

First Amendment to the Draft Environmental Impact Report Block 8 Mixed Use Office SCH# 2020029063, H19-033



Prepared by



In Consultation with



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SECTION 1.0 INTRODUCTION

This 1st Amendment to the Draft EIR document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the Block 8 Mixed Use Office project.

1.1 PURPOSE OF THE FINAL EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, the Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City of San José in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The Final EIR reflects the lead agency's independent judgment and analysis.

1.2 CONTENTS OF THE FINAL EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

1.3 PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review on the City's website: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/block-8-office-project>.¹

¹ In response to the COVID-19 and Shelter-in-Place policy, hard copies are no longer available at the typical locations, such as City Hall and Dr. Martin Luther King Jr. Main Library in Downtown San José. Therefore, if requested, a hard copy was mailed.

SECTION 2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the Block 8 Mixed Use Office project, dated November 2020, was circulated to affected public agencies and interested parties for a 45-day review period from November 23, 2020 through January 11, 2021. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of Draft EIR was published on the City's website (www.sanjoseca.gov/activeeirs) and in the San José Mercury News;
- Notification of the Availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was delivered to the State Clearinghouse on November 23, 2020, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft EIR were made available on the City's website at www.sanjoseca.gov/activeeirs and the State Office of Planning and Research website at <https://ceqanet.opr.ca.gov/2003042127/22>.

SECTION 3.0 DRAFT EIR RECIPIENTS

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The Notice of Availability (NOA) for the Draft EIR was sent to owners and occupants adjacent to the project site and to adjacent jurisdictions, including members of the public who had indicated interest in the project. The following agencies received a copy of the Draft EIR or NOA from the City or via the State Clearinghouse:

- Bay Area Air Quality Management District
- California Air Resource Board
- California Department of Conservation
- California Department of Fish and Wildlife, Bay Delta Region 3
- California Department of Transportation, District 4
- California Department of Transportation, Division of Transportation Planning
- California Highway Patrol
- California Native American Heritage Commission
- California Public Utilities Commission
- California Regional Water Quality Control Board, San Francisco Bay Region 2
- California State Lands Commission
- Department of Toxic Substances Control
- Office of Historic Preservation

SECTION 4.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of San José on the Draft EIR. Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of San José are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below.

<u>Comment Letter and Commenter</u>	<u>Page of Response</u>
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A. Santa Clara Valley Transportation Authority (dated January 8, 2021)	6
B. Valley Water (dated January 6, 2021)	7
Organizations, Businesses, and Individuals	10
C. Pacific Gas & Electric Company (PG&E) (dated November 25, 2020)	10

GOVERNMENT AGENCIES

A. Santa Clara Valley Transportation Authority (dated January 8, 2021)

Comment A.1: VTA appreciates the opportunity to comment on the Draft EIR/Initial Study for the Block 8 Project. VTA has reviewed the document and has the following comments:

Pedestrian Accommodations

VTA recommends directional ADA ramps be provided at the northeast corner of West San Carlos Street and Market Street intersection. Directional ADA ramps are shown in Figure 13 of the Initial Study Appendix G Local Transportation Analysis report. Directional ramps enhance the pedestrian experience and are required by the City of San Jose's Complete Street Guidelines. This improvement should be designed to not interfere with the Overhead Catenary System tension pole at the northeast corner of the intersection.

Response A.1: As described on page 178 of the Initial Study in Appendix A of the Draft EIR, independent of the proposed project, the City of San José proposes to install a half bulb-out at the northeast corner of the Market Street/San Carlos Street intersection, upgrade existing curb ramps, and make other intersection improvements. The City of San José proposes to upgrade the existing curb ramps to directional ramps that are ADA compliant. As noted in the Local Transportation Analysis included in Appendix G of the Initial Study, the proposed project may be required to construct the intersection improvements or pay a fair-share contribution towards their construction. The City will coordinate with the Santa Clara Valley Transportation Authority (VTA) to ensure the improvements do not interfere with the overhead catenary system tension pole at the northeast corner of the intersection. This comment does not address an issue of sufficiency of the EIR and no new mitigation measures are required.

Comment A.2: Bicycle Accommodations

VTA appreciates the inclusion of a long-term bicycle parking room in the proposed project. Bicycle rooms should only have access through indoor corridors/lobbies to reduce the risk of theft. Although not shown in the site plans shared in the DEIR, Appendix G states, "The site plan indicates that bicycle parking will be located within a dedicated storage room at ground level and will be easily accessible from sidewalks along the First Street project frontage."

VTA recommends that all doors used to access the bike room should utilize ADA-compliant kick plates that allow for bicyclists to easily open doors and maneuver their bikes into and out of the room. VTA strongly recommends the room include extra floor space or larger bike racks for recumbent bikes, bikes with trailers, or other non-standard bicycles that may not fit on standard racks.

Response A.2: This comment does not address an issue of sufficiency of the EIR, but rather makes a design request. During the final design of the project, the applicant and City shall consider the recommendations in the above comment regarding bicycle parking access, storage area, and bike rack size.

Comment A.3: Bus Stop Improvements

VTA has an existing bus stop on the project frontage on westbound West San Carlos Street before Market Street and recommends the following improvements

- Replace existing bench with a VTA standard metal bench (see attached).
- Place trees and landscaping outside of the bus stop area. VTA's initial site plan comments in August 2019 noted this request.

VTA would like the opportunity to review updated site plans to ensure the placement of driveways, landscaping, and any other features do not conflict with bus operations. VTA's Transit Passenger Environment Plan provides design guidelines for bus stops. This document can be downloaded at <https://www.vta.org/projects/transit-passenger-environment-plan>. VTA has a Bus Stop Placement, Closures, and Relocations Policy. Prior to any construction or bus stop impact, please contact bus.stop@vta.org.

Response A.3: The VTA's Better Bus Stops Program identifies existing bus stops in the VTA's network for improvement. The existing bus stop on West San Carlos Street before Market Street referenced in the above comment is not on VTA's 2021 Better Bus Stops Potential Projects List for improvement (available at: <https://www.vta.org/projects/2021-better-bus-stops#:~:text=In%202020%2C%20VTA%20launched%20the,%2C%20shelter%2C%20and%20information%20signs.>) This comment does not address the sufficiency of the EIR, but rather makes an improvement request for which there is no established nexus. The City will coordinate with VTA regarding updated site plans for the proposed project.

B. Valley Water (dated January 6, 2021)

Comment B.1: Valley Water has reviewed the Draft EIR for the Block 8 Mixed Use Office Project located at 282 South Market St, San Jose (HP19-033), received on November 23, 2020.

Valley Water has the following comments to be taken into consideration when developing the Final EIR for this project:

As indicated in the Initial Study, dewatering is required during construction because shallow groundwater occurs in the project location, ranging from 11 to 25 feet depth to groundwater below ground surface. Valley Water recommends that the construction dewatering system be designed such that the volume and duration of dewatering are minimized to the greatest extent possible. Valley Water also recommends that a more detailed analysis of construction dewatering be conducted, including estimating dewatering volumes/durations, and evaluating related impacts. Valley Water supports waterproofing construction to avoid the need for permanent dewatering.

There is no Valley Water right of way or facilities at the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water permit is not required for the proposed improvements.

We appreciate the opportunity to comment on the draft EIR and would also appreciate the opportunity to review any further documents when they become available. If you have any questions, or need further information, you can reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference District File No. 31258 on future correspondence regarding this project.

Response B.1: As stated on page 131 of the Initial Study in Appendix A of the Draft EIR, the duration of dewatering activities would be one year or less and the project's compliance with existing policies and regulations would reduce water quality impacts associated with dewatering to a less than significant level:

The short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit by the City of San José, Environmental Services Department, Watershed Protection Division, in accordance with the Watershed Protection discharge requirements. The maximum duration of a short-term permit to discharge to the sanitary sewer system is one year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. The proposed development could interfere with the shallow groundwater aquifer but would not substantially interfere with overall groundwater flow or impact the deeper groundwater aquifers. Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction.

Dewatering is estimated to be 75 gallons per minute (gpm) the first month and decrease to 30 gpm for the remaining dewatering time due to the installation of a low-permeability, cut-off shoring wall to restrict off-site flow. The wall would consist of overlapping soil-cement columns that would extend to a depth of about 60 feet below existing grade. The construction dewatering system would be designed to minimize the volume and duration of dewatering by installing the above described shoring wall and constructing the project efficiently. The project would be waterproofing construction to avoid permanent dewatering. This additional detail has been added to the Draft EIR (refer to Section 5.0 Draft EIR Text Revisions).

As stated in the Draft EIR (and excerpted above), construction dewatering would not significantly impact overall groundwater flow or groundwater aquifers.

In addition, as discussed on page 120 of the Initial Study, the project would implement mitigation measure MM HAZ-1.2 which requires the preparation and implementation of a Site Management Plan to address the handling of impacted soil and groundwater (if present) during site development. Mitigation measure MM HAZ-1.2 requires contaminated groundwater be disposed of appropriately.

Valley Water is on the City's notification list for this project. The City will continue to send notifications to Valley Water regarding the Draft EIR process for this project. The City and project applicant will coordinate with Valley Water on applicable issues, as appropriate. The EIR, as discussed above, meets CEQA requirements with regard to the evaluation of dewatering and no further analysis is required.

ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS

C. Pacific Gas & Electric Company (PG&E) (dated November 25, 2020)

Refer to Appendix A for copies of the attachments to this comment letter.

Comment C.1: Thank you for submitting the Block 8 Mixed-Use Office Project for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Response C.1: There are existing PG&E gas and electrical facilities in South Market Street, West San Carlos Street, South First Street, and north of the site. In addition, there is a PG&E easement that extends north to south through the middle of the site although there are no existing PG&E facilities within the easement. This detail has been added to the Draft EIR (see Section 5.0 Draft EIR Text Revisions).

The project would require connection to existing PG&E facilities and these connections would not result in significant environmental impacts, as discussed in the Initial Study included as Appendix A of the Draft EIR. The applicant is actively coordinating with PG&E to remove the existing easement on-site and provide

easements for other PG&E facilities on-site. To the extent this comment does not address the sufficiency of the EIR, the City will take it into account and ensure the project complies with all relevant requirements. No further CEQA analysis is required.

SECTION 5.0 DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the Block 8 Mixed Use Office Draft EIR dated November 2020. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Appendix A,
Page 131

INSERT the following text in the first paragraph under checklist question b:

It is anticipated that construction of the project would require excavation at a maximum depth of 36 feet below ground. Because groundwater in the project area is known to range from 11 to 25 feet below ground, it is possible that dewatering would be required during project construction. The short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit by the City of San José, Environmental Services Department, Watershed Protection Division, in accordance with the Watershed Protection discharge requirements. The maximum duration of a short-term permit to discharge to the sanitary sewer system is one year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. Dewatering is estimated to be 75 gallons per minute (gpm) the first month and decrease to 30 gpm for the remaining dewatering time due to the installation of a low-permeability, cut-off shoring wall to restrict off-site flow. The wall would consist of overlapping soil-cement columns that would extend to a depth of about 60 feet below existing grade. The construction dewatering system would be designed to minimize the volume and duration of dewatering by installing the above described shoring wall and constructing the project efficiently. The project would be waterproofing construction to avoid permanent dewatering. The proposed development could interfere with the shallow groundwater aquifer but would not substantially interfere with overall groundwater flow or impact the deeper groundwater aquifers.² Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction.

Appendix A,
page 190

INSERT the following text before Section 4.19.2 Impact Discussion:

Natural Gas and Electrical Facilities

There are existing PG&E natural gas and electrical facilities in South Market Street, West San Carlos Street, South First Street, and north of the site. In addition, there is a PG&E easement that extends north to south through the middle of the site although there are no existing PG&E facilities within the easement.

² Shields, Craig S. Principal Engineer, Rockridge Geotechnical. Personal communications. December 6, 2019.

INSERT the following text at the end of the first paragraph under checklist question a) as follows:

The project would require connections to existing water, sewer, and storm drain, electric, natural gas, and telecommunication facilities. Relocation of existing utilities is not required. The project applicant is actively coordinating with PG&E to remove the existing easement that extends through the middle of the site (since there are no PG&E facilities within this easement) and providing easements for other PG&E facilities on-site.