associated with the proposed project starting in 2025 to determine the net additional impact of the proposed project. Emissions from existing conditions are presented in Impact GR-1 below.

⁶⁹ Richard W. Corey, Executive Officer, California Air Resources Board, Letter to Kate Gordon regarding CARB AB 900 Determination, Director, Governor's Office of Planning and Research, December 19, 2019.

⁷⁰ As explained in the Setting, existing mobile-source emissions are not included, consistent with the project transportation analysis, which did not deduct trips from existing uses on the project site. The project transportation analysis effectively nets out existing mobile-source emissions through its use of the City of San José traffic model.

Construction Emissions Methods

As described in Chapter 2, *Project Description*, the project would be developed in three phases. While market demand and other factors would ultimately determine how long it takes to develop each phase, this analysis conservatively assumes that construction would be complete by 2032 as follows:

- Phase 1 would start in 2021 and end in December 2027.
- Phase 2 would start in January 2025 and end in June 2031.
- Phase 3 would start in September 2027 and end in March 2032.⁷¹

This development schedule is conservative: By assuming that all construction would take place as early as possible, it does not consider future potential technological advances, improving fuel standards, the expanded use of alternative fuels in construction equipment, and other regulatory changes that are expected to reduce emissions of GHG and other air pollutants over time.

The evaluation of potential GHG emissions impacts that may result from the construction and long-term operation of the proposed project is consistent with CEQA Guidelines Section 15064.4(a) and recent related guidance from OPR.⁷² This analysis considered GHG emissions resulting from project-related incremental (net) increases in the use of electricity, and natural gas compared to existing conditions, as well as project mobile-source emissions. This included GHG emissions from heavy-duty off-road construction equipment activity during demolition, excavation, building construction, paving, replacement bridge construction over Los Gatos Creek, landscaping, and on-road haul, vendor, and worker mobile trips to and from the project site.

Construction equipment would vary by activity and may include but is not limited to dump trucks, excavators, bulldozers, compactors, forklifts, and cranes. All construction equipment would be certified to Tier 4 Final emissions standards, or equivalent, as specified in the construction equipment lists.

This analysis also considered indirect GHG emissions from water conveyance, wastewater generation, and solid waste handling. Because potential impacts resulting from GHG emissions would be long-term rather than acute, GHG emissions were calculated on an annual basis. A complete list of construction equipment, construction phasing, and detailed emission calculations is included in Appendix C1, *Air Quality and Greenhouse Gas Emissions Calculations*. GHG emissions are presented in metric tons per year.

GHG emissions were estimated using CalEEMod Version 2016.3.2, a California-based land use emissions computer model designed to provide a uniform platform for government agencies,

⁷¹ The phasing plan analyzed in this EIR for the project has evolved since the AB 900 application was submitted and approved. Per AB 900, Phase 1 construction would end in 2024, Phase 2 would construction would end in 2027, and Phase 3 construction would end in 2030. As such, full buildout emissions were anticipated to begin in 2030, instead of 2032 as assumed in the EIR, based on the latest construction buildout schedule provided by the project applicant.

⁷² The GHG operational analysis is consistent with the OPR's *CEQA and Climate Change Advisory Discussion Draft*. As stated therein, "when possible, lead agencies should quantify the project's construction and operational GHG emissions, using available data and tools, to determine the amount, types, and sources of GHG emissions resulting from the project." Governor's Office of Planning and Research, *CEQA and Climate Change Advisory Discussion Draft*, December 2018, p. 8. Accessed March 2019.

land use planners, and environmental professionals to quantify potential emissions of criteria air pollutants and GHGs from land use projects of various types and in various air basins. CalEEMod was developed in collaboration with the air districts of California and is recommended by BAAQMD for evaluating GHG emissions for projects under CEQA.⁷³ Regional data (e.g., emissions factors, trip lengths, meteorology, source inventory) were provided by the various California air districts to account for local requirements and conditions. According to the California Air Pollution Control Officers Association, the model is an established, accurate, and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California.⁷⁴

Separate CalEEMod runs were conducted for each phase of demolition and each phase of excavation across the project site. Individual block CalEEMod runs were conducted to capture the spatial and temporal differences by block as determined in the program development schedule. Construction equipment usage was modeled over an 8-hour period on Monday through Friday, with possible work on Saturdays.⁷⁵

On-road mobile emissions for hauling, vendor, and worker trips were calculated using CARB's Emission FACtor (EMFAC) model. The most recent EPA-approved model is EMFAC2017.⁷⁶ Version 2016.3.2 of the CalEEMod model does not incorporate the on-road criteria pollutant emission factors generated from CARB's EMFAC2017 model, as it still uses EMFAC2014. Therefore, on-road mobile emissions were calculated separately using the EMFAC2017 web database. For hauling trips, it was assumed that some Class 1 hazardous soil would be exported from the site to an appropriate receiver site (i.e., Kettleman Hills Hazardous Waste Facility, 170 miles away), and some Class 2 non-hazardous soil would be exported to nearby receiver sites (such as Republic's Newby Island Landfill or Waste Management's Kirby Canyon Landfill, approximately 15 miles away). The number of haul trips was determined based on estimated maximum soil off-haul volumes by phase provided by the project applicant.⁷⁷ For worker and vendor trips, CalEEMod default trip distances and number of trips were used.

It is assumed that water trucks would water twice a day for off-road dust control during construction. For construction on-road and operational mobile-source emissions, a location-specific composite silt loading factor was used to determine the amount of road dust. Detailed calculations are included in Appendix C1, *Air Quality and Greenhouse Gas Emissions Calculations*.

Operational Emissions Methods

Operation of the project would result in GHG emissions from a variety of sources, including on-road mobile sources, stationary sources, and new buildings and uses. Emissions reductions or savings would also be realized via a number of project features. A brief description of the

⁷³ Bay Area Air Quality Management District, Tools and Methodologies. Available at <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>. Accessed February 4, 2020.

⁷⁴ California Air Pollution Control Officers Association, California Emissions Estimator Model, 2017. Available at <http://www.aqmd.gov/caleemod/>. Accessed April 25, 2019.

⁷⁵ The analysis of GHG emissions is based on total annual emissions calculated based on total building square footage, so extended workdays, if permitted, would not change the results of these analyses.

⁷⁶ U.S. Environmental Protection Agency, *Federal Register* Title 84, pages 41717–41720, August 15, 2019.

⁷⁷ Google LLC, "Updated excavation quantities by phase." Email to Heidi Rous, Hillary Gitelman, Karl Heisler, Pete Choi, and Victoria Hsu of Environmental Science Associates, December 16, 2019.

project's GHG emissions sources and the methods used to estimate their respective emissions or emission reductions is included below. Detailed calculations are provided in Appendix C1, *Air Quality and Greenhouse Gas Emissions Calculations*.

Mobile Sources

Emissions from mobile sources were calculated using projected VMT and total trips based on the City of San José VMT Evaluation Tool and Travel Demand Model.⁷⁸ EMFAC2017 emission factors, average EMFAC2017 fleet mixes, VMT percentages, and trip generation percentages were used to calculate mobile-source emissions for each interim (2026, coinciding with the first full calendar year of partial project operations) and project buildout (2032) years, using the emissions factors for each year.⁷⁹

For the interim and buildout years, mobile-source emissions were calculated for an “unmitigated scenario,” which represents the proposed project without any of the vehicle trip reduction strategies included in the project applicant’s AB 900 application. This unmitigated scenario captures the benefits of the site’s proximity to transit and other compatible land uses, but does not include a project-specific transportation demand management (TDM) program. Emissions reductions from vehicle trip reductions, as required by AB 900, and implementation of **Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program**, are included in the mitigated scenario.

Energy Sources

CaleEMod was used to estimate the existing on-site emissions from natural gas appliances and equipment. Default electricity and natural gas usage rates were used based on building land use and square footage.⁸⁰ For the project, natural gas combustion emissions for cooking in 20,000 square feet of commercial kitchens were estimated using energy use rates from the U.S. Energy Information Administration’s Commercial Buildings Energy Consumption Survey and emission factors from the Climate Registry. Electricity-related GHG emissions for the project are discussed below.

Stationary Sources

Central Utility Plant

Up to two central utility plants, occupying up to a total of approximately 130,000 square feet, would provide thermal heating and cooling energy through an on-site district systems approach.⁸¹ The central utility plants would produce GHG emissions from electricity use. The utility plants would draw electricity from the grid or from on-site renewable energy sources and would be considered an indirect source of GHG emissions.

⁷⁸ Fehr & Peers Transportation Consultants, “Total VMT” Spreadsheet, June 30, 2020.

⁷⁹ For the interim year, although modeled conditions represent completion of Phase 1 in 2028, emission factors for 2026 were used because partial operations would commence as early as 2025.

⁸⁰ California Air Pollution Control Officers Association, *California Emissions Estimator Model User’s Guide*, Version 2016.3.2, November 2017. Available at http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4. Accessed in May 2020.

⁸¹ The project’s phasing strategy may require a satellite or temporary thermal-only central utility plant, to be included within the site northeast of Los Gatos Creek and east of Santa Clara Street. However, this would not change the total amount of energy used for project heating and cooling and therefore would not alter GHG emissions.

Emergency Generators

The analysis assumes that there would be a total of 47 emergency diesel generators on the project site, or approximately one per block. Emergency generators power building electricity in the event of an area-wide power outage and must be tested regularly. Phase 1 would include 26 generators, Phase 2 would have 14, and Phase 3 would have 7 generators. The analysis assumes that a maximum of 2 generators would operate simultaneously for 2 hours per day. Each generator is assumed to operate annually for 50 hours per year for testing and maintenance.

Development Program

The development program is divided into multiple blocks (e.g., A1, B1, C1) of various land uses such as offices, residential units, district systems and logistics, limited-term corporate accommodations, retail, hotel, and event space. These blocks would result in operational GHG emissions in the form of both direct and indirect emissions from electricity use, water use, and solid waste generation. As required by AB 900, the project would achieve, at a minimum, Leadership in Energy and Environmental Design for Neighborhood Development (LEED ND) Gold Certification (which requires that at least one building in each phase be certified LEED Gold). The project also would pursue LEED Gold Certification for office buildings, and all new buildings would comply with the City's New Construction Green Building Requirements. While the exact emissions reduction strategies that would be used to secure LEED certifications have not been identified at this time, the project would integrate low-impact development, transportation demand management, energy efficiency, water conservation, and other green building practices.

The project would consume energy for multiple purposes, such as building heating and cooling, cooking, hot water, lighting, and electronics. For all land uses, building electricity use was based on CalEEMod defaults for building types. Demand for grid-supplied electricity would be minimized with the inclusion of a 7.8-megawatt (MW) on-site solar photovoltaic (PV) system, in accordance with the U.S. Department of Energy National Renewable Energy Laboratory's PVWatts Calculator. Solar PV emissions savings were subtracted from the project's operational GHG emissions to reflect the specific project component relative to defaults for building types.

Operational GHG emissions were calculated in CalEEMod Version 2016.3.2 for each block of development. The project's electricity would be supplied by PG&E, San Jose Clean Energy, or on-site renewables. The electricity CO₂ intensity factor was calculated for each year using the average 2015-2017 PG&E CO₂ emissions rate as the base rate with the statewide renewable portfolio standard targets incorporated in future years. Pursuant to SB 350 and SB 100, 60 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by 2030 and 100 percent by 2045. Therefore, a constant CO₂ intensity factor from PG&E in 2017 would be conservative.

Electric vehicle charging stations would generate emissions related to electricity generation. A minimum of 10 percent of the total number of parking spaces on the project site (assumed to be up to 656) would be equipped with EV charging stations (although a higher percentage is included as mitigation). Electricity estimates from the charging stations were calculated by multiplying the number of spaces, days of operation, charge hours per day, and charging station

capacity resulting in the total annual electricity. GHG emissions are calculated using the annual electricity and PG&E energy intensity factor.

Sequestration

Carbon sequestration was evaluated qualitatively (i.e., it was not quantified as part of the project's GHG emissions inventory). There would be a net increase of trees after accounting for the removal of existing on-site trees and planting of new trees for the project. A variety of trees would be added as part of the 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks. The exact tree species and number of trees are to be determined.

Water and Wastewater

GHG emissions from water and wastewater are a result of the required energy for supply, distribution, and treatment. Wastewater generation also results in emissions of GHGs from wastewater treatment systems, as well as from solids that are digested either through an anaerobic digester or with co-generation from combustion of digester gas. GHG emissions for on-site operations associated with water and wastewater usage were estimated using water demand values from the *Water Supply Assessment, Downtown West Mixed-Use Project (Google Project)*, prepared by San Jose Water Company (January 2020); see Section 3.14, *Utilities and Service Systems*, for more information. Emissions were estimated using GHG emission factors for each emissions source.

The potential district water reuse facility(s), assumed as the preferred option in this analysis, would process up to 964 million gallons per year (2.64 million gallons per day).⁸² The water reuse facility(s) would be both a direct and indirect source of GHG emissions. Direct emissions would be generated by the wastewater treatment process. Indirect emissions would result from the energy used for moving water for supply, distribution, and treatment.

Solid Waste

Day-to-day activities during existing operations generate solid waste generally consisting of product packaging, grass clippings, bottles, food scraps, newspapers, plastic, and other items routinely disposed of in trash bins. A portion of the waste is diverted to waste recycling and reclamation facilities. Waste that is not diverted is typically sent to local landfills for disposal, where it results in GHG emissions of CO₂ and methane from the decomposition of the waste that occurs over the span of many years.

Emissions of GHGs associated with solid waste disposal from existing on-site operations were calculated using the CalEEMod model, using waste generation values by land use and the CalEEMod GHG emission factors for solid waste decomposition. For project operations, it is assumed that an 84 percent waste diversion rate would be achieved.⁸³

⁸² San Jose Water Company, *Downtown West Mixed-Use Project (Google Project) Water Supply Assessment*, January 2020.

⁸³ The 84 percent diversion rate is from Google-specific data via Arup Logistics. Source: Environmental Leadership, *Development Project Application for the Downtown West Mixed-Use Plan*. Appendix C, *Analysis of GHG Impacts for the Downtown West Mixed-Use Plan*. Table 22, *Solid Waste Landfill Annual Generation*. August 23, 2019.

The CalEEMod model allows the input of several variables to quantify solid waste emissions. The GHG emission factors, particularly for methane, depend on the characteristics of the landfill, such as the presence of a landfill gas capture system and subsequent flaring or energy recovery. In CalEEMod, the default values for landfill gas capture (e.g., no capture, no flaring, no energy recovery) are statewide averages and were used in this assessment to provide a conservative analysis.

Area Sources

Area-source emissions associated with project operations include landscaping equipment. The emissions for landscaping equipment were estimated using CalEEMod, based on the size of the existing land uses, the GHG emissions factors for fuel combustion, and the GWP values for the GHGs emitted. GHG emissions for existing on-site operations associated with landscaping equipment were estimated using default activity values by land use for existing uses and default CalEEMod GHG emission factors. CalEEMod uses GHG emission factors for landscaping equipment from CARB's OFFROAD model and *Technical Memo: Change in Population and Activity Factors for Lawn and Garden Equipment (6/13/2003)*.⁸⁴

Project Design Features

Project design features include the following:

- Achieve LEED ND Gold Certification, which requires that at least one building in each phase be certified LEED Gold, consistent with AB 900 certification. The project would also comply with the City's New Construction Green Building Requirements, and the project applicant has further committed to constructing all office buildings to LEED Gold standards.
- *Transportation:* Transportation Demand Management (TDM) Program necessary to achieve the 15 percent transportation efficiency requirement of AB 900. (Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, would provide for monitoring and enforcement of the TDM Program and would require greater vehicle trip reductions of up to 27 percent.)⁸⁵
- *Energy:*
 - Installation of a minimum of 10 percent of parking spaces with Electric Vehicle Supply Equipment (EVSE). (Mitigation Measure AQ-2g would require installation of EVSE on 15 percent of parking spaces.)
 - All-electric heating systems.
 - Meeting or exceeding American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 2019 energy efficiency standards.
 - On-site solar PV system achieving at least 7.8 MW.

⁸⁴ California Air Resources Board, *OFFROAD Modeling Change Technical Memo: Change in Population and Activity Factors for Lawn and Garden Equipment*, June 13, 2003. Available at https://ww3.arb.ca.gov/msei/2001_residential_lawn_and_garden_changes_in_eqpt_pop_and_act.pdf. Accessed April 5, 2019.

⁸⁵ To provide for a conservative analysis, mobile-source emissions were calculated for an "unmitigated scenario" that captures the benefits of the site's location close to transit and other compatible land uses, but does not include the project-specific TDM program. The mitigated scenario includes emissions reductions from vehicle trip reductions as required by Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program.

- *Water:*
 - Use of recycled water for all non-potable demands identified in the proposed project including toilet flushing, irrigation, and cooling.
 - Potential on-site water reuse facility that would treat wastewater to CCR Title 22 disinfected tertiary (unrestricted reuse) recycled water standards.⁸⁶
- *Construction:* Tier 4 Final and electric construction equipment (or equivalent) (Mitigation Measure AQ-2a, Construction Emissions Minimization Plan, would provide for monitoring and enforcement).
- Implementation of all applicable regulatory requirements (such as 2019 Title 24 Building Standards, including the CALGreen Code and San José Reach Code).

The proposed project’s GHG emissions were quantified for the life of the project (2021–2060) in the Downtown West San José AB 900 application, with the purpose of achieving no net additional GHG emissions. The following GHG analyses include further project-specific detail and calculate construction emissions (2021–2032) and full-buildout operational emissions (2032) compared to the 2030 and 2040 efficiency metric thresholds. At peak buildout, the operational GHG emissions presented in this EIR are within the range of the upper and lower bound emissions estimates presented in the analyses conducted for the AB 900 application.⁸⁷ The construction emissions, amortized over 30 years, analyzed in this EIR are slightly less than the construction emissions identified in the AB 900 analyses. Refer to Impact GR-2 below for additional discussion of the AB 900 GHG emissions estimates as they compare to the GHG emissions estimates in this EIR.

The GHG analyses in this EIR and the AB 900 application differ because of updates in project design, the level of detail analyzed, and the use of different transportation models and emissions calculation methods. Despite differences between the EIR and the AB 900 analyses, all GHG emissions from the proposed project would be offset in accordance with the requirements shown in the analyses conducted for the AB 900 application. Consistency with AB 900 is discussed under Impact GR-2.

Impact Analysis

Impact GR-1: The proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (*Less than Significant*)

Construction Emissions

The project would result in emissions of approximately 128,329 MTCO₂e from construction activities, of which 76,313 MTCO₂e would be associated with off-road heavy-duty construction equipment and 51,912 MTCO₂e would be associated with on-road mobile sources (**Table 3.6-6**).

⁸⁶ The potential on-site water reuse facility was included in the modeling for GHG emissions because it is the applicant’s preferred option. If an on-site water reuse facility is not constructed and the project instead uses the regional wastewater treatment facility, GHG emissions would increase by 559 MTCO₂e/year.

⁸⁷ As discussed in the AB 900 Supplemental Documentation, the “upper” and “lower” bound calculations for the GHG emissions and transportation efficiency represent a range of potential outcomes for the project. The lower bound emission estimate uses a lower retail trip generation and improved transportation efficiency, on-site solar PV generation, and site specific water demand factors.

With implementation of Mitigation Measures AQ-2a and AQ-2c (refer to Section 3.1, *Air Quality*), mitigated construction emissions would be reduced to approximately 101,084 MTCO_{2e}, of which 63,190 MTCO_{2e} would be associated with off-road heavy-duty construction equipment and 37,825 MTCO_{2e} would be associated with on-road mobile sources. Construction emissions are also broken down by year (refer to Table 3.6-8, later in this discussion). These emissions represent the entire construction period of the project from 2021 to 2032.

**TABLE 3.6-6
 TOTAL CONSTRUCTION GREENHOUSE GAS EMISSIONS**

Construction Emissions	Project Total MTCO_{2e}	Mitigated^a Total MTCO_{2e}
Demolition Off-Road Equipment	3,054	2,616
Excavation Off-Road Equipment	17,490	16,118
Block Construction Off-Road Equipment	55,067	44,209
Bridge Construction Off-Road Equipment	701	248
On-Road (Haul, Vendor, Worker)	51,912	37,825
Construction Office	69	69
Construction Total	128,329	101,084

NOTE:

MTCO_{2e} = metric tons of carbon dioxide equivalent

^a Emissions include implementation of Mitigation Measure AQ-2a, Construction Emissions Minimization Plan; and Mitigation Measure AQ-2c, Heavy-Duty Truck Model Year Requirement.

SOURCES: Appendix C1, *Air Quality and Greenhouse Gas Emission Calculations*; data compiled by Environmental Science Associates in 2019.

Operational Emissions

Under unmitigated conditions, the project’s operational emissions would be approximately 84,308 MTCO_{2e}/year in 2032, the modeled year of full buildout. The majority of operational emissions are associated with mobile sources because the development would increase the number of cars and trucks traveling to and from the site (**Table 3.6-7**). Because mobile-source emissions and building emissions would become cleaner (higher efficiency and/or lower emitting) over time with stricter regulations, project buildout in 2032 would represent the year of the highest emissions for project operations, and therefore, is the most conservative.

The project incorporates design features intended to reduce GHG emissions during operation, as summarized above, with the exception of the TDM program, which was not analyzed as part of the “unmitigated” condition to provide for a conservative analysis of the project’s emissions. These design features (with the exception of the TDM program) are included as part of the unmitigated scenario.

Under the mitigated scenario (including implementation of Mitigation Measures AQ-2d, AQ-2e, AQ-2f, AQ-2g, and AQ-2h listed in Section 3.1, *Air Quality*), mitigated operational emissions would be reduced to approximately 64,068 MTCO_{2e}/year in 2032 (Table 3.6-7).

**TABLE 3.6-7
 TOTAL ANNUAL OPERATIONAL GREENHOUSE GAS EMISSIONS AT FULL BUILDOUT (2032)**

Sector	Project MTCO₂e/year	Mitigated^a MTCO₂e/year
Mobile Sources	66,163	45,688
Stationary Sources ^b	1,359	1,594
Block (Electricity, Water, Waste)	17,991	17,991
Water Reuse Facility ^c	-6	-6
Solar Photovoltaic	-1,199	-1,199
Operational Total^c	84,308	64,068

NOTES:

This is the operational GHG emissions total for full buildout. Table 3.6-9 shows the construction and operations emissions combined with the existing emissions netted out by year.

MTCO₂e = metric tons of carbon dioxide equivalent

^a Emissions include implementation of Mitigation Measure AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators; Mitigation Measure AQ-2f, Operational Diesel Truck Emissions Reduction; Mitigation Measure AQ-2g, Electric Vehicle Charging; and Mitigation Measure AQ 2h, Enhanced Transportation Demand Management Program. These emissions do not account for Mitigation Measure GR-2, Compliance with AB 900. Note that these mitigation measures are not required to achieve either the 2030 or the 2040 efficiency metric thresholds, and are thus not required for a less-than-significant impact related to GHG emissions.

^b The increase in stationary-source emissions under the mitigated scenario is due to greater electricity consumption for an increased number of electric vehicle charging stations.

^c If an on-site water reuse facility is not constructed and the project instead uses the regional wastewater treatment facility, GHG emissions would increase by 559 MTCO₂e per year. Even if this increase were added to unmitigated emissions shown in Table 3.6-11, the project's unmitigated GHG emissions would remain below the "Substantial Progress" Efficiency Metric Threshold of Significance.

SOURCES: Appendix C1, *Air Quality and Greenhouse Gas Emission Calculations*; data compiled by Environmental Science Associates in 2019.

Net Additional Greenhouse Gas Emissions

The net additional GHG emissions by year for the project are the sum of the annual construction and operational emissions with the existing-condition non-mobile-source emissions subtracted from the total. The peak net emissions (i.e., construction plus operational emissions) would be 90,921 MTCO₂e in 2029 (**Table 3.6-8**). The 2029 emissions represent simultaneous operation of Phase 1 and partial construction of Phases 2 and 3. The peak net additional mitigated emissions would be reduced to 72,449 MTCO₂e in 2029 (**Table 3.6-9**).

To determine the significance of the proposed project's emissions, net additional emissions per service population were calculated and compared to the Downtown Strategy 2040 EIR 2030 and 2040 GHG efficiency metric thresholds. To compute the proposed project's efficiency metrics, the emissions were divided by the service population (future residents and full-time workers) to calculate GHG emissions in metric tons per person. For the purpose of comparison with these thresholds, proposed project emissions are defined as construction emissions amortized over 30 years plus annual operational emissions at full buildout. The derivation of the service population is shown in **Table 3.6-10**. Results are presented in **Table 3.6-11**. The proposed project's efficiency metric at full buildout (2032) and 2040 is compared to the "Substantial Progress" threshold of 2.6 MTCO₂e per service population for 2030 and 1.7 MTCO₂e per service population for 2040.

**TABLE 3.6-8
 PROJECT NET ADDITIONAL GREENHOUSE GAS EMISSIONS (MTCO₂E/YEAR)**

Year	Construction	Operations ^a	Existing Conditions ^b	Net GHG Emissions ^c
2021	4,987	0	0	4,987
2022	8,451	0	0	8,451
2023	10,512	0	0	10,512
2024	16,699	0	0	16,699
2025	20,423	15,073	0	35,495
2026	16,166	45,218	0	61,384
2027	11,314	67,826	0	79,140
2028	5,427	75,363	0	80,790
2029	14,765	78,666	(2,510)	90,921
2030	12,249	78,593	(2,510)	88,331
2031	7,229	80,412	(2,510)	85,131
2032	106	84,308	(2,510)	81,904
2035	0	78,119	(2,510)	75,609
2040	0	69,646	(2,510)	67,135
2045	0	63,787	(2,510)	61,276
2050	0	63,174	(2,510)	60,664
2055	0	63,174	(2,510)	60,664
2060	0	17,530	(2,510)	15,019
Peak Annual Net Additional Emissions (MTCO ₂ e)				90,921

NOTES:

GHG = greenhouse gas; MTCO₂e = metric tons of carbon dioxide equivalent

^a Operational GHG emissions are extrapolated backward to 2025 to show a linear progression of some buildings becoming operational before the end of construction in Phase 1.

^b Existing uses are conservatively assumed to continue operating on-site until the end of the first year of full Phase 1 operations in 2028. Therefore, existing-condition emissions are not subtracted until 2029. The parenthesis mean that these emissions are subtracted from the project's emissions to determine the net new emissions for the project.

^c Starting in 2029, net emissions are the difference between existing conditions and the project's combined construction and operational emissions.

SOURCES: Appendix C1, *Air Quality and Greenhouse Gas Emission Calculations*; data compiled by Environmental Science Associates in 2019.

As shown in Table 3.6-11, the proposed project would result in a **less-than-significant** impact using the 2030 efficiency metric threshold and a **less-than-significant** impact compared to the 2040 efficiency metric threshold. GHG emissions would decline incrementally over time because of increases in energy efficiency and reduced tailpipe emissions. As a result, the project emissions per service population would decrease with time.

Mitigation: None required.

**TABLE 3.6-9
 MITIGATED NET ADDITIONAL GREENHOUSE GAS EMISSIONS (MTCO₂E/YEAR)**

Year	Construction ^a	Operations ^b	Existing Conditions ^c	Net GHG Emissions ^d
2021	4,195	0	0	4,195
2022	7,183	0	0	7,183
2023	8,957	0	0	8,957
2024	14,092	0	0	14,092
2025	15,452	11,838	0	27,290
2026	12,124	35,513	0	47,636
2027	8,558	53,269	0	61,827
2028	3,563	59,188	0	62,751
2029	12,468	62,491	(2,510)	72,449
2030	9,104	62,449	(2,510)	69,043
2031	5,298	64,268	(2,510)	67,055
2032	89	64,068	(2,510)	61,646
2035	0	58,700	(2,510)	56,190
2040	0	50,994	(2,510)	48,483
2045	0	45,445	(2,510)	42,934
2050	0	44,953	(2,510)	42,443
2055	0	44,953	(2,510)	42,443
2060	0	11,633	(2,510)	9,123
Peak Annual Net Additional Emissions (MTCO ₂ e)				72,449

NOTES:

GHG = greenhouse gas; MTCO₂e = metric tons of carbon dioxide equivalent

^a Emissions include implementation of Mitigation Measure AQ-2a, Construction Emissions Minimization Plan, and Mitigation Measure AQ-2c, Heavy-Duty Truck Model Year Requirement.

^b Operational GHG emissions are extrapolated backward to 2025 to show a linear progression of some buildings becoming operational before the end of construction in Phase 1. Emissions include implementation of Mitigation Measure AQ-2a, Construction Emissions Minimization Plan; Mitigation Measure AQ-2c, Heavy-Duty Truck Model Year Requirement; Mitigation Measure AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators; Mitigation Measure AQ-2f, Operational Diesel Truck Emissions Reduction; Mitigation Measure AQ-2g, Electric Vehicle Charging; and Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program.

^c Existing uses are conservatively assumed to continue operating on-site until the end of the first year of full Phase 1 operations in 2028. Therefore, existing-condition emissions are not subtracted until 2029. The parenthesis mean that these emissions are subtracted from the project's emissions to determine the net new emissions for the project.

^d Starting in 2029, net emissions are the difference between existing conditions and the project's combined construction and operational emissions.

SOURCES: Appendix C1, *Air Quality and Greenhouse Gas Emission Calculations*; data compiled by Environmental Science Associates in 2019.

**TABLE 3.6-10
 SERVICE POPULATION DERIVATION**

Year of Analysis	Number of Residents ^a	Number of Jobs ^b	Service Population
Buildout Year (2032)	12,980	30,552	44,179
2040	12,980	30,552	44,179

NOTES:

^a There would be up to 5,900 dwelling units at full buildout with an average of 2.2 people per unit.

^b There would be up to 7.3 million gsf of office space at full buildout with an assumed density of 250 gsf per employee (29,200 office employees) plus an estimated 1,998 non-office employees, for a total of 31,198 jobs. Subtracting 647 existing on-site employees yields 30,551 net new jobs.

SOURCES: Table 3.11-8 in Section 3.11, *Population and Housing*, of the EIR

**TABLE 3.6-11
 GREENHOUSE GAS EFFICIENCY METRICS FOR THE PROJECT**

Category	Unmitigated		Mitigated ^a	
	2032	2040	2032	2040
Operational Emissions at Full Buildout	84,308	69,646	64,068	50,994
Amortized Construction Emissions	4,278	4,278	3,369	3,369
Total Project Emissions	88,585	73,924	67,438	54,363
Project's Service Population (people)	44,179	44,179	44,179	44,179
Project's Efficiency Metric (MTCO ₂ e/year/SP)	2.01	1.67	1.53	1.23
"Substantial Progress" Efficiency Metric Threshold (MTCO ₂ e/year/SP)	2.6	1.7	2.6	1.7
Achieves Efficiency Metric?	Yes	Yes	Yes	Yes

NOTES:

MTCO₂e = metric tons of carbon dioxide equivalent; MTCO₂e/year/SP = metric tons of carbon dioxide equivalent per year per service population

^a This does not include implementation of carbon offset credits as required by AB 900 and Mitigation Measure GR-2, Compliance with AB 900. If this were included, project emissions would be zero. Emissions include implementation of Mitigation Measure AQ-2a, Construction Emissions Minimization Plan; Mitigation Measure AQ-2c, Heavy-Duty Truck Model Year Requirement; Mitigation Measure AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators; Mitigation Measure AQ-2f, Operational Diesel Truck Emissions Reduction; Mitigation Measure AQ-2g, Electric Vehicle Charging; and Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program. Note that these mitigation measures are not required to achieve either the 2030 or the 2040 efficiency metric thresholds, and are thus not required for a less-than-significant impact related to GHG emissions.

SOURCES: Appendix C1, *Air Quality and Greenhouse Gas Emissions Calculations*; data compiled by Environmental Science Associates in 2020.

Impact GR-2: The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. (*Less than Significant with Mitigation*)

The analysis of whether the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs is closely related to the impact analysis in Section 3.4, *Energy*, because increasing renewable energy usage and improving building energy and fuel efficiencies are primary strategies for reducing GHG emissions.

A significant impact would occur if the project would conflict with state goals and applicable regulatory plans and policies to reduce GHG emissions, and thereby generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Because mitigation is needed to ensure monitoring and enforcement of project commitments under AB 900 and to reduce emissions, the project's consistency with AB 900, the 2017 Scoping Plan Update, and the state's ZEV mandate is considered **potentially significant**, as explained further below.

As a land use development project, this analysis considers the proposed project's consistency with the following applicable plans, policies, and regulations to reduce GHG emissions:

- The *Envision San José 2040 General Plan*;
- The City's Climate Action Plan, *Climate Smart San José*;
- AB 900;

- SB 743 and the City of San José Transportation Analysis Policy;
- The 2017 Climate Change Scoping Plan Update, CARB’s plan for achieving a 40 percent reduction of GHG emissions from 1990 levels by 2030, statewide, as mandated by SB 32;
- The MTC and ABAG Regional Transportation Plan/Sustainable Communities Strategy, the regional plan for achieving sustainable land use patterns that reduce passenger vehicle GHG emissions, as mandated by SB 375;
- Executive Order S-3-05, which established a goal of reducing the state’s GHG emissions to 80 percent below the 1990 level by the year 2050; and
- CARB’s Mobile Source Strategy and Executive Order B-48-18, which are designed to achieve GHG reductions from the state’s largest contributing sector (transportation), consistent with the goals of SB 32 and the 2017 Scoping Plan Update.

Consistency with the Envision San José 2040 General Plan

Table 3.6-12 presents the proposed project’s consistency with the City’s General Plan. General Plan policies that are not applicable to the project are not included in the table below. The project is consistent with the remaining policies in Table 3.6-12 that are relevant to the project. As shown in the table, the proposed project would be consistent with the General Plan, resulting in a **less-than-significant** impact.

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
Goal MS-1: Green Building Policy Leadership	
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.	The project would achieve LEED ND Gold Certification and LEED Gold for all office buildings. The project’s LEED Gold commitments would promote energy conservation, water conservation, waste diversion, and environmental leadership through design aspects such as solar PV, public transit accessibility, and co-location of land uses that create a walkable network.
MS-1.2 —Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.	The project would demolish most existing buildings on-site and would achieve LEED ND Gold Certification. Office buildings would achieve LEED Gold.
MS-1.5 —Support the development and implementation of new and innovative technologies to achieve the construction of all types of environmentally high-performing buildings.	The project would achieve LEED ND Gold Certification and office buildings would achieve LEED Gold.
MS-1.6 —Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.	The project would achieve LEED ND Gold Certification and office buildings would achieve LEED Gold.
Goal MS-2: Energy Conservation and Renewable Energy Use	
MS-2.2 —Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	The project would incorporate a 7.8 MW solar PV system.
MS-2.3 —Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.	The project would incorporate a 7.8 MW solar PV system and achieve LEED ND Gold Certification. Solar orientation of buildings and solar PV systems are potential LEED credits that would reduce energy consumption in buildings.

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
MS-2.4 —Promote energy-efficient construction industry practices.	The project would achieve LEED ND Gold Certification, including optimization of building energy performance.
MS-2.5 —Encourage responsible forest management in wood material selections and encourage the use of rapidly renewable materials.	The project would achieve LEED ND Gold Certification. LEED includes a Certified Wood Credit that would help improve forest conservation and improved management and protection of forests.
MS-2.6 —Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest.	The project would create approximately 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks. The project would achieve LEED ND Gold Certification, which may include the heat island reduction credit through use of reflective roofing materials, shade, vegetation, and/or reduced hardscape.
MS-2.7 —Encourage the installation of solar panels or other clean energy power.	The project would incorporate a 7.8 MW solar PV system.
Goal MS-5: Waste Diversion	
MS-5.5 —Maximize recycling and composting from all residents, businesses, and institutions in the City.	The project would be subject to and comply with the City of San José’s local recycling and composting ordinances. Per Resolution 74077, the City established a goal of reducing the amount to be landfilled by 75 percent by 2013 and zero waste by 2022. “Zero waste” is defined as landfilling no more than 10 percent of waste or recycling 90 percent.
MS-5.6 —Enhance the construction and demolition debris recycling program to increase diversion from the building sector.	The project would have an 84 percent waste diversion rate. At a minimum, the project’s construction would be consistent with the Construction and Demolition Diversion Program in Part 15, Chapter 9 of the San José Municipal Code.
Goal MS-6: Waste Reduction	
MS-6.3 —Encourage the use of locally extracted, manufactured, or recycled and reused materials including construction materials and compost.	The project would consider local, recycled, and reused materials as part of the LEED ND Gold certification process.
MS-6.4 —Improve downstream reuse and recycling of end-of-life products and materials to ensure their highest and best use.	The project would be subject to and comply with the City of San José’s local recycling and composting ordinances.
MS-6.5 —Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.	The project would be subject to and comply with the City of San José’s local recycling and composting ordinances.
MS-6.8 —Maximize reuse, recycling, and composting citywide.	The project would be subject to and comply with the City of San José’s local recycling and composting ordinances.
Goal MS-7: Environmental Leadership and Innovation	
MS-7.2 —Collaborate with providers of solid waste collection, recycling, and disposal services to ensure a level of service that promotes a clean environment.	The project would be subject to and comply with the City of San José’s local recycling and composting ordinances.
MS-7.3 —Support the development of green jobs through investment in zero waste programs and infrastructure.	The project would directly generate tens of thousands of permanent jobs, a portion of which would be “green.” Green jobs would support the goal of achieving LEED ND Gold certification.

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
Goal MS-14: Reduce Consumption and Increase Efficiency	
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.	The project site is located in a Priority Development Area and Transit Priority Area. The project site is adjacent to Diridon Station, a central passenger rail hub that is served by Caltrain, ACE, VTA light rail, Amtrak Capitol Corridor, and Amtrak Coast Starlight. Additionally, Diridon Station is currently served by bus lines including local and express VTA bus lines, Monterey-Salinas Transit, Santa Cruz Metro, Amtrak Thruway Bus, Greyhound Lines, Megabus, and employer shuttles. The program development would place a mix of land uses including residential, office, and retail uses in close proximity to Diridon Station, thereby reducing the number of VMT and vehicle trips.
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.	The program development would place a mix of land uses including residential, office, and retail uses in close proximity, thereby reducing the number of VMT and vehicle trips.
MS-14.3 —Consistent with the California Public Utilities Commission’s 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.	The project would achieve LEED ND Gold Certification. The project would use energy efficiency strategies and on-site renewable energy to reduce energy consumption.
MS-14.4 —Implement the City’s Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.	The project would achieve LEED ND Gold Certification and all office buildings would achieve LEED Gold. The project’s LEED Gold commitments would promote energy conservation, water conservation, waste diversion, and environmental leadership through design aspects such as solar PV, public transit accessibility, and co-location of land uses that create a walkable network. The project would also include 15 acres of parks and open space.
Goal MS-15: Renewable Energy	
MS-15.3 —Facilitate the installation of at least 100,000 solar roofs in San José by 2022 and at least 200,000 solar roofs by 2040.	The project would incorporate a 7.8 MW solar PV system.
MS-15.5 —Showcase and apply innovative technologies within San José, including developments that achieve maximum energy efficiency or net zero energy, and renewable energy systems that generate energy equal to or greater than that consumed on site.	The project would achieve LEED ND Gold Certification and all office buildings would achieve LEED Gold. The project would use energy efficiency strategies, including district-wide utility systems, and on-site renewable energy to reduce energy consumption.
Goal MS-16: Energy Security	
MS-16.2 —Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.	The project site is located adjacent to a PG&E substation. The project would also include on-site district-wide utility systems and a new utility corridor. Consolidation of utility services within the central utility plants would result in greater spatial efficiency by eliminating areas within individual buildings dedicated to facilities and services
MS-16.3 —Consider benefits and risks of alternative energy sources.	The project would consider the benefits and risks of alternative energy sources in pursuit of LEED ND Gold Certification.

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
Goal MS-18: Water Conservation	
<p>MS-18.1—Demonstrate environmental leadership by adopting citywide policies that encourage or require new and existing development to incorporate measures to reduce potable water demand and/or increase water efficiency in order to reduce the City’s need for imported water.</p>	<p>The project would potentially include district water reuse facility(s) that would treat wastewater, for beneficial reuse, producing recycled water for non-potable uses and thereby reducing the need for imported water; alternatively, recycled water could be supplied by the San José–Santa Clara Regional Wastewater Facility.</p>
<p>MS-18.3—Demonstrate environmental leadership by encouraging the creation and use of new technologies that reduce potable water demand and/or increase the efficiency of water use.</p>	<p>The project would potentially use recycled water for on-site use, thereby reducing the need for imported water.</p>
<p>MS-18.5—Reduce citywide per capita water consumption by 25% by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.</p>	<p>The project would incorporate water conservation strategies as part of its LEED ND Gold Certification.</p>
Goal MS-21: Community Forest	
<p>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.</p>	<p>The project would create approximately 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and a minimum 50-foot setback from riparian corridors. The project would provide various improvements to public areas such as sidewalk widening, plazas, and nearly 2,300 new trees.</p>
<p>MS-21.2—Provide appropriate resources to preserve, protect, and expand the City’s Community Forest.</p>	<p>The project would create approximately 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks.</p>
<p>MS-21.3—Ensure that San José’s Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.</p>	<p>The project would create approximately 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks.</p>
<p>MS-21.4—Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.</p>	<p>The project would create approximately 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks.</p>
<p>MS-21.6—As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.</p>	<p>The project would create approximately 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks.</p>
<p>MS-21.8—For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: avoid conflicts with nearby power lines; avoid potential conflicts between tree roots and developed areas; avoid use of invasive, non-native trees; remove existing invasive, non-native trees; incorporate native trees into urban plantings in order to provide food and cover for native wildlife species; plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.</p>	<p>The project would create approximately 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks.</p>

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
<p>MS-21.9—Where urban development occurs adjacent to natural plant communities (e.g., oak woodland, riparian forest), landscape plantings shall incorporate tree species native to the area and propagated from local sources (generally from within 5-10 miles and preferably from within the same watershed).</p>	<p>The City parks closest to the project site include Cahill Park, on West San Fernando Street just west of Diridon Station (about 500 feet west of the project site); Arena Green (a portion of Guadalupe River Park), immediately across West Santa Clara Street from the project site's easternmost extent (about 100 feet from the site); John P. McEnery Park, south of West San Fernando Street and immediately east of SR 87 from the site's easternmost extent (about 275 feet east of the project site); and portions of the linear Guadalupe River Park, which are as close as 600 feet east of the site. Connectivity and continuity to these existing parks were considered in the dedication of approximately 15 acres of parks and open space on the project site.</p>
<p>MS-21.10—Prohibit London plane trees from being planted in the Coyote Planning Area, which is located near the most significant stands of sycamore alluvial woodland in the City. Planting of this species is discouraged elsewhere, particularly near riparian areas. Prohibit holly-leaved oaks from being planted in areas containing stands of native oaks or in proximity to native oak woodland habitat.</p>	<p>Specific species of trees will be considered in the final design of the project, but are expected to be consistent with City policies for biological resources.</p>
<p>Goal IN-5: Solid Waste-Materials Recovery/Landfill</p>	
<p>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.</p>	<p>The project would be subject to and comply with the City of San José's local recycling and composting ordinances. Per Resolution 74077, the City of San José established a goal of reducing the amount to be landfilled by 75 percent by 2013 and zero waste by 2022. "Zero waste" is defined as landfilling no more than 10 percent of waste or recycling 90 percent.</p>
<p>IN-5.7—Promote the implementation of new technologies and practices to provide operational efficiencies, to reduce potential environmental impacts, and to minimize potential land use incompatibility.</p>	<p>The project would use a district systems approach to deliver resource efficiency across water, energy, and waste flows.</p>
<p>Goal CD-3: Connections</p>	
<p>CD-3.1—Promote development patterns that cause areas to function and provide connectivity as a whole rather than as individual developments.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods.</p>
<p>CD-3.2—Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods.</p>
<p>CD-3.3—Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods.</p>

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
<p>CD-3.4—Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>CD-3.6—Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>CD-3.7—Encourage development to maximize pedestrian, bicycle, and vehicular connections to adjacent existing and planned neighborhoods and community facilities. Use cul-de-sacs only when no current or future options exist to connect one area to another, or if such design would help preclude development from extending to areas where it is not planned.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>Goal H-4: Housing—Environmental Sustainability</p>	
<p>H-4.1—Implement green building principles in the design and construction of housing and related infrastructure, in conformance with the Green Building Goals and Policies in the <i>Envision General Plan</i> and in conformance with the City’s Green Building Ordinance.</p>	<p>The project would achieve LEED ND Gold Certification and comply with the City of San José’s New Construction Green Building Requirements.</p>
<p>H-4.2—Minimize housing’s contribution to greenhouse gas emissions, and locate housing, consistent with our City’s land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.</p>	<p>The project would achieve LEED ND Gold Certification and comply with the City of San José’s New Construction Green Building Requirements. The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project’s TDM plan would be included as a condition of approval for the project.</p>
<p>H-4.3—Encourage the development of higher residential densities in complete, mixed-use, walkable and bikeable communities to reduce energy use and greenhouse gas emissions.</p>	<p>The project would include up to 7.3 million gsf of office combined with up to 5,900 dwelling units and other retails, arts, and cultural spaces. This mixed-use development would reduce energy use and GHG emissions through LEED ND Gold Certification.</p>
<p>Goal LU-2: Growth Areas</p>	
<p>LU-2.1—Provide significant job and housing growth capacity within strategically identified “Growth Areas” in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.</p>	<p>The project would include up to 7.3 million gsf of office combined with up to 5,900 dwelling units and other retails, arts, and cultural spaces. The project site is also located in a Priority Development Area and Transit Priority Area. The project site is adjacent to Diridon Station, a central passenger rail hub that is served by Caltrain, ACE, VTA light rail, Amtrak Capitol Corridor, and Amtrak Coast Starlight. Additionally, Diridon Station is currently served by bus lines including local and express VTA bus lines, Monterey-Salinas Transit, Santa Cruz Metro, Amtrak Thruway Bus, Greyhound Lines, Megabus, and employer shuttles.</p>

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
LU-2.3 —To support the intensification of identified Growth Areas, and to achieve the various goals related to their development throughout the City, restrict new development on properties in non-Growth Areas.	The project site is located in a Priority Development Area and Transit Priority Area.
Goal LU-10: Efficient Use of Residential and Mixed-Use Lands	
LU-10.1 —Develop land use plans and implementation tools that result in the construction of mixed-use development in appropriate places throughout the City as a means to establish walkable, complete communities.	The project site is located in a Priority Development Area and Transit Priority Area.
LU-10.2 —Distribute higher residential densities throughout our city in identified growth areas and facilitate the development of residences in mixed-use development within these growth areas.	The project would include up to 5,900 dwelling units in a Priority Development Area.
LU-10.3 —Develop residentially and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.	The project site is located in a Priority Development Area and Transit Priority Area. The project site is adjacent to Diridon Station, a central passenger rail hub that is served by Caltrain, ACE, VTA light rail, Amtrak Capitol Corridor, and Amtrak Coast Starlight. Additionally, Diridon Station is currently served by bus lines including local and express VTA bus lines, Monterey-Salinas Transit, Santa Cruz Metro, Amtrak Thruway Bus, Greyhound Lines, Megabus, and employer shuttles. The program development would place a mix of land uses including residential, office, and retail uses in close proximity, thereby reducing the number of VMT and trips.
LU-10.4 —Within identified growth areas, develop residential projects at densities sufficient to support neighborhood retail in walkable, main street type development.	The project would include up to 5,900 dwelling units in a Priority Development Area. The local street network would be changed to improve circulation for all modes of transportation within the project site.
LU-10.5 —Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.	The project would include up to 7.3 million gsf of office combined with up to 5,900 dwelling units and other retails, arts, and cultural spaces in a mixed-use development.
LU-10.6 —In identified growth areas, do not approve decreases in residential density through zoning change or development entitlement applications or through General Plan amendments.	The project would not decrease, and rather would increase, residential density.
LU-10.7 —Encourage consolidation of parcels to promote mixed-use and high density development at locations identified in the Land use / Transportation Diagram.	The project would include up to 7.3 million gsf of office combined with up to 5,900 dwelling units and other retails, arts, and cultural spaces in a mixed-use development.
LU-10.8 —Encourage the location of schools, private community gathering facilities, and other public/quasi-public uses within or adjacent to Urban Villages and other growth areas and encourage these uses to be developed in an urban form and in a mixed-use configuration.	The project would concentrate growth by including up to 7.3 million gsf of office combined with up to 5,900 dwelling units and other retails, arts, and cultural spaces in a mixed-use development. The active use spaces may include daycare facilities, educational facilities, restaurants, and open spaces for community gatherings.
Goal TR-1: Balanced Transportation System	
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.	The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project’s TDM plan is proposed as mitigation and would be included as a condition of approval for the project.

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
<p>TR-1.2—Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.</p>	<p>The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project’s TDM plan is proposed as mitigation and would be included as a condition of approval for the project.</p>
<p>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. [See Table TR-1: Commute Mode Split Targets for 2040 in the General Plan.]</p>	<p>The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project’s TDM plan is proposed as mitigation and would be included as a condition of approval for the project.</p>
<p>TR-1.7—Require that private streets be designed, constructed and maintained to provide safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>TR-1.8—Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p> <p>The applicant has been coordinating with the lead agency and other public agencies as necessary throughout the development of the project.</p>
<p>TR-1.10—Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the Functional Classification Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the Functional Classification Diagram, may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>Goal TR-2: Walking and Bicycling</p>	
<p>TR-2.1—Coordinate the planning and implementation of citywide bicycle and pedestrian facilities and supporting infrastructure. Give priority to bicycle and pedestrian safety and access improvements at street crossings (including proposed grade-separated crossings of freeways and other high vehicle volume roadways) and near areas with higher pedestrian concentrations (school, transit, shopping, hospital, and mixed-use areas).</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>TR-2.3—Construct crosswalks and sidewalks that are universally accessible and designed for use by people of all abilities.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
<p>TR-2.4—Encourage walking and bicycling and increase pedestrian and bicycle safety through education programs.</p>	<p>TDM strategies would include marketing (i.e., encouragement), and may include an on-site transportation coordinator and other technology-based services to encourage transit, walking, and biking.</p>
<p>TR-2.6—Require that all new traffic signal installations, existing traffic signal modifications, and projects included in San José’s Capital Improvement Plan include installation of bicycle detection devices where appropriate and feasible.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>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.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>TR-2.11—Prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access to a property or properties, or gated communities that do not provide through and publicly accessible bicycle and pedestrian connections. Pursue the development of new through bicycle connections in existing cul-de-sac areas where feasible.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>Goal TR-3: Maximize Use of Public Transit</p>	
<p>TR-3.2—Ensure that roadways designated as Grand Boulevards adequately accommodate transit vehicle circulation and transit stops. Prioritize bus mobility along Stevens Creek Boulevard, The Alameda, and other heavily traveled transit corridors.</p>	<p>The project site is located in a Priority Development Area and Transit Priority Area. The project site is adjacent to Diridon Station, a central passenger rail hub that is served by Caltrain, ACE, VTA light rail, Amtrak Capitol Corridor, and Amtrak Coast Starlight. Additionally, Diridon Station is currently served by bus lines including local and express VTA bus lines, Monterey-Salinas Transit, Santa Cruz Metro, Amtrak Thruway Bus, Greyhound Lines, Megabus, and employer shuttles.</p>
<p>TR-3.3—As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.</p>	<p>The project site is located in a Priority Development Area and Transit Priority Area. The project site is adjacent to Diridon Station, a central passenger rail hub that is served by Caltrain, ACE, VTA light rail, Amtrak Capitol Corridor, and Amtrak Coast Starlight. Additionally, Diridon Station is currently served by bus lines including local and express VTA bus lines, Monterey-Salinas Transit, Santa Cruz Metro, Amtrak Thruway Bus, Greyhound Lines, Megabus, and employer shuttles.</p>
<p>TR-3.4—Maintain and improve access to transit stops and stations for mobility-challenged population groups such as youth, the disabled, and seniors.</p>	<p>The project site is located in a Priority Development Area and Transit Priority Area. Design of the streetscape would be ADA compliant.</p>
<p>TR-3.5—Work with the Valley Transportation Authority (VTA) and other public transit providers to increase transit frequency and service along major corridors and to major destinations like Downtown and North San José.</p>	<p>The applicant has been coordinating with the lead agency and other public agencies as necessary throughout the development of the project.</p>
<p>TR-3.6—Collaborate with Caltrans and Santa Clara Valley Transportation Authority to prioritize transit mobility along the Grand Boulevards identified on the Growth Areas Diagram. Improvements could include installing transit signal priority, queue jump lanes at congested intersections, and/or exclusive bus lanes.</p>	<p>The applicant has been coordinating with the lead agency and other public agencies as necessary throughout the development of the project.</p>

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
<p>TR-3.7—Regularly collaborate with BART to coordinate planning efforts for the proposed BART extension to San José/Santa Clara with appropriate land use designations and transportation connections.</p>	<p>The applicant has been coordinating with the lead agency and other public agencies as necessary throughout the development of the project.</p>
<p>Goal TR-4: Passenger Rail Service</p>	
<p>TR-4.1—Support the development of amenities and land use and development types and intensities that increase daily ridership on the VTA, BART, Caltrain, ACE, and Amtrak California systems and provide positive fiscal, economic, and environmental benefits to the community.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
<p>Goal TR-7: Transportation Demand Management</p>	
<p>TR-7.1—Require large employers to develop and maintain TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies and other measures.</p>	<p>The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project’s TDM plan would be included as a condition of approval for the project.</p>
<p>Goal TR-8: Parking Strategies</p>	
<p>TR-8.1—Promote transit-oriented development with reduced parking requirements and promote amenities around appropriate transit hubs and stations to facilitate the use of available transit services.</p>	<p>The project site is located in a Priority Development Area and Transit Priority Area.</p>
<p>TR-8.2—Balance business viability and land resources by maintaining an adequate supply of parking to serve demand while avoiding excessive parking supply that encourages automobile use.</p>	<p>The applicant would prepare area-wide implementation plans for shared parking. The anticipated residential parking ratio of 0.4 spaces/unit and the proposed non-residential parking supply are below standard City and ITE requirements, but may be approved by the City subject to certain conditions (see Chapter 2, <i>Project Description</i>).</p>
<p>TR-8.3—Support using parking supply limitations and pricing as strategies to encourage use of non-automobile modes.</p>	<p>The applicant would prepare area-wide implementation plans for shared parking. The anticipated residential parking ratio of 0.4 spaces/unit and the non-residential parking supply are below standard City and ITE requirements, but may be approved by the City subject to certain conditions (see Chapter 2, <i>Project Description</i>).</p>
<p>TR-8.5—Promote participation in car share programs to minimize the need for parking spaces in new and existing development.</p>	<p>The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project’s TDM plan is proposed as mitigation and would be included as a condition of approval for the project.</p>
<p>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 Urban Villages and other Growth Areas.</p>	<p>The applicant would prepare area-wide implementation plans for shared parking. The anticipated residential parking ratio of 0.4 spaces/unit and the non-residential parking supply are below City and ITE requirements, but may be approved by the City subject to certain conditions (see Chapter 2, <i>Project Description</i>).</p>

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
Goal TR-9: Tier I Reduction of Vehicle Miles Traveled	
<p>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.</p>	<p>The project would include various improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods. The local street network would be changed to improve circulation for all modes of transportation within the project site.</p>
Goal TR-10: Tier II Reduction of Vehicle Miles Traveled	
<p>TR-10.1—Explore development of a program for implementation as part of Tier II, to require that parking spaces within new development in areas adjacent to transit and in all mixed-use projects be unbundled from rent or sale of the dwelling unit or building square footage.</p>	<p>The project site is located in a Priority Development Area and Transit Priority Area. Unbundled parking would be provided for all market-rate dwelling units.</p>
<p>TR-10.3—Encourage participation in car share programs for new development in identified growth areas.</p>	<p>The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project's TDM plan is proposed as mitigation and would be included as a condition of approval for the project.</p>
<p>TR-10.5—Work with employers in Tier II to monitor employer achievement of TDM program measures and explore incentives for successes and/or consider penalties for non-compliance.</p>	<p>The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project's TDM plan is proposed as mitigation and would be included as a condition of approval for the project. The mitigation measure (included as Mitigation Measure AQ-2h) includes penalties for non-compliance.</p>
Goal TN-2: Trails as Transportation	
<p>TN-2.1—Support off-street travel by interconnecting individual trail systems to each other and to regional trail systems.</p>	<p>The project would enhance local pedestrian circulation and improve bicycling linkages to Downtown, adjacent neighborhoods, and regional trails for residents and visitors.</p>
<p>TN-2.2—Provide direct, safe and convenient bicycle and pedestrian connections between the trail system and adjacent neighborhoods, schools, employment areas and shopping areas.</p>	<p>The project would enhance local pedestrian circulation and improve bicycling linkages to Downtown, adjacent neighborhoods, and regional trails for residents and visitors.</p>
<p>TR-2.7—Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location, in accordance with Policy PR-8.5. [PR-8.5—Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities. Encourage developers or property owners to enter into formal agreements with the City to maintain trails adjacent to their properties.]</p>	<p>The project would enhance local pedestrian circulation and improve bicycling linkages to Downtown, adjacent neighborhoods, and regional trails for residents and visitors. The project would create approximately 15 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks.</p>

**TABLE 3.6-12
 PROJECT CONSISTENCY WITH APPLICABLE ENVISION SAN JOSÉ 2040 GENERAL PLAN POLICIES**

Policy	Consistency Analysis
TR-2.8 —Coordinate and connect the trail system with the on-street bikeway system, and consider policies from the Circulation and the Parks, Trails, Open Space, and Recreation Amenities/Programs sections of this Plan to create a complete BikeWeb to serve the needs of San José’s diverse community.	The project would enhance local pedestrian circulation and improve bicycling linkages to Downtown, adjacent neighborhoods, and regional trails for residents and visitors.
NOTES: ACE = Altamont Corridor Express; BART = Bay Area Rapid Transit; City = City of San José; gsf = gross square feet; ITE = Institute of Transportation Engineers; LEED ND = Leadership in Energy and Environmental Design for Neighborhood Development; MW = megawatts; PG&E = Pacific Gas and Electric Company; PV = photovoltaic; SR = State Route; TDM = transportation demand management; VMT = vehicle miles traveled; VTA = Santa Clara Valley Transportation Authority SOURCE: City of San José, <i>Envision San José 2040 General Plan</i> , adopted November 1, 2011 (amended March 16, 2020). Available at https://www.sanjoseca.gov/home/showdocument?id=22359 . Accessed January 16, 2020.	

Consistency with Climate Smart San José

Table 3.6-13 presents the proposed project’s consistency with *Climate Smart San José*. Strategies that are not applicable to the project are not included in the table below. The project is consistent with the remaining strategies in Table 3.6-13 that are relevant to the project. In addition, the project is required to meet the “no new additional” GHG emissions standard though AB 900 as described above and also below. The “no new additional” GHG emissions requirement will result in greater reductions in GHG emissions than would be required under *Climate Smart San José* and related reduction goal. Thus it can be concluded that the project is consistent with *Climate Smart San José*, and by extension with the City’s 2020 GHG emissions target. As shown in the table, the proposed project would be consistent with *Climate Smart San José*, resulting in a **less-than-significant** impact.

**TABLE 3.6-13
 PROJECT CONSISTENCY WITH APPLICABLE CLIMATE SMART SAN JOSÉ STRATEGIES**

Strategy	Consistency Analysis
Pillar 1: A Sustainable & Climate Smart City	
Transition to a renewable energy future	The project would incorporate a 7.8 MW solar PV system.
Embrace the Californian climate by adopting sustainable patterns of water use	The potential district water reuse system would include a sanitary sewer collection network, water reuse facility(s), and non-potable recycled water distribution system. The water reuse system would serve non-potable uses, such as toilet flushing, irrigation, and cooling.
Pillar 2: A Vibrant City of Connected & Focused Growth	
Densify our city to proactively manage growth, increase active transportation, and reduce vehicle miles traveled	The project would include up to 7.3 million gsf of office combined with up to 5,900 dwelling units and other retails, arts, and cultural spaces in a mixed-use development. The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote the use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project’s TDM plan is proposed as mitigation and would be included as a condition of approval for the project.
Make homes efficient and affordable by increasing the number of zero net energy and all-electric homes	The project would achieve LEED ND Gold Certification. The project would promote energy conservation, would include solar PV, and would not use natural gas in residential buildings.

**TABLE 3.6-13
 PROJECT CONSISTENCY WITH APPLICABLE CLIMATE SMART SAN JOSÉ STRATEGIES**

Strategy	Consistency Analysis
Create clean, personalized mobility choices with vehicle electrification, ridesharing, and autonomous vehicles	<p>The project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote the use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project's TDM plan is proposed as mitigation and would be included as a condition of approval for the project.</p> <p>Consistent with the CALGreen Code, a minimum of 10 percent of total parking spaces would be designated as EV charging spaces, and with implementation of mitigation would provide charging infrastructure for a minimum of 15 percent of the total.</p>
Develop integrated, accessible public transport infrastructure	<p>While the project would not develop public transit directly, the project would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote the use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site.</p> <p>The project site is also located in a Priority Development Area and Transit Priority Area. The project site is adjacent to Diridon Station, a central passenger rail hub that is served by Caltrain, ACE, VTA light rail, Amtrak Capitol Corridor, and Amtrak Coast Starlight. Additionally, Diridon Station is currently served by bus lines including local and express VTA bus lines, Monterey-Salinas Transit, Santa Cruz Metro, Amtrak Thruway Bus, Greyhound Lines, Megabus, and employer shuttles.</p>
Pillar 3: An Economically Inclusive City of Opportunity	
Create local jobs in our city to reduce vehicle miles traveled	The project would directly generate tens of thousands of permanent jobs.
Improve our commercial building stock by making them high-performance	<p>The project would build up to 7.3 million gsf of office space and achieve LEED ND Gold Certification. All office buildings would also achieve LEED Gold. The project's LEED Gold commitments would promote energy conservation, water conservation, waste diversion, and environmental leadership through design aspects such as solar PV, public transit accessibility, and co-location of land uses that create a walkable network. The project allowance for natural gas usage in only 20,000 square feet of restaurant kitchen space is consistent with the strategy's push for building electrification and standardization of ZNE-ready commercial buildings. (This area is only 0.14% of the total land use program of 13.9 million gsf of space.)</p>
Make commercial goods movement clean and efficient	The project would include an on-site logistics center, thereby reducing trips and VMT to other distribution centers. The logistics center may use electric vehicles to transport goods.
<p>NOTES: ACE = Altamont Corridor Express; CALGreen Code = California Green Building Standards Code; EV = electric vehicle; gsf = gross square feet; LEED ND = Leadership in Energy and Environmental Design for Neighborhood Development; MW = megawatts; PV = photovoltaic; TDM = transportation demand management; VMT = vehicle miles traveled; VTA = Santa Clara Valley Transportation Authority</p> <p>SOURCE: City of San José, <i>Climate Smart San José</i>, 2018. Available at https://www.sanjoseca.gov/home/showdocument?id=32171.</p>	

Consistency with Assembly Bill 900

As discussed above in Section 3.6.2, *Regulatory Framework*, the project has been certified as an Environmental Leadership project in conformance with AB 900. The certification stipulates that the project applicant must fully offset the projected net increase in GHG emissions attributable to the proposed project through the acquisition of GHG offset credits. The GHG offset credits must be purchased on a prorated basis at the time each phase of the development is permitted by the City of San José. The City has committed to monitor and enforce the applicant's commitment that the project result in no net additional GHG emissions for the life of the obligation, including the extent to which the applicant relies on GHG offsets, as a condition of project approval. This commitment has been included as a mitigation measure, without which the impact would be **potentially significant**.

The ability of the proposed project to achieve no net additional emissions through conformance with AB 900 is consistent with guidance in the 2017 Scoping Plan Update. In the 2017 Scoping Plan Update, CARB recommends “that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions is an appropriate overall objective for new development.”⁸⁸ By achieving no net additional emissions, the proposed project would be much more efficient on average than existing development in San José, and far more efficient than what the Scoping Plan assumes for new development throughout the state. Thus, achieving no net additional GHG emissions through AB 900 would exceed the proposed project’s “fair share” of mitigation of GHG emissions as stipulated by the California Supreme Court in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (commonly referred to as “*Newhall Ranch*”) and in CARB’s 2017 *Scoping Plan-Identified VMT Reductions And Relationship To State Climate Goals* document.^{89,90}

Consistency with the 2017 Scoping Plan Update is an appropriate metric for determining the significance of a project’s GHG emissions. CEQA Guidelines Section 15064.4(b)(3) states that a lead agency “may consider a project’s consistency with the State’s long-term climate goals or strategies” when determining the significance of a project’s impacts. In *Newhall Ranch*, the California Supreme Court sanctioned the use of such a threshold. In *Newhall Ranch*, the Court held that assessing a project’s GHG impacts based on a significance threshold of “consistency with a GHG emission reduction plan” is legally permissible under CEQA. The court stated:

*Under these circumstances, evaluating the significance of a residential or mixed use project’s greenhouse gas emissions by their effect on the state’s efforts to meet its long-term goals makes at least as much sense as measuring them against an absolute numerical threshold. Using consistency with AB 32’s statewide goal for greenhouse gas reduction, rather than a numerical threshold, as a significance criterion is also consistent with the broad guidance provided by section 15064.4 of the CEQA Guidelines.*⁹¹

The court further concluded, “[t]o the extent a project incorporates efficiency and conservation measures sufficient to contribute its portion of the overall GHG reductions necessary, one can reasonably argue that the project’s impact is not cumulatively considerable, because it is helping

⁸⁸ California Air Resources Board, *California’s 2017 Climate Change Scoping Plan*, 2018. p. 101. Available at <https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>. Accessed May 2020.

⁸⁹ In *Newhall Ranch*, the court said, “Indeed, to proceed in this manner is consistent with CEQA’s “inherent recognition ... that if a plan is in place to address a cumulative problem, a new project’s incremental addition to the problem will not be ‘cumulatively considerable’ if it is consistent with the plan and is doing its fair share to achieve the plan’s goals.” (Addressing the Significance of Greenhouse Gas Emissions, supra, 4 Golden Gate U. Env’tl. L.J. at pp. 210–211.)”

⁹⁰ “It is reasonable for new development to achieve a fair share of per capita VMT and GHG emissions reductions necessary to achieve statewide climate goals and to continue to work towards additional VMT and GHG emissions reductions through other measures.” California Air Resources Board, *California Air Resources Board 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals*, January 2019. Available at <https://ww2.arb.ca.gov/resources/documents/carb-2017-scoping-plan-identified-vmt-reductions-and-relationship-state-climate>. Accessed August 2020.

⁹¹ *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 221. Available at <https://www.leagle.com/decision/incaco20151130023>. Accessed July 2020.

to solve the cumulative problem of GHG emissions as envisioned by California law.”⁹² In *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, the California Supreme Court of Appeal held that a qualitative analysis of consistency with state GHG reductions plans is adequate under CEQA, and that projects generating a large amount of GHG emissions may still be consistent with state and local GHG reduction plans.

The AB 900 requirement is consistent with the project applicant’s commitment to reduce project-generated emissions as much as possible. “No net additional” emissions would effectively result in zero GHG emissions for the proposed project. Accordingly, for the purposes of this EIR, consistency with AB 900 represents a threshold for the proposed project of no net additional GHG emissions. The City has identified this as appropriate given the unique nature of the proposed project and the available guidance. Because consistency with state targets as stipulated in the 2017 Scoping Plan Update is an appropriate metric for determining the significance of a project’s GHG emissions under CEQA, consistency of the proposed project with AB 900 would ensure that the project’s GHG emissions would be less than significant.

AB 900 requires the project applicant to reduce or offset the GHG emissions generated during construction and the project’s 30-year operational lifetime to no net additional emissions. This is documented in the project’s AB 900 application⁹³ and the CARB Determination dated December 19, 2019.⁹⁴ To ensure compliance with AB 900, and to ensure that the project meets the “no net additional” emissions requirement over time, **Mitigation Measure GR-2, Compliance with AB 900**, is required (see below). This mitigation measure is included to ensure that the project would achieve the “no net additional” standard established in the AB 900 certification. The measure would require the City to monitor and enforce the applicant’s commitment to secure GHG offsets through annual reporting. In addition, Mitigation Measure GR-2 would require the purchase of carbon offsets that are enforceable and verifiable and meet the following standards: real, additional, quantifiable, permanent, verified, and enforceable per Health and Safety Code Sections 38562(d)(1) and 38562(d)(2), 17 CCR 95973, and the CARB-approved registry offset protocols.

The project phasing and emission calculations have changed since December 2019, when the proposed project received AB 900 certification. New and more accurate information has become available regarding project construction and operations, including construction phasing and equipment activity data, allocations of land use totals by operational phase, project design features, transportation modeling, and air quality mitigation measures. Consequently, while the EIR’s estimate of project-related GHG emissions are similar to the GHG emissions identified in the AB 900 certification, they do not exactly match.

To the extent that the estimate of GHG emissions in this EIR (or as recalculated based on additional new information in the future) would render the agreed-upon schedule of GHG offset credits inadequate to achieve the “no net additional” emissions standard required by AB 900,

⁹² *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 220. Available at <https://www.leagle.com/decision/incaco20151130023>. Accessed July 2020.

⁹³ Environmental Science Associates, *Environmental Leadership Development Project Application Downtown West Mixed Use Plan in San José, California*, August 2019.

⁹⁴ Richard W. Corey, Executive Officer, California Air Resources Board, Letter to Kate Gordon regarding CARB AB 900 Determination, Director, Governor’s Office of Planning and Research, December 19, 2019.

Mitigation Measure GR-2 would require the final GHG offset payment to be larger than agreed to by CARB at the time of the AB 900 certification. In no instance would the offset payments be less than agreed to by CARB at the time of the AB 900 certification.

Consistency with SB 743 and the City of San José Transportation Analysis Policy

The proposed project would not exceed the thresholds of significance for VMT as recommended by OPR in its 2018 guidance and by the City of José's Transportation Analysis Policy. As described in the VMT analysis in Section 3.13, *Transportation*, the proposed project would have a less-than-significant impact on VMT because the proposed project would meet the following thresholds of significance, which are consistent with OPR's 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*⁹⁵ and the City of San Jose's CEQA Thresholds of Significance as adopted in the Transportation Analysis Policy. Specifically:

- VMT generated by the residential component of the proposed project would be less than 10.12 VMT per capita, and would thus be less than significant for the residential component of the proposed project.
- VMT generated by the office component of the proposed project would be less than 12.21 VMT per capita, and would thus be less than significant for the office component of the proposed project.
- VMT generated by the retail and hotel components of the proposed project would result in no net increase from regional total VMT, and would thus be less than significant for the retail and hotel components of the proposed project.

As described in Section 3.13, *Transportation*, all proposed project uses would meet the VMT reduction requirements under the City-adopted significance thresholds, which are consistent with SB 743 and would result in a **less-than-significant** impact.

Consistency with the California Air Resources Board's 2017 Scoping Plan Update

As directed by Executive Order B-30-15, CARB's 2017 Scoping Plan Update describes how the State plans to achieve the 2030 GHG emission reduction goal for California of 40 percent below 1990 levels by 2030, as mandated by SB 32. The strategy identified by the 2017 Scoping Plan Update for meeting the 2030 GHG target incorporates the full range of legislative actions and state-developed plans relevant to the year 2030: the LCFS, SB 350, the 2016 Mobile Source Strategy, the Sustainable Freight Action Plan, SB 1383, and the Cap-and-Trade Program (AB 398).

Without mitigation, the proposed project would potentially be inconsistent with the 2017 Scoping Plan Update, and therefore would have a **potentially significant** impact. Mitigation measures are therefore required to reduce this impact to a less-than-significant level.

The proposed project would be consistent with key state plans and regulatory requirements referenced in the 2017 Scoping Plan Update that are designed to reduce statewide emissions.

⁹⁵ Governor's Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts in CEQA*, 2018. Available at <http://opr.ca.gov/ceqa/updates/sb-743/>. Accessed May 2020.

According to the 2017 Scoping Plan Update, reductions needed to achieve the 2030 target are expected to be achieved by:

- Increasing the RPS to 50 percent of the state’s electricity by 2030;
- Greatly increasing the fuel economy of vehicles and the number of zero-emissions or hybrid vehicles;
- Reducing the rate of growth in VMT;
- Supporting high-speed rail and other alternative transportation options; and
- Increasing the use of high-efficiency appliances, water heaters, and HVAC systems.

The proposed project would not impede implementation of these potential reduction strategies identified by CARB. The project would benefit from efforts by the state and utility providers to increase the portion of electricity provided by renewable resources,⁹⁶ and from state efforts to increase vehicle fuel economy standards and reduce the carbon content of fuels. The proposed project would use energy-efficient appliances and equipment, as required by Title 24. In addition, EV charging stations would be provided to support the future use of electric and hybrid-electric vehicles by employees and visitors.

To demonstrate how a local jurisdiction can achieve its long-term GHG goals at the community plan level, the 2017 Scoping Plan Update recommends developing a geographically specific GHG reduction plan (i.e., climate action plan) consistent with CEQA Section 15183.5(b), that demonstrates how future projects will be consistent with the state’s 2030 GHG reduction target mandated by SB 32. As explained in Section 3.6.2, *Regulatory Setting*, the City of San José adopted the *Climate Smart San José* plan in 2018. This plan creates a measurable pathway to meeting the City’s GHG emissions reduction targets of 3.4 MMTCO_{2e} by 2030 and 1.1 MMTCO_{2e} by 2050 to be consistent with the state’s GHG reduction target established by SB 32 and Executive Order S-3-05, and the Paris Climate Agreement goals. The target is based on the City’s emissions profile across the land use and transportation sectors.

In addition, as described in Impact GR-1, the proposed project would meet the Downtown Strategy 2040 EIR’s efficiency metric thresholds for 2030 and 2040. These efficiency thresholds were derived using the recommendation in the 2017 Scoping Plan Update that local land use development contribute its “fair share” of emission reductions to the statewide GHG target for 2030 as sanctioned by the California Supreme Court in *Newhall Ranch* and by CARB.⁹⁷ The thresholds are also consistent with the Association of Environmental Professionals’

⁹⁶ As discussed previously, with the passage of SB 100, California’s RPS has been increased over what is prescribed by the 2017 Scoping Plan Update. Retail sellers and local publicly owned electric utilities must procure eligible renewable electricity for 44 percent of retail sales by the end of 2024, 52 percent by the end of 2027, and 60 percent by the end of 2030. In addition, CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by the end of 2045.

⁹⁷ California Air Resources Board, *California Air Resources Board 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals*, January 2019. Available at <https://ww2.arb.ca.gov/resources/documents/carb-2017-scoping-plan-identified-vmt-reductions-and-relationship-state-climate>. Accessed August 2020.

recommendation to use “Substantial Progress” thresholds for land use development to show consistency with statewide targets.

Further, as discussed above, the project would comply with AB 900, which requires that the applicant reduce or offset GHG emissions generated during construction and the project’s 30-year operational lifetime to pre-project levels, and achieve a “no net additional” emissions standard. By achieving no net additional emissions, the proposed project would be much more efficient on average than existing development in San José, and far more efficient than what the Scoping Plan assumes for new development throughout the state. Achieving no net additional GHG emissions through AB 900 would exceed the proposed project’s “fair share” of mitigation of GHG emissions. To ensure compliance with AB 900, Mitigation Measure GR-2 is required (see below).

Without a community-wide GHG Reduction Plan in place that meets the current requirements of CEQA Section 15183.5(b),⁹⁸ the City is following CARB’s advice “that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions is an appropriate overall objective for new development.”⁹⁹

The proposed project’s ability to achieve no net additional emissions, as described under Impact GR-2 through compliance with AB 900 and Mitigation Measure GR-2, is consistent with this guidance. The proposed project would be much more efficient on average than existing development in San José, and far more efficient than what the Scoping Plan assumes for new development throughout the state.

In addition, the proposed project is consistent with the 2017 Scoping Plan Update’s guidance on mitigation measures:

To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the project’s region that contribute potential air quality, health, and economic co-benefits locally. For example, on-site design features to be considered at the planning stage include land use and community design options that reduce VMT, promote transit oriented development, promote street design policies that prioritize transit, biking, and walking, and increase low carbon mobility choices, including improved access to viable and affordable public transportation, and active transportation opportunities.¹⁰⁰

⁹⁸ The current *Climate Smart San José* plan does not meet the requirements of CEQA Section 15183.5(b). However, the City’s *2030 Greenhouse Gas Reduction Strategy*, if adopted, would serve as a Qualified Climate Action Plan for the purposes of tiering under CEQA.

⁹⁹ California Air Resources Board, *California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target*, 2017. Available at https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed May 2020.

¹⁰⁰ California Air Resources Board, *California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target*, 2017. Available at https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed May 2020.

The following mitigation measures for the proposed project emphasize on-site measures that would reduce emissions:

- Mitigation Measure GR-2, Compliance with AB 900;
- Mitigation Measure AQ-2a, Construction Emissions Minimization Plan;
- Mitigation Measure AQ-2b, Construction Equipment Maintenance and Tuning;
- Mitigation Measure AQ-2c, Heavy-Duty Truck Model Year Requirement;
- Mitigation Measure AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators;
- Mitigation Measure AQ-2f, Operational Diesel Truck Emissions Reduction;
- Mitigation Measure AQ-2g, Electric Vehicle Charging; and
- Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program.

In addition, as described under *Project Design Features*, the proposed project's site plan would be designed to achieve at least a LEED ND Gold rating, which by nature would be accomplished through on-site measures that would reduce GHG emissions through more efficient use of energy, materials, and resources. All buildings would be fully electric with the exception of 20,000 square feet of commercial kitchen space, which would use natural gas. The proposed project would also incorporate on-site solar PV, EV charging, recycled water, and other sustainable features.

For these reasons described above, the proposed project post-2020 emissions trajectory would decline over time, consistent with the 2017 Scoping Plan Update, and the impact would be **less than significant**.

Consistency with Plan Bay Area 2040

Pursuant to SB 375, ABAG and the MTC adopted *Plan Bay Area 2040* to establish targets and strategies for meeting the region's needs for housing at all income levels, while reducing GHG emissions by private passenger cars and light-duty truck traffic. The core strategy of *Plan Bay Area 2040* is to encourage growth in existing communities along the existing transportation network, focusing new development in PDAs and TPAs in urbanized centers where more public transit and other mobility options are available to reduce the use of cars and light trucks. In addition to encouraging focused growth through significant transit and roadway performance investments, *Plan Bay Area 2040* directs funding to neighborhood active-transportation and complete-streets projects, climate initiatives, lifeline transportation and access initiatives, pedestrian and bicycle safety programs, and PDA planning.

The proposed project is consistent with *Plan Bay Area 2040* because it is located within a PDA and a TPA. In addition, as required by the TDM program and Mitigation Measure AQ-2h, the proposed project would implement programs to directly encourage more employees to shift from driving alone to other modes of travel. These programs would incentivize travel by non-automobile modes, such as by offering discounted transit tickets and preferential carpool parking, and through strategies offering disincentives for travel by automobile, such as market-rate parking pricing.

The proposed project's proposed strategy to specifically limit the parking supply would minimize automobile trips, resulting in a greater share of transit users. Many local and regional transit service options are available. Diridon Station provides access to Caltrain, Altamont Corridor Express (ACE), and Amtrak (Capitol Corridor and Coast Starlight) trains, and bus and light rail transit service operated by the Santa Clara Valley Transportation Authority provides many bus stops and routes within a 5- to 10-minute walk. In addition, several major transit plans would increase transit service in the area in the future including Caltrain Electrification, the Caltrain Business Plan, the Bay Area Rapid Transit (BART) Phase II extension to Diridon Station and Santa Clara, California High-Speed Rail, and possible proposed mixed-flow Bus Rapid Transit service along Santa Clara Street. For more details regarding the proposed project's VMT reduction analysis, see the impact analysis in Section 3.13, *Transportation*.

Consequently, the project is consistent with *Plan Bay Area 2040*, and the impact would be **less than significant**.

Though not required to reduce the impact to less-than-significant levels, the project would exceed the GHG reduction targets of *Plan Bay Area 2040* by:

- Reducing VMT by meeting the City of San José's CEQA thresholds of significance as adopted in the Transportation Analysis Policy;
- Reducing GHG emissions well below the efficiency metric targets of the Downtown Strategy 2040 EIR of 2.6 MTCO₂e/year/SP by 2030 and 1.7 MTCO₂e/year/SP for 2040; and
- Achieving "no net additional" GHG emissions pursuant to AB 900 and through implementation of Mitigation Measure GR-2.

Consistency with Executive Order S-3-05

Executive Order No. S-3-05 established a long-term goal of reducing California's GHG emissions to 80 percent below the 1990 level by the year 2050. The proposed project's GHG emissions would decline from its first operational year in 2025 through at least 2050 as a result of continued regulatory and technological advancements. The extent to which mobile-source GHG emissions indirectly attributed to the proposed project would change in the future depends on the quantity (e.g., number of vehicles, average daily mileage) and quality (i.e., carbon content) of fuel that would be available and required to meet both regulatory standards and the needs of residents and workers.

Renewable power requirements, the LCFS, and vehicle emissions standards discussed above will all decrease GHG emissions per unit of energy delivered or per VMT. The technological advancements that could be anticipated over the next 30 years are uncertain and the parameters of the regulatory framework in 2050 are unknown; therefore, further quantitative analysis of the proposed project's impacts relative to the 2050 target would be speculative. CEQA Guidelines Section 15145 directs that "[i]f, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

Even though the state has not provided a clear regulatory and technological roadmap for achieving the 2050 goal, it has demonstrated the potential pace at which emission reductions can be achieved through new regulations, technology deployments, and market developments. In developing the 2017 Scoping Plan Update, CARB, the CEC, the CPUC, and the California Independent System Operator commissioned a study to evaluate the feasibility and cost of meeting the 2030 target along the way to reaching the state goal of reducing GHG emissions to 80 percent below 1990 levels by 2050. With input from the agencies, the California State Agencies' PATHWAYS Project explores scenarios for meeting the state's long-term GHG emissions targets, encompassing the entire California economy with detailed representations of the buildings, industry, transportation, and electricity sectors.¹⁰¹

While acknowledging the inherent uncertainty associated with its modeling assumptions, the PATHWAYS study emphasizes the need for significant action and continued policy development by the state to support low-carbon technologies and markets for energy efficiency, building electrification, renewable electricity, ZEVs, and renewable liquid fuels. The study underscores the need for a periodic review of state policies and programs for reducing GHG emissions, as was anticipated by AB 32 in its directive to update the Scoping Plan at least every 5 years.

A 2018 update to the PATHWAYS study advanced the understanding of what technology must be deployed and what other GHG mitigation strategies must be implemented if California is to meet its long-term climate goals. The 2018 study concludes that to achieve high levels of consumer adoption of zero-carbon technologies, particularly of electric vehicles and energy efficiency and electric heat in buildings, a market transformation is needed to reduce the capital cost and to increase the range of options available. This market transformation can be facilitated by:

- Higher carbon prices (which can be created by the Cap-and-Trade and LCFS programs);
- Codes and standards, regulations, and direct incentives to reduce the up-front cost to the customer; and
- Business and policy innovations to make zero-carbon technology options the cheaper, preferred solutions compared to fossil-fueled alternatives.¹⁰²

The California Supreme Court in *Cleveland National Forest Foundation, et al v. San Diego Association of Governments* ([2017] 3 Cal.5th 497, Supreme Court Case No. 5223603), upheld the approach in the San Diego Association of Governments' EIR of not determining project impacts for 2050 based on the Executive Order S-3-05 goal for 2050. The court noted that “the [Executive Order S-3-05] lacks the force of a legal mandate binding on SANDAG [San Diego Association of Governments] in the preparation of its EIR” and that the EIR was not required to “explicitly engage in an analysis of the consistency of projected 2050 emissions” with Executive Order S-3-05. Therefore, determining impacts based on the proposed project's consistency with

¹⁰¹ Energy + Environmental Economics (E3), *Summary of the California State Agencies' PATHWAYS Project: Long-term Greenhouse Gas Reduction Scenarios*, 2015. Available at https://www.ethree.com/public_proceedings/summary-california-state-agencies-pathways-project-long-term-greenhouse-gas-reduction-scenarios/. Accessed in May 2020.

¹⁰² Energy + Environmental Economics (E3), *Deep Decarbonization in a High Renewables Future. Updated Results from the California PATHWAYS Model*, 2018. Available at https://www.ethree.com/wp-content/uploads/2018/06/Deep_Decarbonization_in_a_High_Renewables_Future_CEC-500-2018-012-1.pdf. Accessed in May 2020.

Executive Order S-3-05 is not required under CEQA. Such a determination is presented here to inform decision makers and the public.

Statewide efforts are underway to facilitate achievement of the Executive Order S-3-05 goals. It is reasonable to expect the proposed project's GHG emissions to decline over time, as the regulatory initiatives identified by CARB in the 2017 Scoping Plan Update are implemented, and as other technological innovations occur. Given the reasonably anticipated decline in proposed project emissions, the proposed project would not conflict with or frustrate the ability of the state to achieve the 2050 horizon-year goal of Executive Order S-3-05, and the impact would be **less than significant**.

Consistency with the Advanced Clean Cars Initiative and the State's Zero-Emission Vehicles Mandate

State goals for ZEVs are expressed in the Advanced Clean Cars Initiative and the ZEV mandate established by Executive Order B-16-1, which sets a target of reaching 1.5 million ZEVs (meaning battery electric vehicles and fuel cell electric vehicles) and plug-in hybrid electric vehicles on California's roadways by 2025. Without mitigation, the proposed project would potentially be inconsistent with the State's ZEV mandate, and therefore would have a **potentially significant** impact.

According to EMFAC2017, which incorporates the state's ZEV mandate, there will be approximately 31,700,000 passenger cars and light trucks on the road in California by 2030, at which time 1.5 million ZEVs will constitute approximately 4.7 percent of all vehicles.¹⁰³ The more aggressive Mobile Source Strategy, included in the 2017 Scoping Plan Update as a component of the overall strategy for achieving the 2030 GHG target, calls for 4.2 million ZEVs on the road by 2030, equivalent to about 13.2 percent of passenger vehicles + light-duty trucks.

The proposed project would be consistent with the state's ZEV mandate by providing a minimum of 15 percent of on-site parking spaces with EV charging capability as required by Mitigation Measure AQ-2g, Electric Vehicle Charging (refer to Section 3.1, *Air Quality*)., Therefore, with implementation of Mitigation Measure AQ-2g, the impact would be reduced to **less-than-significant**.

Mitigation Measures

The project applicant would implement the following mitigation measures to reduce the potentially significant impact related to project consistency with AB 900, the CARB's 2017 Scoping Plan Update, and the State's Zero-Emission Vehicles Mandate, to a less-than-significant level.

Mitigation Measure AQ-2a: Construction Emissions Minimization Plan (refer to Impact AQ-2)

¹⁰³ EMFAC2017 estimates the future percentage of the state's ZEVs based on compliance with the State of California's ZEV mandate. EMFAC2017's forecasted ZEV population for 2030 is approximately 3.6 percent of all passenger and light-duty vehicles, but the 3.6 percent figure represents the equivalent percentage of all vehicles operating as a pure ZEV (e.g., 100 percent battery electric), whereas the actual population would include plug-in hybrid electric vehicles that operate partially on fossil fuels.

Mitigation Measure AQ-2b: Construction Equipment Maintenance and Tuning
(refer to Impact AQ-2)

Mitigation Measure AQ-2c: Heavy-Duty Truck Model Year Requirement (refer to Impact AQ-2)

Mitigation Measure AQ-2e: Best Available Emissions Controls for Stationary Emergency Generators (refer to Impact AQ-2)

Mitigation Measure AQ-2f: Diesel Truck Emissions Reduction (refer to Impact AQ-2)

Mitigation Measure AQ-2g: Electric Vehicle Charging (refer to Impact AQ-2)

Mitigation Measure AQ-2h: Enhanced Transportation Demand Management Program (refer to Impact AQ-2)

Mitigation Measure GR-2: Compliance with AB 900

Prior to the City’s first design Conformance Review for the first new construction building or buildings, the project applicant shall submit a plan documenting the project’s proposed GHG emissions reductions and schedule for compliance with AB 900 to the Director of Planning, Building and Code Enforcement or the Director’s designee. The plan shall:

- Quantify project construction for all phases and operational GHG emissions for the life of the project (defined as 30 years of operation);
- Specify the project features and project-specific emission reduction strategies that shall be implemented during construction and operation of the project; and
- Contain the schedule of GHG offset purchases required as part of the AB 900 certification process to comply with the “no net additional” requirement of Public Resources Code Section 21183(c).

With funding from the project applicant, the City shall retain the services of a third-party expert who meets or exceeds the following level of experience and qualifications to assist with the City’s annual review of the GHG plan: an expert GHG emissions verifier accredited by the ANSI National Accreditation Board (ANAB) Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB.

Emission Reductions: At a minimum, project features and project-specific emission reduction strategies shall include the following measures. These measures reflect commitments by the applicant and specific mitigation measures incorporated to reduce air pollutant emissions as described in Section 3.1, *Air Quality*:

1. Achieve LEED ND Gold Certification and LEED Gold for all office buildings.
2. Implement a transportation demand management program to achieve a minimum non–single occupancy vehicle rate of 50 percent for office uses, assuming current transit service levels. The non–single occupancy vehicle rate shall increase to 60 percent for office uses following implementation of the Caltrain Business Plan and to 65 percent for office uses following the start of BART service.
3. Install EV charging equipment on 15 percent or more of all parking spaces at the project site.

4. Design and operate buildings with all-electric utilities (no on-site fossil fuels consumed to provide cooling, heating, cooking, water heating, etc.), with the exception of a total of 20,000 square feet of restaurant kitchens that may be equipped with natural gas for food preparation purposes.
5. Install and operate on-site a solar photovoltaic system generating at least 7.8 MW.
6. Use recycled water for all non-potable water demand.
7. Use electric off-road equipment for construction, including for all concrete/ industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, pumps, pressure washers, and 50 percent of all cement and mortar mixers. Power portable equipment by grid electricity instead of diesel generators.
8. Meet or exceed all applicable building code requirements and standards, including the CALGreen and San José Reach Codes, and meet or exceed ASHRAE 2019 energy efficiency standards.

GHG Offset Credits: The project applicant’s plan shall describe the schedule for the purchase of GHG offset credits sufficient to offset the balance of the project’s GHG emissions for the life of the project consistent with the CARB Determination dated December 19, 2019. As detailed in the CARB Determination, the project applicant’s purchases of GHG offsets shall coincide with the phases defined in the AB 900 analysis:

AB 900 Phasing	Total GHG Emissions (MTCO ₂ e)		
	Construction	Net Operational	Net Combined
Phase 1	54,663	494,359	549,022
Phase 2	55,431	523,451	578,882
Phase 3	47,153	438,704	485,857
Total	157,247	1,456,514	1,613,761

SOURCE: CARB Executive Order G-19-154, *Downtown Mixed Use Plan AB 900 Application and Supporting Documentation*, Attachment 2, p. 10, Table 2 (construction), and Attachment 1, pp. 11–12, Table 4.

As documented in the CARB Determination, the project applicant shall purchase GHG offset credits necessary to offset construction-generated emissions on a prorated basis before obtaining the first building permit in each phase of construction, for a total of three offset payments over three construction phases. The project applicant shall purchase GHG offset credits necessary to offset the cumulative net increase in operational emissions over the life of the project on a pro-rated basis before the City issues the final Certificate of Occupancy for the first building in each phase of construction, for a total of three offset payments over three construction phases.

To enable the City to monitor and enforce this requirement, the project applicant’s plan shall identify the amount of construction and square footage of development associated with the GHG emissions anticipated for each phase. Any building that would cause emissions to exceed the projected 30-year net additional construction or operational emissions associated with a particular phase shall be considered to be in the next phase. At this point, the project applicant would have to purchase the next installment of AB 900 credits for the associated phase before the final Certificate of Occupancy is issued for this building (see below for more detail).

To account for potential future changes in phasing and project buildout, the project applicant shall purchase carbon credits for each of the three construction phases and three operational phases as follows.

- **Construction—Phase 1:** Before obtaining the first building permit for construction, the project applicant shall purchase the first installment of GHG offset credits for construction as presented in the table above and in the CARB Determination.
- **Construction—Phase 2:** Before obtaining the first building permit in Phase 2 of construction (i.e., the building permit for the first building that would cause construction emissions to exceed 54,663 MTCO_{2e}), the project applicant shall purchase GHG offset credits for construction as presented in the table above and in the CARB Determination.
- **Construction—Phase 3:** Before obtaining the first building permit in Phase 3 of construction (i.e., the building permit for the first building that would cause total construction emissions to exceed 110,094 MTCO_{2e}, which is the total of Phase 1 and Phase 2, as defined by the CARB Determination), the project applicant shall purchase the third installment of GHG offset credits for construction as presented in the table above.
- **Operations—Phase 1:** Before the City issues the final Certificate of Occupancy for the first building in Phase 1, the project applicant shall purchase the first installment of GHG offset credits for operations as presented in the table above and in the CARB Determination.
- **Operations—Phase 2:** Before the City issues the final Certificate of Occupancy for the first building in Phase 2 (i.e., the building permit for the first building that would cause projected 30-year net additional operational emissions to exceed 494,359 MTCO_{2e}), the project applicant shall purchase the second installment of GHG offset credits for operations as presented in the table above and in the CARB Determination.
- **Operations—Phase 3:** Before the City issues the final Certificate of Occupancy for the first building in Phase 3 (i.e., the building permit for the first building that would cause total projected 30-year net additional operational emissions to exceed 1,017,810 MTCO_{2e}, the total of Phase 1 and Phase 2 as defined by the CARB Determination), the project applicant shall purchase the third installment of GHG offset credits for operations as presented in the table above. The applicant shall increase the GHG offset purchase if needed to offset additional GHG emissions from project-lifetime construction and operations beyond the total GHG offsets required at the time of CARB’s Determination, as calculated in the plan.

As described in the CARB Determination, all GHG offset credits shall be purchased from the following CARB-accredited carbon registries: the American Climate Registry, Climate Action Reserve, and Verra (formerly Verified Carbon Standard). The GHG offset credits shall be verifiable by the City and enforceable in accordance with the registry’s applicable standards, practices, or protocols. The GHG offsets must substantively satisfy all six of the statutory “environmental integrity” requirements applicable to the CARB Cap-and-Trade Program, generally as set forth in both subdivisions (d)(1) and (d)(2) of California Health and Safety Code §38562: real,

additional, quantifiable, permanent, verifiable, and enforceable. To be eligible to be used to meet this Mitigation Measure, offset credits must be generated and verified in accordance with published protocols and other applicable standards which can demonstrate to the satisfaction of the City’s verifier that all six of these environmental integrity requirements are substantively satisfied. All offset credits shall be verified by an independent verifier who meets stringent levels of professional qualification (i.e., ANAB Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB), or an expert with equivalent qualifications to the extent necessary to assist with the verification). Without limiting the generality of the foregoing, in the event that an approved registry becomes no longer accredited by CARB and the offset credits cannot be transferred to another accredited registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable protocol or other applicable standards including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.

The project applicant shall utilize the purchase and retirement of GHG offset credits generated from projects within the United States of America. In the unlikely event that an approved registry becomes no longer approved by CARB and the offset credits cannot be transferred to another CARB-approved registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable Protocol, Standard or Methodology, including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.

Reporting and Enforcement: On an annual basis, by March 1 of each year, the project applicant shall submit a letter to the Director of Planning, Building and Code Enforcement or the Director’s designee confirming implementation of the emission reduction strategies listed in the AB 900 compliance plan. The letter shall also identify any changes or additions to the plan, including any recalculation of project emissions based on new information, incorporation of additional strategies, or changes in technology. If changes or additions to the plan are proposed, these shall be subject to review and approval by the Director of Planning, Building and Code Enforcement or the Director’s designee, and the City’s third-party expert as noted above, within 30 days.

In addition, before the City issues the final Certificate of Occupancy for the first building constructed in each phase, as the phases were defined at the time of CARB’s certification and as laid out in the project applicant’s plan, the applicant shall provide copies of GHG offset contracts demonstrating required purchases to the Director of the City of San José Department of Planning, Building and Code Enforcement, or the Director’s designee, and to CARB and the Governor’s Office of Planning and Research. This will serve as documentation to fully enforce the provision that the project result in no net additional GHG emissions for the life of the obligation.

Mitigation Measure Effectiveness

While emission calculations and the methods for these calculations differ between AB 900 and the EIR, Mitigation Measure GR-2 would ensure that the project would achieve the “no net additional” emissions standard established in AB 900, effectively resulting in zero net additional emissions. This is defined as the project’s 30-year lifetime construction plus operational net new GHG emissions, compared to emissions associated with existing land uses that would be removed with the project over the lifetime of the project. This is a clear, quantitative performance standard.

Mitigation Measure GR-2 requires the project applicant to meet this standard through project features and project-specific emission reduction strategies, along with GHG offset credits purchased through a CARB-accredited carbon registry.

The project applicant must demonstrate achievement of this performance standard by submitting an annual report to the City and by submitting copies of GHG offset credit contracts. Also, if total lifetime project emissions from operations and construction were to exceed the total estimated at the time of CARB's determination, the applicant would offset the additional emissions when the City issues the final Certificate of Occupancy for the first building in Phase 3, as the phases were defined at the time of CARB's certification, to achieve the "no net additional" requirement of AB 900. The modeling conducted for both AB 900 and this EIR are highly conservative and likely overestimate emissions, due predominantly to conservative assumptions about the project's construction and operational activities that generate emissions, and also because the models used in the analysis do not incorporate a number of regulations, legislation, and technology improvements that are either already adopted or approved, are proposed to be adopted, or are likely to occur in the future.¹⁰⁴

Consequently, after implementation of Mitigation Measure GR-2, the project's net additional emissions would be zero, meeting the requirement of AB 900, and the impact would be **less than significant with mitigation incorporated**.

Significance after Mitigation: Less than significant. After the purchase of GHG offset credits as indicated in Mitigation Measure GR-2, the project would result in no net additional emissions. Further, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and the impact would be **less than significant with mitigation**.

Cumulative Impacts

Because GHG emissions do not recognize political boundaries, there is no pre-determined geographic area for cumulative impacts related to GHG emissions. Past, present, and future development projects contribute to global GHG emissions. In addition, as explained above, GHG emissions effects are inherently cumulative. As explained by BAAQMD:

Similar to regulated air pollutants, GHG emissions and global climate change also represent cumulative impacts. GHG emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. Climate change impacts may include an increase in extreme heat days, higher concentrations of air pollutants, sea level rise, impacts to water supply and water quality, public health impacts, impacts to ecosystems, impacts to agriculture, and

¹⁰⁴ Specific approved regulatory requirements not accounted for in the modeling include, but are not limited to, CARB's Zero-Emission Vehicle Program (Executive Order B-16-2012), CARB's Advanced Clean Trucks (ACT) regulation, Caltrans / CARB California Sustainable Freight Action Plan, California's carbon neutral goal by 2045 (Executive Order B-55-18), and AB 630 / CARB's Clean Cars 4 All program. Regulations and legislation proposed but not accounted for in the modeling include, but are not limited to, CARB's 2020 Mobile Source Strategy, CARB's Zero Emission TRU rule, CARB's Alternative Diesel Fuels (ADF) regulation, future updates to Title 24 energy efficiency standards, and CARB's Heavy-Duty Omnibus Regulation.

*other environmental impacts. No single project could generate enough GHG emissions to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts.*¹⁰⁵

Accordingly, if a project is determined to have a significant GHG impact, the impact is cumulatively considerable. As discussed under Impact GR-1, the proposed project would not result in significant GHG impacts. The project, therefore, would not make a cumulatively considerable contribution to a significant cumulative GHG impact.

As discussed under Impact GR-2, the proposed project would not conflict or obstruct a state or local plan, policy, or regulation for GHGs with implementation of Mitigation Measure GR-2 to ensure consistency with the requirements of AB 900. The project is consistent with the General Plan, the *Climate Smart San José* plan, SB 743 and the City of San José Transportation Analysis Policy, CARB's 2017 Climate Change Scoping Plan Update, *Plan Bay Area 2040*, Executive Order S-3-05, and the Advanced Clean Cars Initiative and the State's Zero-Emission Vehicles Mandate. Multiple project design features have been incorporated to minimize GHG emissions during construction and operation. The project benefits from close proximity to transit and Diridon Station, and would implement LEED ND Gold, LEED Gold office buildings, a TDM program, and other design features and mitigation measures to reduce GHG emissions.

Based on the foregoing, the project's cumulative impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures

Mitigation Measure GR-2, Compliance with AB 900 and Mitigation Measures AQ2a-AQ2c and AQ-2e-AQ 2h (refer to Impact GR-2).

Significance after Mitigation: Less than significant. After implementation of Mitigation Measure GR-2, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and the project's incremental contribution to an increase in GHG emissions and impact on global climate change would be **less than significant with mitigation**.

¹⁰⁵ Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, 2017. Available at [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en). Accessed January 13, 2020.

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