Final

DOWNTOWN WEST MIXED-USE PLAN

First Amendment to the Draft EIR

(File Nos.: GP19-009, PDC19-039, and PD19-029)
SCH #2019080493

Prepared for
City of San José

April 2021

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TABLE OF CONTENTS

Downtown West Mixed-Use Plan
First Amendment to the Draft EIR

Revised/New Draft EIR Appendices

RTC Attachments

RTC Tables

CHAPTER 1
Introduction

1.1 Purpose of this Document & Contents of the Final EIR

This First Amendment to the Draft Environmental Impact Report (EIR) for the Downtown West Mixed Use Plan provides a summary of the environmental review process, a list of persons, organizations, and agencies commenting on the Draft EIR, responses to comments received during the public review period, and necessary revisions to the Draft EIR. This First Amendment, together with the Draft EIR, constitute the Final EIR for the Downtown West Mixed-Use Plan.

1.1.1 Organization of This Document

The document is organized in five sections as follows:

- **Chapter 1, *Introduction***, describes the contents and purpose of this document, contents of the Final EIR, and the environmental review process, including Draft EIR recipients and the Draft EIR public review period.
- **Chapter 2, *Agencies, Organizations, and Individuals Commenting on the Draft EIR***, contains a list of those who submitted comments on the Draft EIR during the public review period.
- **Chapter 3, *Responses to Draft EIR Comments***, starts with seven "master responses" that respond to comments received from multiple commenters, and then provides verbatim individual comments from each commenter identified alphanumerically (e.g., Comment A-1, A-2, A-3, etc.), followed by a written response.
- **Chapter 4, *Revisions to the Draft EIR***, contains a list of changes to the text of the Draft EIR that are included in the Final EIR. Revisions (new text is double-underlined; deletions are shown in ~~strikethrough~~) generally update the Draft EIR to clarify or amend the text in response to public or agency comments.

Copies of original comments (letters and emails) are included in Attachment A to this First Amendment.

1.1.2 The Final EIR

The Final EIR consists of the First Amendment plus the Draft EIR as amended by revisions identified in First Amendment Chapter 4, *Revisions to the Draft EIR*. The Final EIR thus

complies with California Environmental Quality Act (CEQA) Guidelines Section 15132, which specifies that a 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.

In conformance with the CEQA and CEQA Guidelines, the Final EIR (1) assesses the potentially significant direct, indirect, and cumulative impacts associated with implementation of the proposed Downtown West Mixed Use Plan; (2) identifies feasible ways of avoiding or substantially lessening significant adverse impacts; and (3) evaluates a reasonable range of alternatives to the project intended to reduce or eliminate significant environmental impacts, including the required No Project Alternative.

1.2 Environmental Review Process

As described in Draft EIR Section 1.2, *Environmental Review Process*, the City of San José issued a Notice of Preparation (NOP) for this EIR that was circulated to federal, state, and local agencies as well as interested members of the public on October 23, 2019. The City held a public scoping meeting on November 7, 2019, to discuss the proposed project and receive input on the scope and contents of the Draft EIR and the standard 30-day comment period concluded on November 22, 2019.

The Department of Building, Planning, and Code Enforcement took comments received during the scoping period under consideration during preparation of a Draft EIR, which was published in early October 2020.

1.2.1 Public Review of the Draft EIR

The Draft EIR for the Downtown West Mixed Use Project, dated October 2020, was circulated to affected public agencies and interested parties for a 62-day review period which began on October 7, 2020, and ended on December 8, 2020.

The City undertook the following actions to inform the public of the availability of the Draft EIR:

- The Notice of Availability of the Draft EIR was published on the City website and in the San José Mercury News;
- The Notice of Availability of the Draft EIR was mailed to neighboring cities, tribal contacts, organizations and individual member of the public who had indicated interest in the project or requested notice of projects in the City;

- The Notice of Availability was sent to members of the public who signed up for City notices via Newsflash;
- The Draft EIR was provided to the State Clearinghouse on October 7, 2020, with a Notice of Completion, and the Clearinghouse forwarded the Draft EIR to various governmental agencies; and
- Copies of the Draft EIR were made available on the City's website and hard copies were made available upon request.

Recipients of the Draft EIR are listed in Section 1.3, *Draft EIR Recipients*, below.

During the public comment period on the Draft EIR, the Department of Building, Planning and Code Enforcement received 35 comment letters or emails, each of which is included in Attachment A to this First Amendment. Individual comments in each of these letters and emails are responded to in this First Amendment.

1.2.2 Revisions to the Proposed Project

Since publication of the Draft EIR, the project applicant has made minor adjustments to the proposed project, often in direct response to public comments. These adjustments are noted in relevant responses to comments (if any) in Chapter 3, *Responses to Draft EIR Comments*, and are also included as changes to the text of the Draft EIR in Chapter 4, *Revisions to the Draft EIR*. In summary, the adjustments include the following:

- **Change in size of project site:** The project site has been slightly reduced in size, from 81 acres to approximately 80 acres, since publication of the Draft EIR. This change is the result of the removal from the project site of the following:
    - The segment of Cahill Street between West Santa Clara and West San Fernando Streets;
    - The former Lenzen Street right-of-way that abuts the project site's northern boundary;
    - The segment of Union Pacific Railroad right-of-way between Blocks A and B; and
    - A portion of Caltrans-owned property adjacent to the southeast corner of Block E, over which the project applicant had originally proposed an access easement.

  No meaningful changes in project impacts would result from the above revisions. This is because Cahill Street would remain available to both project and non-project traffic; the former Lenzen Street right-of-way would provide service access to Block A1, as described below, through an access easement; the Union Pacific right-of-way was never proposed for any project activity; and the elimination of the Caltrans access easement would slightly alter the internal circulation network within Block E but would not change the development intensity or land use mix. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages S-1, S-4, 1-5, 2-1, 2-5, 2-8, 2-13, 3.1-50, 3.1-90, 3.3-8, 3.3-102, 3.4-5, 3.6-31, 3.8-32, 3.9-4, 3.9-31, 4-2, and 5-18. Refer*

also to the revised Figure 2.3, Proposed Land Use Plan*, and Figure 2.8,* Proposed Street Network Changes*, in Chapter 4 for a depiction of the revised site plan. Inasmuch as the changes are nearly imperceptible, other figures from the Chapter 2, Project Description, of the Draft EIR will be replaced in the Integrated Final EIR.*

- **Riparian setback from Los Gatos Creek:** Two of the two buildings closest to the riparian corridor—Blocks D9 and D12—could be retained and reused with only cosmetic improvements and maintenance; should either or both of these buildings be demolished, any replacement structures would be required to be outside the 50-foot riparian setback, just as with all new construction. Additionally, the project applicant would relocate to the Creekside Walk open space, between Barack Obama Boulevard and Los Gatos Creek, a group of three existing residential structures at 559-567 West Julian Street that together comprise a historical resource under CEQA. These buildings would be placed outside the 50-foot riparian setback from Los Gatos Creek, between the Valley Transportation Authority light rail tracks and the existing building at 450 West Santa Clara Street (Block D8). This relocation would support one of the project applicant's objectives for the project, "Preserve and adapt landmark historic resources and assets where feasible to foster a place authentic to San José, and foster contemporary relations to San Jose's history," while also supporting the applicant's objective to "Connect people with nature along Los Gatos Creek and the Guadalupe River." A third existing building—Block D13, which encroaches a few feet into the 50-foot riparian setback—would be demolished and replaced with a residence to be relocated from 35 Barack Obama Boulevard, which would be located entirely outside the 50-foot riparian setback. The three other existing buildings, on Blocks D8, D10, and D11, encroach to varying degrees into the 50-foot riparian setback. These buildings are now proposed to be retained and may be altered as long as their foundations remain extant; they would not be permitted to expand beyond their existing footprint within the 50-foot riparian setback. In contrast, the Draft EIR project would have allowed replacement of any of these six buildings with new buildings at the existing building sites. This change would not alter the conclusions of the Draft EIR because it would incrementally reduce, but not eliminate, effects on biological resources and would result in no new significant impacts. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-35 (footnote 49), 3.2-34, 3.2-46, 3.2-62, 3.2-83, and 3.2-86.*
- **Riparian setback from Guadalupe River:** No new building development would occur within 50 feet of the Guadalupe River. Instead, the only project improvements within this 50-foot setback would be new open space and a new private street with an accompanying pedestrian area, extending north from West San Fernando Street in the southern portion of this block. Notably, vehicular access on the private street would be outside the minimum setback of 35 feet that is specified in the Santa Clara Valley Habitat Plan's Condition 11. These changes would represent an increase from the 30-foot setback described in the Draft EIR. The existing San Jose Water Company building to be retained is within 30 feet at present and would remain so. This change would not alter the conclusions of the Draft EIR because it would incrementally reduce, but not eliminate, effects on biological resources and would result in no new significant impacts. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-20 (footnote 35), 3.2-34, 3.2-46, 3.2-62, 3.2-83, and 3.2-86 (footnote 95).*

- **Alterations to the Treatment of Some Historical Resources**
  - As explained above in the discussion of riparian setbacks from Los Gatos Creek, the project applicant would relocate to the Creekside Walk open space, between Barack Obama Boulevard and Los Gatos Creek and between the Valley Transportation Authority light-rail tracks and Block D8 (the existing building at 450 West Santa Clara Street), a group of three residential buildings at 559, 563, and 567 West Julian Street that together comprise a historical resource under CEQA. (This resource was proposed for demolition as part of the project described in the Draft EIR.) As stated above, this relocation would support one of the project applicant's objectives for the project, "Preserve and adapt landmark historic resources and assets where feasible to foster a place authentic to San José, and foster contemporary relations to San José's history," while also supporting the applicant's objective to "Connect people with nature along Los Gatos Creek and the Guadalupe River." In accordance with Downtown West Design Standards and Guidelines Standard 5.15.2, these buildings would be located within 40 feet of one another, oriented towards, and set back no more than 40 feet from, Barack Obama Boulevard, and placed outside the 50-foot riparian setback from Los Gatos Creek. The relocated buildings would be renovated and designated for active use; however, these on-site relocations would not necessarily entail rehabilitation in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards), for the following reasons. The relocation would remove these residences from their historic mixed residential-light industrial context and relocate them to a light industrial and commercial context, meaning that integrity of setting would be lost. Additionally, the buildings, which historically were residences, would be in non-residential use under the proposed project, which could affect compliance with the Secretary's Standards. Finally, because of space constraints, the existing physical distance between the three buildings would not be maintained, potentially affecting certain building features; as noted above, the buildings, which are currently within a few feet of one another, could be separated by as much as 40 feet. Because the buildings would not necessarily be rehabilitated in accordance with the Secretary's Standards, the impact of relocation would be significant and unavoidable, as was the impact of the previously proposed demolition. While the severity of the impact would be reduced compared to that of demolition identified in the Draft EIR, this change would not alter the conclusions of the Draft EIR because it could incrementally reduce, but not eliminate, effects on historic architectural resources and would result in no new significant impacts, nor do these changes otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-18 and 3.3-68 (Mitigation Measure CU-1b).*
  - The project applicant would salvage the main Art Moderne-style entryway, along with the three arched window openings to either side, of the Sunlite Baking Co. building at 145 South Montgomery Street, a historical resource that is to be demolished as part of the project. The salvaged portion of the building would be incorporated elsewhere in the project, in a manner to be determined. This change would not alter the conclusions of the Draft EIR because it would incrementally reduce, but not eliminate, effects on historic architectural resources and would not result in new significant impacts, nor do these changes otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-18 and 3.3-66.*

- The project applicant would salvage and retain on-site a metal hopper tower that rises above a non-historic portion of the Kearney Pattern Works and Foundry complex, to the rear of the historic building at 40 South Montgomery Street. The ca. 1958 hopper, added after the resource's period of significance, would be retained and installed behind and above the historic building, to be relocated with 75 horizontal feet of the historical Kearney Pattern Works and Foundry building and maintaining the hopper's height relative to the relocated historic building. This change would not alter the conclusions of the Draft EIR because it would incrementally reduce, but not eliminate, effects on historic architectural resources and would result in no new significant impacts, nor do these changes otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-18 and 3.3-72.*
- The project applicant would relocate an existing residence at 35 Barack Obama Boulevard (formerly South Autumn Street) to a site at 74 Barack Obama Boulevard, where an existing non-historic building would be demolished (Block D13). The relocated building, which has been determined eligible as a Structure of Merit, would be designated for active use. This change would not alter the conclusions of the Draft EIR because it would have no effect on historic architectural resources under CEQA, nor do these changes otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-18 and 3.3-41.*
- The project applicant would provide partial funding for off-site relocation of another Structure of Merit at 91 Barack Obama Boulevard, a former single-family residence that was relocated to its current location in the 1950s and currently houses the Poor House Bistro. The project applicant would coordinate with a local non-profit organization to move the Poor House building to a location at 317 West St. John Street, within the River Street City Landmark District. The receiver site is occupied by a non-contributing resource to the City Landmark district and therefore the demolition of that structure would not adversely affect the district. The Poor House building would be compatible with the period of significance for the district (1875–1925) and the architectural style and massing of the contributing resources within the district (some of which were themselves relocated to the district). A Historic Preservation Permit would be required for relocation into the landmark district. Therefore, no new significant impact would ensue from the relocation of the Poor House building, nor do these changes otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-18 and 3.3-41.*

- **Block A1 Circulation and Northend Park reconfiguration:** The applicant no longer proposes a roadway on the southern or western sides of project's Block A1. Additionally, Lenzen Avenue, north of Block A1, which is owned by Caltrain, is no longer part of the project site, as noted above, although the applicant would secure an access easement from Caltrain for use by service vehicles traveling to loading docks on the north side of Block A1.

  As a result of this reconfiguration, while Northend Park would remain 1.9 acres, its shape would change. Los Gatos Creek Park would remain at approximately 2.5 acres total. This change would not alter the Draft EIR conclusions because it would change the project site

map but would not meaningfully affect any of the construction or operational impacts and would result in no new significant impacts. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to the revised Figure 2.3,* Proposed Land Use Plan*, and Figure 2.8,* Proposed Street Network Changes*, in Chapter 4 of this First Amendment for the new configuration of Northend Park; there would be no change in the configuration of Los Gatos Creek Park.*

- **Block E reconfiguration:** The project applicant no longer proposes acquisition of an access easement over a portion of Caltrans-owned property adjacent to SR 87 on the north side of West San Fernando Street. The removal of this easement, which would have provided access to an emergency vehicle access and service road along the eastern frontage of Block E, would result in reconfiguration of Block E circulation. Because this easement would have totaled less than 6,400 square feet, its elimination would result in minimal change in the size of the project site. Instead of an emergency vehicle access and service road, the area along the Guadalupe River is now proposed for open space and a pedestrian pathway, and vehicular access on a new private street is now proposed to be set back 35 feet from the Guadalupe River (consistent with the minimum setback required in Condition 11 of the Santa Clara Valley Habitat Plan) and to extend along the east side of Block E3 and then turn west to run along the north side of Blocks E3 and E2, as well as between these blocks. These changes would not alter the Draft EIR conclusions because it would change the project site map but would not meaningfully affect any of the construction or operational impacts and would result in no new significant impacts. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to the revised Figure 2.3,* Proposed Land Use Plan*, and Figure 2.8,* Proposed Street Network Changes*, in Chapter 4 of this First Amendment for the new configuration of Block E. Also refer to the changes in Chapter 4 with respect to Draft EIR pages 2-8 and 2-80.*
- **Blocks H3 and H4 reconfiguration:** The parcels and streets within these southernmost blocks of the project site (H3 and H4) would be reconfigured, with an accompanying revision to the width of the Los Gatos Creek Connector open space. Block H3 as depicted in the Draft EIR has now been divided into Blocks H3, H5, and H6. This change would increase the acreage of the Los Gatos Creek Connector by about 0.4 acres; however, there would be no change in the overall open space total of approximately 15 acres as the other on-site open spaces would also change slightly in size. The alteration in the configuration of these blocks would not change the number of residential units, which would be the land use on these blocks. This change would not alter the Draft EIR conclusions because it would change the project site map but would not meaningfully affect any of the construction or operational impacts and would result in no new significant impacts. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. A potential childcare facility on Draft EIR Block 3 would now be on Block H3, H5, or H6, but would be a minimum of 500 feet from the I-280 freeway, as discussed below. *Refer to the revised Figure 2.3,* Proposed Land Use Plan*, and Figure 2.8,* Proposed Street Network Changes*, in Chapter 4 of this First Amendment for the new configuration of Blocks H3, H4, H5, and H6 and the Los Gatos Creek Connector.*
- **Cahill Street** has been removed from the project boundary (between West San Fernando Street and West Santa Clara Street). This change would not alter the Draft EIR conclusions

because it would change the project site map but not any of the construction or operational impacts and would result in no new significant impacts. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to the revised Figure 2.3,* Proposed Land Use Plan*, and Figure 2.8,* Proposed Street Network Changes*, in Chapter 4 of this First Amendment for the revised project site extent.*

- **Parking:** A minimum of 2,850 public/commercial parking spaces would be provided, consistent with the project's proposed General Development Plan. (The Draft EIR stated only a maximum of up to 4,800 public/commercial spaces.) This change would not alter the conclusions of the Draft EIR because parking impacts are not considered significant impact under CEQA, and this minimum is within the range studied as part of the Draft EIR Project Description. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to the revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-14, 2-15 (Table 2-1), 2-22, 3.1-84, and 3.13-64.*
- **Location of Childcare Facilities:** In accordance with a recommendation from the Bay Area Air Quality Management District, the project applicant would not locate childcare facilities within 500 feet buffer of I-280. This change would not alter the conclusions of the Draft EIR because it would incrementally reduce the health risk for childcare facility users and would result in no new significant impacts. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to the revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-13 (footnote 22), 3.1-60 (new footnote 119a), and 3.1-62.*
- **Modification to proposed live entertainment venue(s):** The project applicant proposes to add Block D7 as an additional potential site for a live entertainment venue, in addition to D4, D5, D6, as stated in the Draft EIR. Additionally, the entertainment venue(s) would operate up to 7 days per week from 11 a.m. to 11 p.m., as opposed to hours from 11 a.m. to 3 p.m., Wednesday through Sunday, and 7 p.m. to 11 p.m., Thursday through Saturday, as stated in the Draft EIR. The maximum aggregate capacity of the entertainment venue(s) would be unchanged, at approximately 500, and the maximum number of events per week would be unchanged, at 15. This change would not alter the conclusions of the Draft EIR because, as stated on page 3.10-32, "Live entertainment would occur in an interior space that would attenuate noise levels from reaching the exterior of the building, although crowd ingress and egress may generate exterior noise from multiple human voices." This change would result in no new significant impacts. Moreover, these changes do not otherwise constitute "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to the revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-20 and 3.10-32.*
- **Locations of amplified sound:** The project applicant proposes to allow for outdoor events—with amplified sound—at locations within open spaces other than enclosed pavilions, as well as on public and private streets. All events with amplified noise would be outside the 50-foot riparian setback from Los Gatos Creek and the Guadalupe River. As set forth in the project's proposed General Development Plan, events could include pop-up programming that may include retail; outdoor vending; outdoor seating and dining; outdoor performances, concerts and events; sports, fitness classes, and exercise activities; educational activities such as lectures, ecology classes and children's

programming; and similar uses); markets and fairs; open air sales of agriculturally produced seasonal decorations (Christmas trees and Halloween pumpkins); exhibitions, festivals, circuses, musical and theatrical performances and other forms of live entertainment. All events occurring in either the public-right-of way or parks that the applicant would dedicate to the City would follow the City's standard permitting processes. For events in applicant-owned open spaces or on private streets that are anticipated to result in sound levels in excess of 60 decibels (dBA), based on the hourly average noise level (hourly Leq) measured at the property line of noise-sensitive uses, a permitting process would be spelled out in Section 4.50 of the General Development Plan. Other events in applicant-owned open spaces or on private streets would generate less noise and would not require separate permits; instead, the General Development Plan sets forth a noise limit of 60 dBA or less, based on the hourly average noise level (hourly Leq) measured at the property line of noise-sensitive uses, and would allow events that meet this threshold to proceed without special authorization. The permitted events with amplified sound above 60 dBA, measured at the property line of noise-sensitive uses, would comply with City of San José permit requirements, thereby avoiding any new or substantially more severe significant noise impacts than were identified in the Draft EIR, while the quieter events would have little to no potential for adverse noise effects. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-37 and 3.10-33*.

1.2.3 Draft EIR Recirculation Not Required

CEQA Guidelines Section 15088.5 requires Draft EIR recirculation when "significant new information" is added to an EIR because the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a project's significant environmental effects or feasible mitigation measures or alternatives to reduce or avoid such effects that are not proposed for adoption. The comments, responses, and Draft EIR revisions presented in this First Amendment do not constitute such "significant new information"; instead, they clarify, amplify, or make insignificant modifications to the Draft EIR.

As noted in each bullet point in Section 1.2.2, *Revisions to the Proposed Project*, none of the proposed project changes (individually or collectively) would result in new or substantially more severe significant environmental effects of the proposed Downtown West Mixed Use Plan, and none would involve material changes to the analysis, mitigation, or alternatives included in the Draft EIR, or rejection of feasible mitigation measures or alternatives, such that recirculation would be required.

Where changes to the text of the Draft EIR are unrelated to project changes, they clarify or correct information and analysis in response to comments received, but do not add or remove mitigation or alternatives, and do not alter conclusions of the analysis. For these reasons, recirculation of the Draft EIR is not required.

1.2.4 Next Steps

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b)), the City will provide the First Amendment with written responses to comments by public agencies to those agencies at least 10 days prior to certifying the

EIR. The Final EIR, which comprises the Draft EIR and this First Amendment, and all documents referenced in the Final EIR are available for public review on the City's website.

The City of San José is the "Lead Agency" for environmental review of the Downtown West Mixed Use Plan and pursuant to CEQA Guidelines Section 15090(a), prior to a decision on the 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.

1.3 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 following agencies received a Notice of Completion/Availability of the Draft EIR via the State Clearinghouse and/or directly from the City:

- California Air Resources Board
- California Department of Conservation
- California Department of Fish and Wildlife, Bay Delta Region 3
- California Department of Forestry and Fire Protection
- California Department of Housing and Community Development
- California Department of Parks and Recreation
- California Department of Transportation, District 4
- California Department of Transportation, Division of Aeronautics
- California Department of Water Resources
- California Energy Commission
- California Governor's Office of Emergency Services
- California Highway Patrol
- California Native American Heritage Commission
- California Natural Resources Agency
- California Public Utilities Commission
- California Regional Water Quality Control Board, San Francisco Bay Region 2
- California State Lands Commission
- California Department of Toxic Substances Control

- Office of Historic Preservation
- State Water Resources Control Board, Division of Drinking Water
- State Water Resources Control Board, Division of Water Quality

Copies of the Notice of Availability for the Draft EIR were sent by mail and/or email to the following organizations, businesses, and individuals who expressed interest in this project:

- Altamont Corridor Express
- Amtrak
- Bay Area Air Quality Management District
- Bay Area Metro (Assoc. of Bay Area Governments/Metropolitan Transportation Commission)
- Bay Area Rapid Transit District
- California Air Resources Board
- California Department of Energy
- California Department of Fish and Wildlife
- California Department of Transportation
- California Environmental Protection Agency
- California High-Speed Rail Authority
- California Highway Patrol, San José Area
- Caltrain
- Capitol Corridor Joint Powers Authority
- City of Campbell
- City of Cupertino
- City of Fremont
- City of Milpitas
- City of Morgan Hill
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- City of Santa Clara
- City of Saratoga
- City of Sunnyvale
- Town of Los Gatos
- San Mateo County Transit District
- Santa Clara County Airport Land Use Commission
- Santa Clara County Planning Department
- Santa Clara County Roads and Airports

- Santa Clara Valley Open Space Authority
- Santa Clara Valley Transportation Authority
- Santa Clara Valley Water District
- San Jose Water Company
- U.S. Fish and Wildlife Service
- Adams Broadwell Joseph & Cardozo
- California History Center
- California Native Plant Society-Santa Clara Valley
- Citizens for Environmental and Economic Justice
- Diridon Area Neighborhood Group
- Friends of Caltrain
- Guadalupe-Coyote Resource Conservation District
- Guadalupe River Park Conservancy
- Greenbelt Alliance
- Law Foundation of Silicon Valley
- Lozeau Drury LLP
- PG&E
- Plant 51 Homeowners Association
- Preservation Action Council of San José
- SAP Center
- Shasta/Hanchett Park Neighborhood Association
- Sierra Club-Loma Prieta Chapter
- San José Downtown Association
- Santa Clara Valley Audubon Society
- Silicon Valley De-Bug
- SPUR
- Union Pacific Railroad
- Vendome Neighborhood Association
- Tribal Contacts from the Native American Heritage Commission
- Monica Arellano
- Andrew Galvin
- Kevin Johnston
- Valentin Lopez
- Katherine Perez
- Ann Marie Sayers

- Irenne Zwierlein
- Larry Ames
- Jeffrey Buchanan
- Heidi Giancola
- Katja Irvin
- Aaron Kalodrich
- Roland Lebrun
- Ada Marquez
- Annette McMillan
- Jared Mills
- Tracy Nguyen
- Matthew Norman
- Kathy Sutherland
- Bertha Velarole
- Donna Wallach
- Tessa Woodmansee

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CHAPTER 2

Agencies, Organizations, and Individuals Commenting on the Draft EIR

The Draft EIR for the Downtown West Mixed-Use Plan, dated October 2020, was circulated to affected public agencies and interested parties for a 62-day review period from October 7, 2020, through December 8, 2020. In accordance with CEQA Guidelines Section 15132(c), this chapter lists the agencies, organizations, and individuals who provided comments on the Draft EIR during the public review period:

- **State Agencies**
  - California Department of Transportation, District 4
  - California Department of Transportation, District 4
  - California High-Speed Rail Authority
  - California Public Utilities Commission
  - California Regional Water Quality Control Board, San Francisco Bay Region 2
- **Regional and Local Agencies**
  - Bay Area Air Quality Management District
  - Caltrain
  - City of Santa Clara
  - Santa Clara County Roads and Airports
  - Santa Clara Valley Transportation Authority
  - Santa Clara Valley Water District
  - San José Historic Landmarks Commission *(summary of commissioners' comments)*
- **Organizations, Companies, and Individuals**
  - Larry Ames
  - Ryan Bavetta
  - California Native Plant Society – Santa Clara Valley
  - Mary Cassel
  - Catalyze SV
  - Diridon Area Neighborhood Group

- Jean Dresden
- Guadalupe River Park Conservancy
- Law Foundation of Silicon Valley
- Roland Lebrun
- PG&E
- Plant 51 Homeowners Association
- Preservation Action Council of San José
- Sharks Sports & Entertainment
- Shasta/Hanchett Park Neighborhood Association
- Sierra Club – Loma Prieta Chapter
- Santa Clara Valley Audubon Society
- Silicon Valley De-Bug
- Bill Souders
- Union Pacific Railroad
- Robert Wahler
- Jordan Weinberg
- Tessa Woodmansee

CHAPTER 3
Responses to Draft EIR Comments

3.1 Introduction

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, starting with a series of "master responses" addressing topics that were raised by multiple commenters.

Following the master responses, all comments are organized under headings containing the source of the comment letter (or email) 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, including cross references to the master responses where applicable. Copies of the letters and emails received by the City of San José are included in their entirety in Attachment A to this First Amendment.

Where revisions to the Draft EIR are made in response to a comment, those revisions are provided in the response and are also compiled in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment.

Table RTC-1 lists written comments on the Draft EIR that were received by the City, and it provides the letter code that is used to identify each comment letter (or email) and the page where corresponding responses can be found.

TABLE RTC-1
COMMENTERS ON THE DRAFT EIR

Letter Code	Commenter	Letter Date	Page of Response
State Agencies			
A	California Department of Transportation, District 4	12/8/20	3-67
B	California Department of Transportation, District 4	10/13/20	3-69
C	California High-Speed Rail Authority	12/8/20	3-70
D	California Public Utilities Commission	12/8/20	3-83
E	California Regional Water Quality Control Board, San Francisco Bay Region 2	11/18/20	3-89
Regional and Local Agencies			
F	Bay Area Air Quality Management District	12/8/20	3-107
G	Caltrain	12/8/20	3-116
H	City of Santa Clara	12/8/20	3-134

Letter Code	Commenter	Letter Date	Page of Response
I	Santa Clara County Roads and Airports	12/7/20	3-150
J	Santa Clara Valley Transportation Authority	12/8/20	3-154
K	Santa Clara Valley Water District	12/7/20	3-174
L	San José Historic Landmarks Commission *(summary of commissioner comments)*	11/4/20	3-175
Organizations, Companies, and Individuals			
M	Larry Ames	12/7/20	3-246
N	Ryan Bavetta	10/9/20	3-258
O	California Native Plant Society – Santa Clara Valley	12/8/20	3-259
P	Mary Cassel	12/8/20	3-261
Q	Catalyze SV	11/12/20	3-262
R	Diridon Area Neighborhood Group	12/7/20	3-263
S	Jean Dresden	12/7/20	3-284
T	Guadalupe River Park Conservancy	12/8/20	3-316
U	Law Foundation of Silicon Valley	12/8/20	3-327
V	Roland Lebrun	12/8/20	3-331
W	PG&E	12/8/20	3-334
X	Plant 51 Homeowners Association	12/7/20	3-337
Y	Preservation Action Council of San José	12/8/20	3-345
Z	Sharks Sports & Entertainment	12/8/20	3-363
AA	Shasta/Hanchett Park Neighborhood Association	12/8/20	3-363
BB	Sierra Club – Loma Prieta Chapter	12/8/20	3-490
CC	Santa Clara Valley Audubon Society	12/8/20	3-497
DD	Silicon Valley De-Bug	12/7/20	3-501
EE	Bill Souders	12/8/20	3-523
FF	Union Pacific Railroad	12/8/20	3-524
GG	Robert Wahler	11/13/20	3-529
HH	Jordan Weinberg	12/8/20	3-530
II	Tessa Woodmansee	12/8/20	3-530

3.2 Master Responses

For each Master Response, the individual comments addressed, entirely or in part, by that Master Response are given at the start of the response. The reader should be aware that only portion(s) of one or more Master Responses may be directly applicable to any given comment. However, the Master Responses thematically address related issues in a holistic manner in an effort to provide the most comprehensive response to frequently made comments and/or those of relatively high importance.

3.2.1 Master Response 1: DISC and Coordinated Planning around Diridon Station

Comments addressed in this response: C.3, C.4, C.5, C.6, C.7, G.1, G.3, G.5, J.3, J.14, J.15, J.23, M.1, M.2, M.3, Z.43, Z.45, Z.47, Z.49, Z.63, AA.2, AA.3, EE.1

A number of comments noted above raised questions about the proposed project's relationship to other projects in the site vicinity that are in the planning and/or design phase; these include the Bay Area Rapid Transit (BART) Silicon Valley Phase II extension and the planned BART station at Diridon Station, the plan for California High-Speed Rail to serve Diridon Station, and the multi-agency Diridon Integrated Station Concept (DISC) planning process. These comments are addressed under several headings below.

While comments like Comment G.3 request that the EIR more directly address transit and the DISC, many comments (e.g., Comments G.5, J.14, and J.15) address policy considerations relating to the Downtown West Design Standards and Guidelines rather than the adequacy and accuracy of the Draft EIR and, thus, do not require a specific response. These design and policy-related comments will be transmitted to City decision makers for consideration during their review of the proposed project and the Downtown West Design Standards and Guidelines.[1]

Introduction

As explained below, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts. The Draft EIR describes planned future transit improvements relevant to the proposed project (pages 2-10 and 3.13-7) and includes major projects such as the Peninsula Corridor Electrification Project, the Santa Clara Valley Transportation Authority (VTA)'s BART Silicon Valley Phase II Extension project, and the DISC in its assessment of cumulative impacts as described in Draft EIR Chapter 3, *Environmental Setting, Impacts, and Mitigation*, in the *Cumulative Impacts* section, pages 3-7 to 3-12. In each case, the Draft EIR discloses and considers the best publicly available information about the proposed projects. (See Draft EIR Section 2.2.8, Existing and Planned Transportation Facilities.)

As stated on page 2-11, the "Concept Layout" for the DISC Plan was endorsed by the City and other participating agencies in early 2020, although the preferred Concept Layout remains preliminary as of March 2021. Additionally, the Concept Layout has not been reconciled with the Preferred Alternative under consideration by the California High Speed Rail Authority for High Speed Rail, which differs from the Concept Layout in material ways. For example, the Concept Layout, unlike the Preferred Alternative's at-grade design, would rebuild Diridon Station and associated tracks 20 to 30 feet above the current grade level. Also, while $100 million of

[1] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

dedicated funding is included in Regional Measure 3 for this project, as the Draft EIR text on page 2-11 has been amended (refer to Response G.2 and Chapter 4, *Revisions to the Draft EIR*) to clarify, the Concept Layout is not fully designed or funded, is still subject to environmental review under CEQA, and will require acquisition of (yet to be identified) property along the existing right of way. For these reasons, it is likely that the final configuration will differ somewhat from the Concept Layout, and it would not be reasonable to require that the proposed Downtown West Mixed Use Plan be made consistent with all the details of a Concept Layout that is likely to change. Also, for these reasons, the City and the project applicant (also referred to herein as the "applicant") cannot provide the assurance requested in Comment M.1, namely that railroad tracks accessing Diridon Station will be elevated as shown in the DISC Concept Plan. Elevating the tracks would involve some challenges (including the approval of multiple agencies beyond the control of the City or the applicant) and has advantages, as described in Comment M.2, and represents the mutual goal of a number of agencies involved in the DISC process. Nonetheless, it would require further design work, environmental review, further funding, and property acquisition, and therefore the Concept Layout cannot be considered to be in its final form at this time. The current status of the DISC process also means that there will be additional opportunities for public input during the DISC environmental review process and development of a final design.

The Downtown West Mixed Use Project's proposal for a high-density mixed-use project adjacent to Diridon Station is consistent with its location at a major transit hub and the project applicant and the City have each committed to work with the DISC partner agencies as the final DISC layout is developed and selected and as individual development proposals are refined within portions of the Downtown West Mixed Use Plan adjacent to the DISC project area. For example, in response to comments regarding the use and character of Cahill Street (e.g., Comments G.5 and J.15), the applicant has revised the project to eliminate from the project site the block of Cahill Street immediately in front of Diridon Station, between the new Post Street extension and West San Fernando Street. The parcels between this segment of Cahill Street and the project site are owned by the Peninsula Corridor Joint Powers Board (Caltrain). Future development on these parcels would therefore be at the direction of, and with the approval of, Caltrain, which is one of the DISC partner agencies. Refer to Draft EIR Chapter 1, *Introduction*, for a discussion of project changes and to Chapter 4, *Revisions to the Draft EIR*, for related changes to the Draft EIR.

Project Design in Relationship to BART Station Access and the DISC Process

Some comments (e.g., Comment M.3) concern future plans for the existing Diridon Station itself—which is not included within the Downtown West Mixed Use Plan and not proposed as part of the proposed project—and do not address the proposed project or the adequacy of the EIR. The status of Caltrain Electrification, VTA's BART Silicon Valley Phase II, and the DISC process are described in Draft EIR Section 2.2.8, *Existing and Planned Transportation Facilities*, and Chapter 3, *Environmental Setting, Impacts, and Mitigation*, in the *Cumulative Impacts* section, pages 3-7 to 3-12. Although these comments generally do not concern CEQA topics, further explanation is provided here for informational purposes.

The current Concept Layout for Diridon Station shows an extension of West San Fernando Street through the station for bicycles and pedestrians only (not for cars), and includes a large bicycle parking facility underneath the tracks along the eastern edge of the station on the south side of the extension of West San Fernando Street.

The City agrees that convenient access to the rail platform level for train passengers carrying their bikes on board is important. At this stage, the Concept Layout includes escalators and elevators to each of the platforms from both the West San Fernando and West Santa Clara station concourses, each of which would offer convenient access to trains for passengers who bring their bikes on board. Detailed engineering that would show the precise details of vertical circulation at the station has not yet been completed, however. These details will be part of future phases of work under the Concept Plan.

For informational purposes, the Southern Pacific Depot Historic District, including the station building, is listed on the National Register of Historic Places, and is a designated San José landmark. As such, any modification to the building would need to take place in accordance with the provisions of National Historic Preservation Act Section 106 (assuming there is federal funding involved), as well as the City's Historic Preservation Ordinance and CEQA, as demolition would result in a significant and unavoidable impact under CEQA. Moreover, Diridon Station is subject to a preservation covenant, signed in 1992 upon transfer of the Peninsula rail service from Caltrans to the Peninsula Corridor Joint Powers Board, that limits changes to the station and surrounding area. As explained in the 2014 Integrated Final EIR for the Diridon Station Area Plan:

> The station and surrounding 4.7 acres are covered by a Preservation Covenant between the Peninsula Corridor Joint Powers Board and the South Bay Historical Railroad Society. The covenant requires the Joint Powers Board to preserve and maintain the station in accordance with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation.[2]

Design for the new station is still in the preliminary stages, and changes to the tracks and the station are not part of the Downtown West Mixed Use Plan. Based on preliminary passenger flow analysis, the partner agencies believe that the West Santa Clara Street Concourse will accommodate about 60 percent of passengers, while the West San Fernando Street concourse will accommodate the remaining 40 percent. The primary reason for the two concourses is to give passengers two options for entering and exiting the station based on their particular trip origin or destination. The West Santa Clara Street station entrance will be more convenient for patrons coming from or going to BART or the SAP Center, while the West San Fernando Street entrance will be more convenient for cyclists, for people coming from or going to light rail, and also for people coming from or going to future buildings in the core of the Downtown West development. The two concourses also help balance passenger flow on the rail platforms themselves, rather than requiring that all people head to and from a single concourse from the rail platforms.

[2] City of San José, *Diridon Station Area Plan: Integrated Final Program Environmental Impact Report*, August 2014. Available at: https://www.sanjoseca.gov/Home/ShowDocument?id=15731. Accessed March 3, 2021.

The Concept Layout includes plaza spaces on the east side of the station in front of both concourses and these plazas would be connected. The arrangement of station entrances and plazas in the Concept Layout aims to balance concerns about convenient access to the station with intuitive design.

Discussions among the City, VTA, and BART regarding BART Station entrances are ongoing. VTA's BART Silicon Valley Phase II Extension project is expected to be constructed prior to the full reconstruction of the Diridon Station, and as such a BART entrance would be proximate to, but separate from, the current Diridon Station. As currently conceived, access to BART can be integrated into the whole of the station when the station is expanded and/or reconstructed. As currently envisioned in the Concept Layout, BART passengers would exit from the underground station onto the West Santa Clara Station plaza described above.

The City agrees with Comment C.7 that there is an opportunity and need for the City and partner agencies to communicate design evolution, including design of utilities and infrastructure, and coordinate construction sequencing, as suggested in Comment C.7 and other comments. The City also agrees that security protocols and procedures must be coordinated (Comment J.23), and has identified the need to provide for enhanced security as a key concern and consideration of station planning efforts going forward (Comment M.3), although these comments do not relate to the adequacy of the Draft EIR for the proposed project. The City notes that the public will also have the opportunity to review and comment on the CEQA document prepared for the DISC process.

Regarding the statement in Comment C.6 that the project as depicted in Figure 3.5 of the Downtown West Design Standards and Guidelines proposes no building entrances or active ground floor uses oriented towards the station, it must be noted that the blocks immediately facing the proposed new station site are not included in the design standards and guidelines document. The northernmost of these sites—project Block D1, including several parcels at the southeast corner of West Santa Clara and Cahill Streets—is owned by VTA. As observed in Comment C.5, within the Downtown West Mixed-Use Plan, Block D1 is proposed for residential development (Draft EIR Figure 2-3) and analyzed as such in the EIR; however, the property is not included in the Downtown West Design Standards and Guidelines because it is owned by VTA and would be the subject of a separate Planned Development Permit at a later date (refer to Draft EIR pages 2-13 and 2-63). As explained in footnote 71 on Draft EIR page 2-63, "A subsequent planned development permit would be required to implement the Planned Development Zoning District in relation to the VTA parcels. Any subsequent planned development permit for the VTA parcels must conform with this project's General Development Plan and the specific development standards for Block D1." Sheet 3.02 of the project's General Development Plan includes Block D1 standards for active use frontage, active use transparency, and loading and service areas to ensure an active ground floor.[3] To the south, as explained above, are a number of parcels owned by Caltrain that are not included within the Downtown West Planned Development Zoning District and would not be affected by any other proposed project

[3] As of publication of this First Amendment, the current version of the project's General Development Plan and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

approvals. Thus, the properties immediately facing the site of the planned new Diridon Station are under the ownership of DISC partner agencies and future development on these parcels that would face Diridon Station would therefore be at the direction of, and with the approval of, these partner agencies. This also means that these DISC partner agencies would have the greatest amount of input and decision-making authority regarding the interaction of the new station with the surrounding neighborhood, as well as with functions such as the interface with other modes of transit (e.g., buses, taxis, and transportation network companies [e.g., Uber, Lyft]), rider pick-up and drop-off, the function of Cahill Street, and plaza(s) onto which the new station may open to the east.

It should also be noted that Downtown West Design Standards and Guidelines Figure 3.5 depicts "***Minimum*** required ground floor active use locations" (emphasis added). Finally, Blocks D4, D5, D6, and D7, along with 40 South Montgomery Street, the project blocks within the Downtown West Design Standards and Guidelines most directly facing Diridon Station—albeit one block east, behind the VTA and Caltrain parcels—would be required to have ground-floor active use entries and a minimum of 30 percent active use frontage on the majority of facades facing open space, South Montgomery Street, Barack Obama Boulevard, and West Santa Clara Street. Because these parcels would be north and south of the project's proposed "Social Heart" open space, these parcels would likely become an active draw for pedestrians traveling to and from the new Diridon Station.

Since publication of the Draft EIR, the Downtown West Design Standards and Guidelines document has been updated to require an active use entry along the nearest facades to the station—on Block F1 facing West San Fernando Street and on Block C2 facing the northern Cahill Street extension—to reinforce pedestrian and transit walking routes to the station.

Construction Impacts and Coordination

As stated in Comment C.4, the Downtown West Mixed Use Plan, if approved, would result in construction activities in an area that is likely to see construction associated with other, major projects in an overlapping timeframe. The EIR for the Downtown West Mixed Use Plan fulfils CEQA requirements associated with construction impacts by assessing project-related impacts including construction noise, air emissions, and greenhouse gas emissions, and by analyzing whether there would be a significant cumulative impact relating to reasonably foreseeable construction projects in the vicinity, and if so, what the project's contribution to that impact would be. For example, Impact NO-1c assesses project-related noise impacts, requiring preparation of a construction noise reduction plan (Mitigation Measure NO-1c), and concludes that the impact would be significant and unavoidable. Impact C-NO-1 assesses cumulative construction noise associated with cumulative projects identified in Draft EIR Chapter 3, *Environmental Setting, Impacts, and Mitigation*, in the *Cumulative Impacts* section, pages 3-7 to 3-12; concludes that the impact would be significant; and further concludes that the project's contribution would be "considerable," resulting in a significant impact (page 3.10-59). This conclusion is consistent with the reference in Comment EE.1 to overlapping construction projects that result in noise levels in excess of standards in the general plan or noise ordinance.

The Downtown West Mixed Use Plan EIR appropriately studies the cumulative context and identifies mitigation measures to minimize the project's contribution to cumulative impacts; however, this EIR is not the appropriate forum for development of a strategy for coordination of construction activities associated with multiple approved and pending projects in the vicinity of Diridon Station. Nor is it appropriate to impose a mitigation measure to require one project to address the impacts of other projects.

City staff is aware of the challenges posed by construction of multiple projects in the same vicinity. A Construction Impact Management Plan (CIMP) will be submitted and reviewed by City Council in conjunction with project entitlements.[4] Subsequent CIMPs with specific timing and construction methodologies for each phase will be submitted as detailed design progresses. As explained starting on Draft EIR page 3.13-28, the site-specific traffic control plans (referred to as Recommended Temporary Traffic Control Plans or RTTCPs) included in the Subsequent CIMPs would contain elements pertaining to all modes of travel and must be tailored to each construction project's unique features:

> No one set of signs or other traffic control devices can typically satisfy all conditions for a given project. At the same time, defining detailed standards that would be adequate to cover all applications is simply not practical. This Manual displays several diagrams that depict common applications of standard temporary traffic control devices and applications. The traffic control selected for each situation shall be based on street type, traffic conditions, duration of operation, physical constraints, and the nearness of the workspace to vehicle traffic, pedestrians, and bicyclists.[5]

Consistent with San José Municipal Code Chapter 13.36, the Subsequent CIMPs would include an analysis of potential effects and how they could be addressed, as well as implementation of communication/outreach throughout the construction period. The Subsequent CIMPs would be consistent with the CIMP that would be reviewed and approved by the City Council in conjunction with project entitlements, and the City's recently adopted Downtown Construction Guidelines.[6] Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for more information about the Conformance Review process, including review and approval of Subsequent CIMPs.

The Draft EIR identifies impacts and mitigation measures associated with construction traffic, staging, and haul routes to the extent these have the potential to result in secondary impacts such as noise or air pollutant emissions. The Draft EIR does not address construction traffic impacts themselves because such impacts are not included in the significance criteria applicable to transportation (Draft EIR page 3.13-24). However, these issues are addressed outside of CEQA in the Local Transportation Analysis (LTA) (Draft EIR Appendix J2). Comments Z.43, Z.45, Z.47, and Z.49 stress the importance of maintaining access during construction and having adequate

[4] As of publication of this First Amendment, the applicant's proposed CIMP and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[5] City of San José, *Recommended Temporary Traffic Control Plans*, undated. Available at: https://www.sanjoseca.gov/home/showdocument?id=19947. Accessed March 8, 2021.

[6] City of San José, *Downtown Construction Guidelines for Work in the Public Right-of-Way*, March 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=56303. Accessed March 31, 2021

traffic construction plans in place. The City acknowledges these comments and the Department of Public Works will ensure that site-specific CIMPs address these issues adequately in conformance with the City's Downtown Construction Guidelines.

The City also acknowledges the need to coordinate major new development and public infrastructure projects over a prolonged period of time, and the need to bring private and public partners together on an ongoing basis to properly plan for, coordinate, and construct various improvements. Specifically, in conjunction with the anticipated update to the Diridon Station Area Plan infrastructure analysis, the City will summarize the inter-related projects identified in this plan, provide information about their scope, cost, and schedule, and identify the primary agency responsible for their delivery. This will clarify how each project contributes to the whole, leverage investments for mutual benefit, minimize impact, and avoid duplicative efforts. Understanding and guiding investments based on anticipated phasing is critical, as is coordinating projects well in advance of construction. The City will be responsible for bringing individual projects (e.g., BART Phase II, the Diridon Integrated Station Concept, and private development) together to minimize potential impacts to existing and future neighborhoods and businesses, including ensuring ongoing access to the SAP Center during construction.[7]

This kind of effective construction coordination of multiple projects is largely dependent on a detailed understanding of overlapping construction schedules. At this early stage, no firm and detailed construction schedules are known for each block on the Downtown West project site. The phasing plan presented in Draft EIR Section 2.13, *Project Construction and Phasing*, is the most accurate plan at this time and conservatively assumes that the proposed project would be fully developed by 2031. This phasing is conservative because, as stated on Draft EIR page 2-66, it assumes overlapping construction activities that might otherwise occur sequentially and over a longer period of time.

The only major project with a reasonably well defined-construction schedule is the BART Phase II Silicon Valley Extension, as neither high-speed rail nor the DISC plan are fully defined as to scope or timing. The Draft EIR acknowledges the potential construction-related conflict between the proposed Downtown West project and the BART project, explaining, on page 2-66, that "phased implementation [of the Downtown West project] could be constrained by external factors such as market forces and construction staging for the BART Downtown extension." As construction schedules for the proposed project and other projects in the vicinity become more well-defined, the City's coordination efforts and the project applicant's obligation to prepare and implement an approved CIMP for the Downtown West Mixed Use Plan would ensure continued coordination with the City, the DISC partner agencies, and other stakeholders to minimize disruption to the maximum degree possible.

Conclusion

This section provides information in response to comments received on the Draft EIR and does not materially alter the analysis or conclusions of the Draft EIR. As a result, recirculation of the

[7] Zenk, Jessica, Deputy Director, Planning & Project Delivery, City of San José Department of Transportation, e-mail communication to ESA, March 24, 2021.

Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required. Should the final design of other projects in the vicinity of the project site require modifications to the Downtown West project in the future, these modifications would require analysis via the Conformance Review process described in the Draft EIR (page 2-79) and *Master Response 3: Subsequent City Review and Approvals* in Section 3.2.3 below.

3.2.2 Master Response 2: Specificity of the Draft EIR Project Description

Comments addressed in this response: G.6, T.1, Z.5

Comments from Caltrain, the Guadalupe River Park Conservancy, and Sharks Sports & Entertainment LLC ("Sharks") raised issues with the level of specificity of the project description in the Draft EIR, claiming that the project description does not meet all of the technical requirements contained in CEQA Guidelines Section 15124 and/or that it does not meet the "accurate, stable and finite" test that has been developed by the CEQA case law. As explained below, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts.

This Master Response specifically addresses the Draft EIR's project description itself. In addition, Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, addresses the City's ongoing role to ensure that all subsequent project development proposals are consistent with this project description and properly considered under CEQA. Together, the project description and subsequent review process ensure stability of the project, as described and analyzed in the Draft EIR.

CEQA Requirements for Project Description

CEQA Guidelines Section 15124 sets forth the requirements for an EIR project description.[8] First, in the Project Description, the "precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map."

Location and Boundaries

Draft EIR Figure 2-1 depicts the precise location and boundaries of the proposed project and includes a regional map as an inset. Figure 2-2 also shows the project boundaries on an aerial photograph. Neither figure includes topographic information because, in an urban area that is generally flat like the project site, it is more useful to the reader to know the boundaries relative to the street grid and to physical features such as parks, waterways, and important buildings; accordingly, Figure 2-1 depicts major streets and freeways, the Caltrain tracks and Santa Clara Valley Transportation Authority light rail lines, existing parks such as Guadalupe River Park (including Arena Green therein) and Cahill Park, waterways including Los Gatos Creek and the Guadalupe River, and important structures such as Diridon Station, the SAP Center, and San José State University. Although one commenter asserts that "None of the maps included in the DEIR can be considered detailed enough for an accurate evaluation of environmental impacts …"

[8] The CEQA statute (Public Resources Code Section 21000 *et. seq.*) does not establish specific requirements for an EIR project description; in fact, the statute (Section 21003(c) states that it is the policy of the California Legislature that "Environmental impact reports *omit unnecessary descriptions* of projects and emphasize feasible mitigation measures and feasible alternatives to projects" (emphasis added). Hence, this response focuses on the requirements set forth in CEQA Guidelines Section 15124.

(Comment Z.5), it is unclear what required information the commenter believes is misrepresented or lacking; both maps are accurate and detailed. It is also unclear the linkage between the clarity that is being sought and any particular environmental impact.

Statement of Objectives

An EIR project description must also provide a "statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits."

Section 2.14 of the Draft EIR sets forth detailed project objectives in three categories: Project Applicant Objectives (Section 2.14.7), including "Overarching Objectives" that describe the project's underlying purpose; City Objectives (Section 2.14.8); and Objectives of the City and Google Memorandum of Understanding, dated December 4, 2018 (Section 2.14.9).[9]

Project Characteristics

Next, the project description must include a "general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities."

The Draft EIR project description more than fulfills this requirement, addressing each of the listed characteristics (i.e., the project's technical, economic, and environmental characteristics). It includes more than 50 pages of text and tables, along with eight figures, covering the following topics:

- Development Program (Section 2.3)
- Land Use Designations and Zoning Districts (Section 2.4)
- Building Heights (Section 2.5)
- Parks and Open Space (Section 2.6)
- Transportation and Circulation (Section 2.7)
- Utilities (Section 2.8)
- Project Features to Minimize Greenhouse Gas Emissions (Section 2.9)
- On-Site Logistics (Section 2.10)
- Flood Control Improvements (Section 2.11)
- Downtown West Design Standards and Guidelines (Section 2.12)
- Project Construction and Phasing (Section 2.13)

[9] Note that, due to a formatting error, Draft EIR Sections 2.1, 2.2, 2.3, 2.4, 2.8, 2.12, 2.13, 2.14, and 2.15 contain subsections that each begin with subsection 7, rather than 1. So, for example, Section 2.14 begins with subsection 2.14.7 instead of subsection 2.14.1. However, no text or subsections were omitted; instead, the headings were mis-numbered. This error has been corrected in Chapter 4, *Revisions to the Draft EIR*.

The Draft EIR Project Description contains figures that depict the proposed project's land use program by block (Figure 2-3), existing and proposed General Plan land use designations and zoning designations (Figures 2-4 and 2-5, respectively), existing and proposed height limits (Figure 2-6), proposed open spaces (Figure 2-7), proposed changes to the on-site street network (Figure 2-8), the proposed layout of the utilidor, which would serve as the project site's backbone utility corridor (Figure 2-9), and the proposed phasing of project development (Figure 2-10). In addition, the Project Description includes eight illustrative renderings that depict "before and after" conditions and show anticipated project development with respect to the general scale of development on the project site to provide the reader with an understanding of how views of and through the project site would be altered by the proposed project. Actual building designs would be developed as individual project blocks are proposed for development and would be consistent with the proposed project's General Development Plan as well as the Downtown West Design Standards and Guidelines that would be considered for approval by the City as part of the proposed project's Planned Development Permit.[10]

With respect to the project's proposed development program, this is spelled out in the text of Section 2.3 and summarized in Table 2.1, Draft EIR page 2-15. It is noted that, as explained in the Draft EIR, the Project Description sets forth, and the Draft EIR analyzes, maximum floor areas by use and a maximum number of residential units. These maximums, allocated to three sub-areas, are also included in the project's proposed General Development Plan. These maximums and may not be exceeded without amendment to the General Development Plan or in narrow circumstances specified in the General Development Plan.

Intended Uses of EIR

Finally, an EIR project description must also set forth a "statement briefly describing the intended uses of the EIR. As required by CEQA Guidelines Section 15124:

(1) This statement shall include, to the extent that the information is known to the Lead Agency:

(A) A list of the agencies that are expected to use the EIR in their decision making, and

(B) A list of permits and other approvals required to implement the project.

(C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.

(2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. …" (CEQA Guidelines Section 15124(d)).

Draft EIR Section 2.15, *Uses of the EIR and Required Project Approvals*, sets forth each approval action that is known to the City of San José to be required, including both City actions and

[10] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

approval actions required by other state, regional, and local entities (see minor revisions to this section in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment). Most City approval actions are anticipated to occur at the same City Council meeting, although some, such as subsequent design Conformance Review for consistency with the Downtown West Design Standards and Guidelines, would occur at later dates as each individual proposed building or group of proposed buildings is evaluated by the City for consistency with the design standards and guidelines. (Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals* and Draft EIR page 2-79). Inasmuch as the timing of consideration of approval actions by other state, regional, and local entities cannot be known at this time, these anticipated approval actions are presented alphabetically by entity for convenience. It is anticipated that these non-City entities would rely on this EIR in their deliberations with respect to project approval actions. In response to one comment that there appear to be no fewer than 25 discretionary actions for the project (Comment Z.5), the number of approval actions required for a project has no bearing on the adequacy or completeness of the project description as long as the approval actions are, as here, set forth accurately and completely to the fullest extent possible. The commenters provide no evidence that required approval actions are misstated or omitted.

Furthermore, CEQA Guidelines Section 15124 states that, while the Project Description shall provide the above information, it "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact."

The Draft EIR Project Description meets or exceeds the above requirements.

Lack of Building Designs

Comments state that specific building designs are required to ensure that the EIR's analysis is complete (Comments T.1, Z.5). This is not the case. CEQA Guidelines Section 15124 does not require specific building designs, nor are specific building designs required to adequately disclose and evaluate a project's environmental impacts.

Further, CEQA Guidelines Section 15146 clarifies that "[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the activity, which is described in the EIR." That is, the environmental analysis can be more or less specific depending on the project being considered. However, CEQA itself does not dictate the level of specificity in a given project. This has been confirmed by case law. For example, the court in *Citizens for a Sustainable Treasure Island v. City and County of San Francisco*, 227 Cal. App. 4th 1036 (2014) rejected arguments that a project description was inadequate because the "specific configuration and design of particular buildings is left for future review" and the "street network and layout is only conceptual," finding that "the EIR made an extensive effort to provide meaningful information about the project, while providing for flexibility needed to respond to changing conditions and unforeseen events that could possibly impact the Project's final design."

In support of its conclusion, the *Treasure Island* court pointed to the extensive detail provided in the document entitled "Treasure Island and Yerba Buena Island Design for Development," in particular noting that it provided "concrete information regarding building heights, mass, bulk

and design specifications," and "specifications for the street grid, street angles, street widths, block dimensions, setbacks, curb cuts, and a host of other issues." This so called "D4D" document discussed in *Treasure Island* is very similar in detail to the proposed project's Downtown West Design Standards and Guidelines. In sum, the court found that "the EIR cannot be faulted for not providing detail that, due to the nature of the Project, simply does not now exist." Other courts have similarly affirmed that flexibility may be appropriate and that building level details are not required for an adequate project description.

As the case law has recognized, it may be necessary to provide "flexibility … to respond to changing conditions and unforeseen events." Here, there is a need for flexibility. The proposed project is large and would require a long-term buildout, extending out at least a decade, so it is not feasible at this time to plan and foresee all design and implementation details. For instance, any substantial delays in the construction period associated with Phase II of the BART extension to San José and construction of the proposed Diridon Station in the core of the project site would render a large area south of Santa Clara Street from Diridon Station to Barack Obama Boulevard (formerly South Autumn Street) inaccessible and undevelopable, potentially for several years, due to construction staging areas that VTA requires to construct the BART project. Anticipated street closures (e.g., Cahill Street) and limited construction traffic routes (e.g., Barack Obama Boulevard) combined with ongoing use of the SAP Center's surface parking lots during events could pose a challenge to construction of the project's blocks along both sides of West Santa Clara Street. The DISC planning process today is in a conceptual stage, but its final design and track alignment could affect the project, for example if the DISC partner agencies determine that acquisition of (yet to be identified) property along the existing right of way is required to accommodate the new tracks. That is, while the scope of the project is and has remained stable, accurate and finite, these conditions warrant an entitlement that allows a degree of flexibility to "respond to changing conditions and unforeseen events." Nothing in CEQA prohibits flexibility.

Therefore, the ultimate question is whether the EIR provides "decision makers with sufficient analysis to intelligently consider the environmental consequences of [the] project." This is not judged against a standard of "perfection," but rather the "'the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.' [Citation.]" *Treasure Island*, at 1051–52. To accomplish this requirement, the EIR makes reasonable, yet conservative, assumptions regarding the ultimate buildout of the project.

For topics relevant to building massing, the Draft EIR conservatively assumes that all new buildings to be developed on the project site would occupy the entirety of their blocks and would be built to the maximum permitted heights. In reality, the Downtown West Design Standards and Guidelines would not permit this degree of massing on any given project block, and instead would require ground-level setbacks, upper-story stepbacks, façade modulation and articulation, and variations in rooflines in various combinations so as to reduce the overall massing of individual buildings, with greater requirements for larger blocks with the potential for longer building façades. In addition, the Downtown West Design Standards and Guidelines would require specific development setbacks proximate to off-site historical resources and to on-site historical resources that would be retained under the proposed project. Accordingly, because the Draft EIR assumes somewhat greater building massing than could be developed as part of the

proposed project, the Draft EIR's analysis of impacts directly related to building footprints and massing is conservative and discloses a reasonable worst-case scenario. This includes effects relating to development proximity to riparian corridors and disturbance of natural habitat and special-status species; proximity to historic architectural resources and disturbance of subsurface cultural resources; excavation and building foundations; disturbance of preexisting hazardous materials; grading, runoff, and flood potential; proximity to adjacent land uses (residential, rail, and others) and shadow; construction noise and vibration and building-generated noise; and building utility connections to in-street systems. This analysis provides the public and decision-makers with the information needed to understand environmental impacts and does not depend on identifying specific building designs.

Building footprints and massing are also not directly relevant to transportation impacts. Instead, this analysis relied on the density of development (i.e., number of residential units and floor area of non-residential uses). Although these density figures implicate building massing (i.e., a certain floor area requires a certain building envelope to accommodate it), the height and shape of building is not directly relevant to travel demand, vehicle miles traveled, or other measures of transportation impacts. As explained on Draft EIR page 3.13-24, in accordance with Council Policy 5-1, adopted in 2018, the City of San José analyzes traffic impacts based on vehicle miles traveled (VMT), which is a measure of total vehicle travel and is not substantially affected by individual building footprints or massing. The proposed project would have a less-than-significant VMT impact, as explained on Draft EIR pages 3.13-37 to 3.13-45 (Impact TR-2). As explained in Impact TR-1, Draft EIR page 3.13-28, the proposed project would also have a less-than-significant effect in terms of conflicts with transportation-related programs, plans, ordinances, and policies, including those concerning transit service. The proposed project would likewise have less-than-significant circulation effects with respect to design hazards (Impact TR-3, page 3.13-45) and emergency access (Impact TR-4, page 3.13-46). Local circulation impacts, including those more closely related to specific building designs, would not result in CEQA impacts but are analyzed in the project's Local Transportation Analysis (LTA) (Draft EIR Appendix J2) and summarized in Draft EIR Section 3.13, *Transportation*, beginning on page 3.13-55. It is anticipated that, as specific building designs are proposed and considered by the City for approval, the City would require preparation of subsequent focused LTAs to evaluate local circulation non-CEQA design issues such as driveway placement and pedestrian and vehicle building access. (Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for more on this subject.)

Likewise, building footprints and massing are not directly relevant to air quality, greenhouse gas, or noise impacts; as with transportation, these analyses primarily relied on the density of development, and the height and shape of building is not directly relevant to the air quality, greenhouse gas, or noise calculations.

Some comments state that aesthetic impacts cannot be adequately understood absent specific building massing (Comments T.1, Z.5). But, as explained on Draft EIR pages 3-1 to 3-2, and discussed further in Section 3.2.9, *Master Response 9: Non-CEQA Issue—Aesthetics*, under state legislation (Senate Bill 743), aesthetic impacts of a mixed-use residential project on an infill site located within a transit priority area, such as the proposed project, "shall not be considered

significant effects on the environment" and therefore are not analyzed in the Draft EIR. The only purpose of providing specific visual renderings or elevations of the proposed project would be for informational, non-CEQA purposes. The Draft EIR has been supplemented in this way to help decision-makers and the public understand the nature and scale of proposed development, but this information does not directly relate to consideration of any specific environmental impacts within the scope of this EIR and therefore is not required for CEQA purposes.

A comment (Comment T.1) claims that the Draft EIR Project Description is inadequate because it includes no building renderings. None of the requirements in CEQA Guidelines Section 15124 require that a project description include building renderings. Further, aesthetic impacts are not relevant for projects of this nature under CEQA, pursuant to Senate Bill 743, as explained above. "Particulars on massing, heights, building materials, orientation" fall under this rubric. Therefore, renderings would not provide information relevant to any environmental impact. Particulars with respect to access (e.g., individual building driveways) would be reviewed and approved by the Public Works and Transportation Departments in conjunction with focused LTAs for subsequent individual buildings or groups of buildings. However, these issues do not implicate CEQA impacts as traffic level of service (LOS) is no longer considered to be an impact under CEQA. As explained above, the Draft EIR assumes, where applicable to massing-related effects, that all new buildings to be developed on the project site would occupy the entirety of their blocks and would be built to the maximum permitted heights, meaning the analysis conservatively states the most intense massing of buildings that could be developed. Therefore, the Draft EIR's analysis of impacts directly related to building footprints and massing—including shade and shadow impacts—is conservative, while other footprint and massing issues, such as proximity to waterways, would be governed by mandatory design standards. As also stated above, a proposed General Development Plan that will closely govern project development is on file, can be reviewed by the public, and will be considered by the decision-makers in their deliberations regarding the proposed project. Finally, while not required by CEQA, the Draft EIR does include illustrative renderings that help the public and decision-makers understand the project. It is also noted that, since publication of the Draft EIR, the project applicant has made additional project renderings available to the public on the project website (https://realestate.withgoogle.com/sanjose/updates/4947093539782656/visualizing-downtown-west-together/).

Role of Downtown West Design Standards and Guidelines

Overview of Standards and Guidelines

Comments (including Comment Z.5) claim that it is improper to include the Downtown West Design Standards and Guidelines as part of the Draft EIR Project Description. Criticisms include that the Downtown West Design Standards and Guidelines set forth both an enforceable series of design-focused standards and advisory guidelines and therefore cannot constitute a stable project description under CEQA. However, as stated on Draft EIR page 2-79, "Compliance with clear and quantitative mandatory standards in the Planned Development Permit and Downtown West Design Standards and Guidelines would be required; however, compliance with non-mandatory guidelines, while encouraged, would not be required." Therefore, the Draft EIR assumes strict

compliance only with the enforceable standards. As explained in the Downtown West Design Standards and Guidelines (Draft EIR Appendix M, page 20), "Development standards are requirements."[11] The guidelines, conversely, are more advisory in nature and therefore, "Consistency with guidelines is subjective and the intent behind guidelines may be achieved through a variety of alternative strategies" (Appendix M, page 20). As stated on Draft EIR page 2-63, "Because they would be adopted as part of permit approval, the Downtown West Design Standards and Guidelines would impose mandatory standards—enforceable by the City—on the project's design and implementation with respect to land use, open space, building design, public rights-of-way, sustainability, and lighting and signage…. In this way, the Downtown West Design Standards and Guidelines would ensure compliance with the City-adopted program for the project site."

It is also the case that the Downtown West Design Standards and Guidelines represent a necessary condition of project implementation; without adoption of this document, the project described in the EIR cannot be implemented. As stated in Section 15378 of the CEQA Guidelines, a project is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment…." Therefore, not including the Downtown West Design Standards and Guidelines, which is a tool for implementing the project, in the EIR project description and analysis would be tantamount to "piecemealing" (i.e., analyzing a project's components individually, rather than together as a whole), which would be a clear violation of CEQA.

The Downtown West Design Standards and Guidelines include both project-wide standards that would apply to all new construction with respect to building envelopes and building design, as well as additional standards applicable to all new buildings with long façades (350 feet or more). In addition, the Downtown West Design Standards and Guidelines include certain location-specific standards for new construction proximate to historical resources, existing smaller-scale development, and Los Gatos Creek (refer to Draft EIR Appendix M, Figure 5.7 and Table 5.1, for a summary of the requirements). The Downtown West Design Standards and Guidelines further include:

- Block standards and building heights that would control building envelopes and massing (Sections 5.5 and 5.6)
- Standards that would regulate building design at distinct building levels: pedestrian, podium, and skyline (Sections 5.8, 5.9, and 5.10)
- Location-specific controls that would serve to further govern certain subsequent development (Section 5.15, concerning proximity to historical resources, Section 5.16, concerning adjacency to low-rise buildings, and Section 5.17, concerning adjacency to Los Gatos Creek and Open Space)
- Standards that would control the street network and hierarchy (Section 6.3) and the pedestrian network (Figure 6.8), set forth streetscape and frontage requirements (Sections 6.3 and 6.4), and establish a bicycle and micro-mobility network (Section 6.5)

[11] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

- Controls to clearly establish open space, parks, and mid-block passages, identifying location, acreage, intended usage, and programming for each such area (Sections 4.11 through 4.21). Standards would also govern open space adjacent to the riparian corridor and rail corridor (Sections 4.8 through 4.10)

In addition to the mandatory standards, the Downtown West Design Standards and Guidelines would contain subjective guidelines that would encourage or discourage certain design treatments and approaches but would not be mandatory. For example, the Downtown West Design Standards and Guidelines includes mandatory *standards* with respect to development adjacent to the Los Gatos Creek riparian corridor, including for lighting. In addition, the vast majority of controls in the Downtown West Design Standards and Guidelines with respect to development of new buildings (e.g., height, massing, adjacency to historical resources) are in the form of standards, with guidelines limited to considerations such as temporary façade treatments such as murals, bicycle and loading access locations to buildings, balcony design, pedestrian-level wind comfort, and the nature and location of vegetation around buildings, among other things. While conformance with the guidelines would not be mandatory, the project applicant must "demonstrate[] that the application achieves the design intent set forth in the chapter of the applicable guideline" (Appendix M, page 16). (Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for more on the subsequent review process.) Therefore, to the extent comments suggest the Downtown West Design Standards and Guidelines are not enforceable or that the Draft EIR relies on advisory guidelines, that is incorrect. These are enforceable standards and the Draft EIR did not rely on any subjective guidelines in its analysis. The fact that the project *additionally* includes subjective guidelines does not mean that the objective standards are unenforceable.

Potential Applicability to Expansions of Project

Concerning the statement in the Draft EIR Project Description (page 2-2) that "the project may include further land assembly by the project applicant," the intention of this statement was to allow for minor changes in the configuration of the site plan. However, the project applicant does not currently propose any expansion of the project site; in fact, as described in Chapter 1, *Introduction* (Section 1.2.2, *Revisions to the Proposed Project*), of this First Amendment, the project applicant has incrementally reduced the size of the project site by, among other things, eliminating a proposed access easement over a portion of Caltrans-owned property adjacent to the southeast corner of Block E, adjacent to SR 87 on the north side of West San Fernando Street. (Refer to Chapter 4 for a revised Figure 2-3, *Proposed Land Use Plan*.) If, at some point in the future, the project applicant were to propose expansion of the project site, such an action would be subject to its own review under CEQA to determine whether the additional development would constitute a "substantial change" that would "require major revisions of the … EIR … due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects" (CEQA Guidelines Section 15162(a)(1)). If this were to be the case, a new or supplemental EIR could be required while, if not, an EIR Addendum could be prepared. Nothing about the proposed project or any of its anticipated approval actions would eliminate the need for subsequent project changes to be evaluated under CEQA. The City's authority to exercise discretion with respect to review of subsequently proposed development on the project is set forth in the General Development Plan's Downtown

West Planned Development Zoning Subsequent Review Process, and in Appendix C of the Downtown West Design Standards and Guidelines, Conformance Review Checklists. Moreover, the Planning Director, in reviewing subsequent proposed developments, must determine if CEQA is satisfied by relying on the Draft EIR, or if additional CEQA review is required, which may include additional mitigation measures, where warranted. (Refer to *Master Response 3: Subsequent City Review and Approvals*, for more on this subject.)

"Draft" Form of Design Standards and Guidelines

One comment (Comment Z.5) raises a concern that the Downtown West Design Standards and Guidelines is in draft form and not yet adopted and that the EIR cannot rely on draft documents. But the Downtown West Design Standards and Guidelines, being an integral part of the proposed project, is necessarily in draft form for the very reason that the proposed project has not yet been considered for approval by the City. Therefore, the Downtown West Design Standards and Guidelines legally could not have been considered for approval prior to EIR certification, let alone already approved. By definition, every Draft EIR project description, no matter how detailed, is in draft form until the lead agency approves the project. Since publication of the Draft EIR, the applicant has provided an updated draft of the Downtown West Design Standards and Guidelines to reflect the minor project changes identified in the First Amendment and refinements to design and site planning concepts.[12] It is reasonable to anticipate that the final, approved version of the Downtown West Design Standards and Guidelines will be substantially the same as the draft circulated for public review, although changes may be made to incorporate input from decision-makers and members of the public. If any changes are substantial enough to materially affect the project description in the Draft EIR, then recirculation of the Draft EIR may be required.

Relationship to Downtown Design Guidelines

A commenter (Comment Z.5) states that there is confusion in the Downtown West Design Standards and Guidelines (Draft EIR Appendix M) regarding whether this document or the City's existing Downtown Design Guidelines would apply to the project, asking "Are decision makers and the public expected to comb through the DDGs and figure out which, and the extent to which, certain standards and guidelines are superseded in order to extract a project description?" The answer to this question is no, as the Downtown West Design Standards and Guidelines contains Appendix D, Summary of [Downtown Design Guidelines (DDG)] Standards and Guidelines That Do Not Apply to Downtown West, that explicitly sets forth those specific instances in which the Downtown West Design Standards and Guidelines would prevail over the other the adopted Downtown Design Guidelines. Also included is Appendix E, Summary of [Complete Streets Design Standards and Guidelines] Standards and Guidelines That Do Not Apply to Downtown West, which similarly sets forth where the Downtown West Design Standards and Guidelines would prevail over the adopted Complete Streets Design Standards and Guidelines.

[12] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Development Scenarios

A comment (Comment Z.5) states that "The project as described in the DEIR could result in several different development scenarios that future developers may or may not follow for development of the site." This is incorrect. The proposed General Development Plan, which would be adopted as part of the proposed project's Planned Development rezoning and which is available for review on the City's "Google Project" website, contains details concerning the land use and zoning controls that would apply to the proposed project, should the project be approved.[13] The General Development Plan includes a list of specifically permitted (and prohibited) land uses, a land use plan showing where uses are permitted, an open space plan, a circulation plan, an infrastructure plan, and a grading plan,[14] along with conditions of administrative permits that would be issued subsequent to project approval, and a discussion of the detailed subsequent Conformance Review process that the City would undertake for subsequently proposed individual buildings within the project area, among other things.[15] Assuming project approval, the General Development Plan would be legislatively approved by the City Council, meaning that its controls would be mandatory and would specify the limits of development that could be undertaken on the project site.

Further, requirements in the General Development Plan, the Downtown West Design Standards and Guidelines, the project's Vesting Tentative Map, and the proposed Development Agreement between the City and the project applicant would impose constraints on sequencing and the extent of development.[16] Each of the three anticipated phases of project development (discussed in Draft EIR Section 2.13) assumes a specified level of development. If a subsequent proposed development were determined through the Conformance Review process to exceed the development analyzed for a particular phase of the project, this could require additional CEQA analysis. The Vesting Tentative Map conditions would require completion of specified circulation and infrastructure improvements and other requirements prior to starting vertical construction of any given portion of the project. Finally, the General Development Plan and Downtown West Design Standards and Guidelines would limit the density on each block through building height limits, massing controls, and other design standards.

[13] The General Development Plan is available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[14] The land use plan, open space plan, and infrastructure plan are included in the Draft EIR Project Description as Figures 2-3, 2-7, and 2-9, respectively. Draft EIR Figure 2-8 presents a version of the General Development Plan's circulation plan, showing new and removed public and private streets.

[15] San José Department of Planning, Building & Code Enforcement, Google Project webpage. Available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project. Accessed January 11, 2021.

[16] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Program vs. Project EIR

One comment (Comment Z.5) states that the Draft EIR should be identified as a "program" EIR. But California courts have ruled that this distinction is not material. The *Treasure Island* court most recently articulated this rule:

> [T]he question is not whether a program EIR should have been prepared for this Project, but instead, whether the EIR addressed the environmental impacts of this Project to a "degree of specificity" consistent with the underlying activity being approved through the EIR. (Guidelines, § 15146; see § 15168, subd. (c)(5).) Additionally, in reviewing [the] challenge to this EIR, it is unconstructive to ask whether the EIR provided "project-level" as opposed to "program-level" detail and analysis. Instead, we focus on whether the EIR provided "decision makers with sufficient analysis to intelligently consider the environmental consequences of [the] project." [citation] If these questions are answered affirmatively, the EIR is legally sufficient, regardless of whether it is a project or a program EIR. [*Citizens for a Sustainable Treasure Island v. City and County of San Francisco*, 227 Cal. App. 4th 1036, 1052 (2014).]

Here, the project applicant seeks various approvals that would allow a degree of flexibility. The only question is whether the approval being sought has been adequately analyzed; the label of the EIR is not relevant. Subsequently, as specific development proposals come forward, the City would use the Conformance Review process to determine whether the EIR analyzes the impacts of what is proposed, or whether additional CEQA review is required; please refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*.

Location of Live Entertainment Venues

A comment (Comment Z.5) objects to the Draft EIR's description of proposed "indoor live entertainment venue" because the sponsor is considering such venue(s) for Blocks D4, D5, and/or D6 of the project site. (As stated in Section 1.2.2, *Revisions to the Proposed Project*, of this First Amendment, Block D7 may also be an entertainment venue location.) Because the locations under consideration—including the newly added Block D7—are all on the same City block—between West Santa Clara and West San Fernando Streets west of Barack Obama Boulevard, and because the maximum aggregate capacity of these venue(s) would be approximately 500 persons, the Draft EIR considers the three project blocks as a single location for purposes of analysis. And because of the limited capacity of these venue(s), no significant impacts are identified separate from those of the overall project itself: the venue(s) would simply be too small to result in any meaningful effects of their own. The Draft EIR's analysis reasonably discloses the impacts of the entertainment venue(s); there is no requirement that its location be determined with specificity now.

Relationship to Proposed DSAP and General Plan Amendments

Concerning the allegation (Comment Z.5) that the "Draft EIR is inappropriately relying on draft documents," such as the proposed amended Diridon Station Area Plan (DSAP), the Draft EIR appropriately treats the proposed DSAP amendments as a cumulative project, as explained on Draft EIR page 3-7, in the Introduction to Draft EIR Chapter 3, *Environmental Setting, Impacts, and Mitigation*. While the DSAP amendments, if approved, would, among other things, make

changes in the General Plan-permitted development capacity of the DSAP area, which includes the project site, the Draft EIR makes clear that the proposed Downtown West project is seeking its own project-specific General Plan amendments with respect to growth allocations: as stated on Draft EIR page 2-27, "The General Plan amendment **for the proposed project** would reallocate 5,575 housing units and 6,306,000 gsf of commercial/office uses from other General Plan growth areas outside of Downtown to the Downtown" (emphasis added). A comment states that one change proposed in the DSAP amendments would be in recognition of the fact that a ballpark is no longer proposed within the DSAP area. Indeed, because the ballpark site is within the proposed Downtown West project site, the re-designation of this site's General Plan land use designation is included as part of the proposed project (refer to Draft EIR Figure 2-4, page 2-26, in which the "DSAP Ballpark Location" is included as an overlay under existing General Plan land use designations and removed in the project configuration). Therefore, approval of the proposed project does not depend on approval of the DSAP amendments.

As stated on Draft EIR page 2-3, the City in 2019 initiated amendments to the DSAP in recognition of several changes in planning assumptions that had underlain the 2014 DSAP. The DSAP Amendment is a separate project from the proposed Downtown West project, includes a larger area, and has different objectives than does the Downtown West project. Accordingly, the City has conducted a separate environmental review process for the revisions to the DSAP. On March 2, 2021, the City published an Initial Study/Addendum to the Downtown Strategy 2040 EIR for the proposed DSAP Amendment.[17]

Stability of Project Description

Finally, one commenter (Comment Z.5) cited a previous Court of Appeal decision, *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, for the proposition that an "accurate, stable and finite project description" is essential to an adequate EIR. But the circumstances of this case were completely different than those of the project described in this EIR. In *County of Inyo*, the court found that the EIR was internally inconsistent, in that the project described in that EIR's project description differed from the project described elsewhere in the analysis. Here, no such inconsistencies exist: the number and figures are consistent throughout the Draft EIR, and the Draft EIR is consistent with the proposed approval documents, such as the General Development Plan and the Downtown West Design Standards and Guidelines, and no evidence has been presented that demonstrates otherwise.

Conclusion

This section provides clarifying information in response to comments received on the Draft EIR, explaining that the Draft EIR meets or exceeds the requirements of CEQA, the CEQA Guidelines, specifically Section 15124, and does not materially alter the analysis or conclusions of the Draft EIR. As a result, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

[17] The Initial Study and Draft Addendum is available on the City's website at: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/diridon-station-area-plan-amendment. Accessed March 6, 2021.

3.2.3 Master Response 3: Subsequent City Review and Approvals

Comments addressed in this response: C.4, G.6, G.7, J.4, J.10, J.23, Z.11, Z.31, Z.38, Z.41, Z.43, Z.45, Z.47, Z.53, Z.60, Z.63.

A number of comments address the City's review of specific site improvements and buildings for consistency with the proposed zoning controls and for CEQA compliance, as well as the need for construction management plans and site-specific LTAs to evaluate access/egress and other aspects of site circulation in the future. These issues, which relate to City processes and do not directly address the adequacy of the Draft EIR, are discussed here for informational purposes. As explained below, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts. As noted in Section 3.2.2, *Master Response 2, Specificity of the Draft EIR Project Description*, the subsequent review and approval process is the mechanism by which the City will ensure that the project will proceed in a manner consistent with the Draft EIR's project description.

Zoning/Design Conformance Review Process

As noted in Master Response 2, and in Draft EIR Chapter 3, Project Description (Draft EIR page 2-79), specific horizontal, vertical, and open space development proposals would be reviewed by the City as they come forward via a "Conformance Review" process to assess their consistency with applicable planning and zoning approvals granted in connection with the project. "Horizontal" proposals are those that relate to infrastructure and site preparation, and "Vertical" proposals are those that relate to building construction.

The General Development Plan for the Downtown West PD Zoning District would establish and authorize the Conformance Review process for the proposed project. The Downtown West Implementation Guide (Implementation Guide), a component of the proposed Planned Development Permit, identifies specific submittal requirements for Conformance Review applications, as well as the City's review and approval process for those applications, which would fall into one of three categories: horizontal improvements, vertical improvements, or open spaces.[18]

Horizontal improvements. The Conformance Review process for horizontal improvements—including district systems, infrastructure, and circulation and street improvements—would occur prior to the submittal of any phased final subdivision map or 100 percent improvement plan set. The applicant would be required to submit improvement plans at increasing levels of detail, referred to as 35 percent, 65 percent, and 95 percent improvement plans, and the Director of Public Works or the Director's designee, in consultation with applicable City departments, would

[18] As of publication of this First Amendment, the current version of the Downtown West Implementation Guide and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

evaluate the plans for consistency with applicable project approvals and documents. The applicant would facilitate the City's review by providing a Horizontal Improvement Conformance Review Checklist that would identify the applicable standards and guidelines in the Downtown West Design Standards and Guidelines, and the Complete Streets Design Standards and Guidelines. Ongoing coordination with adjacent stakeholders (e.g., VTA, BART, SAP Center, etc.) would continue in the early part of the Conformance Review process as detailed engineering plans become available showing public improvements.

The Director of Public Works' review of 35 percent, 65 percent, and 95 percent horizontal improvement plans would not be discretionary approvals. No additional CEQA review or public outreach would be required during the Conformance Review process unless the applicant requests a discretionary approval in connection with the Conformance Review process, which could include requests for relief from the Downtown Design Standards and Guidelines and/or Downtown West Improvement Standards, amendments to the Infrastructure Plan, or changes beyond substantial conformance to the Vesting Tentative Map.

Following the review of the 95 percent horizontal improvement plans, the project applicant would apply for approval of phased final subdivision maps and 100 percent improvement plans pursuant to the procedures described in Title 19 of the Municipal Code and any applicable ordinances governing the design and permitting of final subdivisions and improvements within the Downtown West PD Zoning District. In doing so, the project applicant would be required to demonstrate that all phased final maps and associated improvements, as described on 100 percent improvement plans, substantially conform with the Vesting Tentative Map conditions of approval.

Vertical Improvements and Open Space. For vertical improvements and open spaces, the project applicant would be required to submit Vertical and Open Space Conformance Review applications to the Director of Planning, Building, and Code Enforcement or the Director's designee for review and approval pursuant to the procedures, standards, and requirements set forth in the Implementation Guide. Specific submittal requirements for Conformance Review applications are set forth in the Implementation Guide and provide that the applicant would submit an application including applicable materials such as:

- Data charts providing information regarding the proposed land uses, open space program and acreage, square footage of non-residential uses, and/or number of residential units;
- Site plans and/or drawings;
- Information demonstrating compliance with relevant affordable housing and parking requirements under the Development Agreement, and relevant Parkland Agreement requirements; and
- Requests, if any, for relief from standards under the Downtown West Design Standards and Guidelines, if included within the types of relief from Downtown West Design Standards and Guidelines standards authorized under the General Development Plan.

Along with these materials, the applicant would also submit a Vertical Improvement and/or Open Space Conformance Review Checklist (See Appendix C of the Downtown West Design Standards and Guidelines) which identifies standards in the Downtown West Design Standards and

Guidelines and Downtown Design Guidelines applicable to vertical improvements and open space within Downtown West. The project applicant would also be required to submit a focused LTA, as applicable, and to provide information to support a determination whether the approval of development proposed in the Conformance Review application requires any additional environmental analysis under CEQA. (See the discussion of these issues below.)

Contrary to the statement in Comment Z.11, the Conformance Review process for vertical improvements and open space would include opportunities for public input. The applicant would be required to host an informational community meeting following submittal of an application, and the City's decision would occur at a publicly noticed public hearing. Depending on the specific approval being sought, the Director of Planning, Building, and Code Enforcement, the Planning Commission, or the City Council would be responsible for the review and approval or denial of a Vertical or Open Space Conformance Review Application. Director's Conformance Review hearings, Planning Commission hearings, and meetings of the City Council are all publicly noticed and relevant staff reports and supporting materials are posted on the City's website in advance, allowing commenters (including those who have expressed an interest in future review of site-specific approvals) to provide their input.

Conformance Review: CEQA Compliance

Contrary to comments (e.g., G.6, G.7), the proposed Conformance Review process for vertical improvements and open space would be discretionary and not ministerial, and thus would require the City to consider whether subsequent environmental review would be required pursuant to State CEQA Guidelines Section 15162. Additionally, during the Conformance Review process for horizontal improvements, the project applicant may request relief from the Downtown West Design Standards and Guidelines standards or the Downtown West Improvement Standards specifications, as well as amendments to the Infrastructure Plan or changes to the Vesting Tentative Map, as further set forth in those documents. Such discretionary decisions would require the City to consider whether subsequent environmental review would be required pursuant to CEQA Guidelines Section 15162. While it is likely that most subsequent actions would be consistent with the Downtown West Design Standards and Guidelines, the General Development Plan, and other governing documents, and would therefore not require additional CEQA review, the Director of Planning, Building, and Code Enforcement or Director of Public Works, and in certain circumstances, the Planning Commission or the City Council, would be responsible for making a determination, reflecting the City's independent judgment, that a Conformance Review application complies with the requirements of CEQA. The Planning Commission would make a recommendation and the City Council would make the CEQA determination only in those instances in which the Director of Planning, Building, and Code Enforcement determines that a Supplemental or Subsequent EIR is required and identifies one or more significant environmental effects (following mitigation) that are new or substantially more severe than those identified in this Final EIR. In all instances, the draft determinations would be available for public review as part of the public record and available in draft form at a noticed public hearing.

To expand and clarify the Draft EIR's description of the Conformance Review process, the text on page 2-79 of the Draft EIR has been amended as follows (new text is double-underlined and deleted text is shown in ~~strikethrough~~):

Downtown West PD Zoning/Design Conformance Review

In addition to the conditions of approval contained in the project's Planned Development Permit, the ~~The~~ General Development Plan would establish a Downtown West PD Zoning/Design Conformance Review (Conformance Review) process. The Downtown West Implementation Guide (Implementation Guide), a component of the proposed Planned Development Permit, further describes this Conformance Review process to ensure that development within the project site substantially conforms with the requirements of the Plan, the Downtown West Design Standards and Guidelines, applicable provisions of the Municipal Code, and the other applicable standards and guidelines noted above.

The project applicant would be required to submit a Conformance Review application to the City's Department of Planning, Building and Code Enforcement for vertical improvements and open space. The application would have to include information specified in the ~~General Development Plan~~ Implementation Guide, including, as applicable:

- ~~Proposed land uses and allocation of square footage for each;~~
- ~~Building heights; and~~
- Data charts providing information regarding the proposed land uses, open space program and acreage, square footage of non-residential uses and/or number of residential units;
- Site plans and/or drawings pertaining to the area of development;
- Information demonstrating compliance with relevant affordable housing and parking requirements under the Development Agreement, and relevant Parkland Agreement requirements; and
- Requests, ~~for minor modifications to and other authorized relief from the Planned Development Permit, if sought~~ if any, for relief from standards under the Downtown West Design Standards and Guidelines.

The Director of Planning, Building and Code Enforcement or the Director's designee would evaluate the Conformance Review application on the basis of a Conformance Checklist to be submitted by the applicant and/or developer of a particular building, structure, or physical improvement (refer to Appendix M for the Conformance Checklist). The Conformance Checklist would describe the ~~criteria~~ applicable standards and guidelines established in the ~~General Development Plan and the~~ Downtown West Design Standards and Guidelines and Downtown Design Guidelines against which a determination of conformity can be made by the Director. Compliance with clear and quantitative mandatory standards ~~in the Planned Development Permit and Downtown~~

~~West Design Standards and Guidelines~~ would be required; however, compliance with non-mandatory guidelines, while encouraged, would not be required.

In instances in which the Director of Planning, Building, and Code Enforcement determines that a Supplemental or Subsequent EIR is required and identifies one or more significant environmental effects (following mitigation) that are new or substantially more severe than those identified in this Final EIR, the Planning Commission would make a recommendation and the City Council would be responsible for the approval or denial of a Vertical or Open Space Conformance Review Application pursuant to the standard of review described in the General Development Plan.

The proposed Conformance Review process would not be ministerial, and thus would require the City to consider whether subsequent environmental review would be required pursuant to State CEQA Guidelines Section 15162. While it is likely that most subsequent actions would be consistent with the Downtown West Design Standards and Guidelines, the General Development Plan, and other governing documents, and would therefore not require additional CEQA review because they are covered by the Downtown West Final EIR, the Director of Planning, Building, and Code Enforcement, and in certain circumstances, the Planning Commission or the City Council, would be responsible for making a determination, reflecting the City's independent judgment, that a Conformance Review application complies with the requirements of CEQA, which may include preparation of an addendum, supplemental EIR or subsequent EIR.

Horizontal Improvements

~~Plans for so-called horizontal improvements, including but not limited to streets, utilities, and grading, would be reviewed and approved by the Director of Public Works or the Director's designee.~~ For horizontal improvements, prior to the submittal of any phased final map or 100 percent improvement plan set, the applicant would submit 35 percent, 65 percent, and 95 percent improvement plans to the Director of Public Works and applicable City departments for review and comment. The Director of Public Works or the Director's designee, in consultation with applicable City departments, would evaluate the plans for consistency with applicable project approvals and documents.

Following the review of the 95 percent horizontal improvement plans, the project applicant would apply for approval of phased final maps and 100 percent improvement plans pursuant to the procedures described in Title 19 of the Municipal Code and any ordinances governing the design and permitting of final subdivisions and improvements applicable to projects within the Downtown West PD Zoning District. In doing so, the project applicant would be required to demonstrate that all phased final maps and associated improvements, as described on 100 percent improvement plans, substantially conform with the Vesting Tentative Map conditions of approval.

Analysis of Construction Impacts and Circulation Changes

Concurrent with the Conformance Review process or prior issuance of a building permit, the project applicant would be required to provide additional analysis of potential construction impacts and any permanent changes to the circulation network that have not been approved as part of the Vesting Tentative Map, as described below.

Focused LTAs

The project would be subject to Council Policy 5-1 which, as discussed on Draft EIR page 3.13-45 and 3.13-49, requires project applicants to prepare and submit an LTA once final building footprints and site designs have been developed to demonstrate conformance with multimodal transportation strategies, goals, and policies in the General Plan and address adverse effects to the transportation system. To supplement the project-wide LTA (Draft EIR Appendix J2), focused LTAs would be prepared once final building footprints and site designs have been developed to evaluate topics not analyzed in site-specific detail in the project-wide LTA; this would include bicycle and pedestrian access, ADA compliance, sight distance, driveway operations, traffic gap analysis, and any street network changes not included in the Vesting Tentative Map, allowing the City to evaluate those aspects of the project for conformance with the City's Complete Streets Design Standards and Guidelines,[19] as well as other relevant City standards.

The focused LTA process would run in parallel with the Conformance Review process described above for vertical improvements and horizontal improvements as applicable, and the focused LTAs would undergo the same review and approval process as all of the LTAs processed by the City, as set forth in the City's Transportation Analysis Handbook,[20] subject to timeframes in the Implementation Guide.

Comment C.4 requests that transit agencies have an opportunity to provide feedback on site-specific LTAs that are prepared in conjunction with individual development projects, and Comment Z.63 makes a similar request on behalf of the Sharks. During their review of focused LTAs, City staff would submit these materials to transit agencies and other identified stakeholders for review. Agency and stakeholder responses received by the City staff would be addressed in the focused LTAs as appropriate, and any concerns requiring further coordination will be the subject of outreach by City staff to the commenting parties during the review process. Refer to the project-wide LTA (Draft EIR Appendix J2) for more detail on the scope of the focused LTAs.

[19] City of San José, *San Jose Complete Streets Design Standards & Guidelines*, May 2018. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=33113; Accessed March 8, 2021.

[20] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

CIMPs and RTTCPs

A Construction Impact Management Plan (CIMP) will be submitted and reviewed by City Council in conjunction with project entitlements.[21] Subsequent CIMPs with specific timing and construction methodologies for each phase will be submitted as detailed design progresses to address potential construction impacts on and disruption of nearby businesses and residents. These would be in the form of Subsequent CIMPs, which would incorporate a site-specific Recommended Temporary Traffic Control Plan (RTTCP) as an appendix. The RTTCP would meet requirements in the California Vehicle Code, the California Manual of Uniform Traffic Control Devices, and the City's overall temporary traffic control plan, while the Subsequent CIMPs would comply with requirements in Municipal Code Chapter 13.36, which is applicable to projects that seek permits for temporary encroachments on public property in connection with construction. Subsequent CIMPs for horizontal improvements will be submitted during the conformance review process for horizontal improvements as further described in the Implementation Guide. Subsequent CIMPs for vertical improvements and open space improvements will be submitted during the building permit process. Subsequent CIMPs would be approved by the Director of Public Works consistent with the overall project CIMP that is proposed for review and approval by the City Council in conjunction with project entitlements and with the City's recently adopted Downtown Construction Guidelines.[22]

Each site-specific RTTCP appended to a Subsequent CIMP would contain a traffic control plan, as referenced on page 3.13-28 of the Draft EIR and by Comment Z.38 (or "Construction Transportation Management Plan" as referenced in comment J.21) providing for safety and continuity of movement for traffic, pedestrians, bicyclists, and transit whenever a roadway's normal function is suspended for construction. As explained in the California Manual of Uniform Traffic Control Devices, "The primary function of [temporary traffic control (TTC)] is to provide for the reasonably safe and effective movement of road users through or around TTC zones while reasonably protecting road users, workers, responders to traffic incidents, and equipment."[23] Provisions of the RTTCP, which is a standard City requirement and, therefore, not a mitigation measure, would ensure coordination with adjacent construction activities and transit providers, ensuring consistency with City plans and policies that address the circulation system. As required by the Downtown Construction Guidelines, regular outreach and notifications would be required as well as contractor attendance at monthly construction coordination meetings convened by the City's Downtown Construction Coordinator.

Subsequent CIMPs, intended to help nearby businesses and residents cope with construction-generated disruption, would be required to contain a communications plan (Municipal Code Section 13.36.220), describing outreach to surrounding businesses and residents, including regular meetings, notices, and designation of an on-site coordinator. Potential impacts to

[21] As of publication of this First Amendment, the applicant's proposed CIMP and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[22] City of San José, *Downtown Construction Guidelines for Work in the Public Right-of-Way, March 2020*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=56303. Accessed March 8, 2021.

[23] California Department of Transportation (Caltrans), *California Manual of Uniform Traffic Control Devices*, Part 6, Temporary Traffic Control, 2014; Page 1015. Available at: https://dot.ca.gov/programs/safety-programs/camutcd/camutcd-rev5. Accessed March 8, 2021.

businesses would be analyzed and addressed (Municipal Code Section 13.36.220B and 13.36.230). Information from the EIR may inform the CIMP's analysis of impacts and the CIMP may reference EIR mitigation.

To describe traffic control plans as a component of site specific CIMPs, the text related to Impact TR-1 on page 3.13-28 and -29 is modified as follows (new text is double-underlined and deleted text is shown in ~~strikethrough~~):

> Construction of the proposed project could result in conflicts with applicable plans or policies, especially those that relate to transit, pedestrian, and bicycle facilities/operations. The LTA (refer to Appendix J2 of this EIR) discusses specific steps that would be required to minimize those effects as much as possible during construction to provide for the safe and efficient movement of all transportation modes including walking, bicycling, vehicles, and transit. These steps would be part of a required comprehensive traffic control plan, which would include City best practices and any additional best practices relevant to the proposed project, and would be incorporated into site-specific Construction Impacts Mitigation Plans (CIMPs) prepared consistent with Municipal Code Section 13.36 and an overall project CIMP considered for adoption by the City Council in conjunction with other project approvals.
>
> The City has a Recommended Temporary Traffic Control Plan (RTTCP) that was developed in accordance with California Vehicle Code Section 21400.[footnote omitted] The plan provides high-level guidance on construction management and approves various devices that can be used on a construction site. The project applicant would be required to prepare and submit a project-specific RTTCP as a component of each site-specific CIMP that is submitted to the San José Department of Public Works for approval before beginning project construction on each building or group of buildings. The components of the RTTCP and the potential effects that they would address are summarized below: …

In addition, the text on p. 3.13-63 of the Draft EIR is modified as follows (new text is double-underlined and deleted text is shown in ~~strikethrough~~):

> The proposed project would be required to prepare an overall project Construction Impacts Mitigation Plan (CIMP) consistent with Municipal Code Section 13.36 that would be considered for adoption by the City Council in conjunction with other project approvals and site-specific CIMPs for subsequent project development. Each site-specific CIMP would include a Recommended Temporary Traffic Control Plan (RTTCP) to limit peak-hour traffic and to address potential safety/accessibility issues related to vehicles (including emergency responders), transit, bicycles, and pedestrians. ~~Required RTTCP elements are provided, based on best practices and consideration of site-specific constraints. The project applicant would be required to prepare and submit the RTTCP to the City for approval before beginning project construction.~~ A more detailed summary of the RTTCP is provided in the discussion of Impact TR-1.

Conclusion

This section provides clarifying information in response to comments received on the Draft EIR and does not materially alter the analysis or conclusions of the Draft EIR. As a result, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

3.2.4 Master Response 4: TDM Program

Comments addressed in this response: F.1, G.12, I.7, J.11, J.16, Z.17, Z.25, Z.30, Z.42, Z.52, Z.62

As noted above, multiple comments refer to the project's proposed Transportation Demand Management (TDM) Program, both as included in the Project Description (Draft EIR pages 42 to 44) and as described in Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, as revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*). As explained below, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts. This response addresses the various concerns raised across multiple comments, and categorizes responses into the following topic areas:

- Substance and content of TDM Program
- Clarifications of quantification methods and adequacy of analysis presented in Draft EIR
  - Rationale for variations in methods between the Local Transportation Analysis (LTA) (Draft EIR Appendix J2) and the Draft EIR
  - Clarification of TDM effectiveness quantification as presented in the LTA
  - Clarification of TDM effectiveness quantification as presented in Mitigation Measure AQ-2h (Draft EIR Appendix C4)
- Response to comments regarding ability of surrounding transportation system to accommodate mode shift expected by the project's TDM Program
- Sufficiency of Mitigation Measure AQ-2h in addressing air quality impacts

Substance and Content of TDM Program

The project has proposed a comprehensive program of TDM measures, as documented in Draft EIR Appendix C4 and Mitigation Measure AQ-2h on Draft EIR pages 3.1-101 through 3.1-105, and revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*). As indicated in Chapter 4, *Revisions to the Draft EIR*, Mitigation Measure AQ-2h has been modified since publication of the Draft EIR to make minor clarifications, including to provisions regarding monitoring and enforcement; these modifications do not concern issues raised by commenters and do not affect the substantive program of TDM measures.

Several comments (for example, Comment F.1) request changes to the components of the TDM Program, including the following:

- **Further reduction of on-site parking supply:** Several comments request that the project consider further reducing its parking supply to promote transit use, walking, and bicycling. These comments are based on the understanding that reducing parking supply results in reduced single-occupant vehicle (SOV) use, which in turn may address the project's significant and unavoidable impact on air quality. However, as discussed in Appendix C4 to the Draft EIR, the project would achieve an overall VMT and trip generation reduction of 20 percent due to its already reduced parking supply. (CAPCOA guidance, described further below, recommends capping the total projected reduction

from all parking measures at 20 percent, and as such the analysis of TDM effectiveness is somewhat conservative.) The amount of proposed parking is already substantially less than is typically required for projects in San Jose, representing a maximum of approximately 70 percent of City Municipal Code standards and less than 25 percent of the number of parking stalls recommended by ITE's Parking Generation manual. The project includes a robust reduced parking strategy and the City is required to continue to meet its AMA obligations; therefore, further reductions in parking supply are not warranted.

- **Introduction of parking cash-out programs:** The project does not include parking cash-out programs, as such programs apply only in instances where parking is provided free-of-charge to either residents or employees. Because all on-site parking will be paid parking, parking cash-out does not apply to the project.
- **Additional bicycle and pedestrian facilities on site:** To the extent that additional bicycle and pedestrian facilities could cause additional shift away from vehicle travel, the project would achieve the maximum feasible reduction, as defined by CAPCOA, and as already calculated in Appendix C4 to the Draft EIR. The request to include additional bicycle and pedestrian facilities on-site, including fully separated bicycle trails and bicycle valet parking, raises policy considerations about the merits of the project, and does not address the adequacy of the EIR. However, these comments may be considered by the City when acting on project entitlements.
- **Expanded bike share system, including subsidized memberships for residents and employees:** Bikeshare and scooter share are expected to be among the modes used to access the project, as employees, residents, and visitors are expected to use the existing shared bikeshare and scooter share services in the vicinity of the project. Existing bikeshare and scooter share conditions are discussed on Draft EIR page 3.13-12; as noted therein, each of these services is managed by an entity other than the project applicant or City. As such, placement of additional facilities, bicycles, or scooters is not explicitly included in the TDM Program. However, coordination with the organizations maintaining these systems to ensure high levels of access to the project site is one of several supplemental measures the project can take to meet its cumulative performance standards. Further, supportive infrastructure for bicycle share and other micromobility programs would be provided in accordance with Section 6.15 of the Downtown West Design Standards & Guidelines Mobility Chapter. However, the Downtown West Design Standards and Guidelines recognize that successful micromobility facilities should be "flexible, expandable, and adaptable," so while such facilities must be provided, the specific supportive facilities would be determined in coordination with the Departments of Transportation and Public Works during the Conformance Review process.[24]
- **Funding of off-site improvements to transit and bicycle networks:** Several comments request that the TDM Program include funding to enhance transit service, bicycle facilities, and transit facilities in the surrounding area, including improvements such as transit signal pre-emption, public service lanes, connections to the regional bicycle network, and similar off-site improvements. The project includes several major

[24] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

investments into multimodal infrastructure that either directly or indirectly support the City's goal to reduce vehicular travel. These include:

- Fund a study to evaluate the feasibility of a dedicated public service lane along Santa Clara Street/The Alameda between 17th Street and Interstate (I-)880
- Contribute to a study to explore transit improvements in the area, including exploring alignment and operational improvements along the light rail corridor in Downtown, and in particular, the evaluation of the light rail operations at Delmas Avenue, as well as new transit opportunities including a connector between the San José International Airport and Diridon Station that continues to Stevens Creek Boulevard.
- Construct a footbridge over Los Gatos Creek north of West San Fernando Street between Delmas Avenue and Barack Obama Boulevard (formerly South Autumn Street).
- Construct a trail at-grade signalized crossing at West Santa Clara Street.
- Contribute to protected bikeway improvements along Auzerais Avenue between the Los Gatos Creek Trail and Barack Obama Boulevard (formerly Bird Avenue).
- Enhance bicycle and pedestrian connectivity along West Taylor Street from Walnut Street to Stockton Avenue including improvements to the pedestrian walkway, removal of corner islands, and other improvements within the existing rail undercrossing.
- Contribute to First/Goodyear and First/Alma multimodal and intersection improvements.
- Construct multimodal intersection improvement at the Auzerais Avenue/State Route (SR) 87 Southbound On-Ramp intersection. Improvements include signal modifications at the intersection and widening of the Auzerais Avenue north sidewalk beneath SR 87 freeway to provide for a continuous sidewalk that is not interrupted by the existing pillars from SR 87 freeway overcrossing.
- Contribute to the City/Caltrans programmed signal and bikeway improvements at the Taylor Street/SR 87 interchange.
- Contribute to the Bird Avenue/I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community.

In general, the comments did not suggest specific additional off-site improvements for transit and bicycle networks. One comment requests striping of a "keep clear" zone at the mid-block pedestrian crossing at Bush Street and The Alameda (see Comment X.4); this comment, which concerns facilities outside the project site, is noted. Additional comments also request that the project include TDM elements that are already included as mandatory or supplemental parts of the project's TDM Program as described in Mitigation Measure AQ-2h, such as paid parking, shared parking, reduced parking requirements, secure bicycle parking, and carshare parking. These comments are noted.

Approach to Quantifying Efficacy of TDM Program for CEQA and Non-CEQA Purposes

Analysis of the project's TDM Program is presented in two locations: first, in Mitigation Measure AQ-2h (with additional technical detail in Draft EIR Appendix C4), and second in the LTA (Draft EIR Appendix J2, Chapter 4), for estimation of vehicle trips under Existing plus Project Buildout

conditions. As indicated in Chapter 4, Revisions to the Draft EIR, Mitigation Measure AQ-2h has been modified since publication of the Draft EIR to make minor clarifications, including to provisions regarding monitoring and enforcement; these modifications do not concern the substantive program of TDM measures and do not affect its efficacy.

The methods used to quantify the TDM Program set forth in Mitigation Measure AQ-2h are based on the 2010 California Air Pollution Control Officers Association's (CAPCOA's) report *Quantifying Greenhouse Gas Mitigation Measures*.[25] This publication represents the state of the practice in estimating vehicle miles traveled (VMT) and greenhouse gas (GHG) reductions due to TDM measures, and is founded on a comprehensive review of available literature and case studies. Each measure listed in Draft EIR Appendix C4 has guidance within the CAPCOA Report on how to calculate a VMT reduction based on local data and the details of a program.

As stated on LTA page 97, the LTA does not apply the full reduction expected from the Enhanced TDM Program included in Mitigation Measure AQ-2h. The rationale for this difference in methodologies is to show conservatively the potential effects of project-related vehicle traffic on the City roadway network and to provide for an "apples-to-apples" comparison to other recent traffic analyses conducted for other projects in and around Downtown San José. The Background plus Project Buildout scenario (summarized on LTA page 39), which uses this TDM quantification method, is used for non-CEQA informational purposes only.

In addition, this process allows for a comparison of the conservative assessment of project travel demand under buildout conditions with the "goal-based" scenario / cumulative plus project conditions (summarized on LTA page 39). The goal-based scenario evaluated in the LTA assesses a more ambitious target mode share than that presented in Mitigation Measure AQ-2h, and is more directly comparable to mitigated conditions assessed in the CEQA analysis.

Clarification of Quantification Methods for Efficacy of TDM Program as presented in Draft EIR Appendix C4

In general, comments addressed in this response request additional information on the methods used to quantify the effects of the TDM Program on both project VMT and project-generated vehicle trips, particularly for quantification of Mitigation Measure AQ-2h's effectiveness. This includes comments stating that the Draft EIR presents no evidence or analysis of TDM effectiveness, or that the analysis simply applied the maximum possible reductions to calculate a total reduction. As discussed above, the reductions by measure presented in Draft EIR Appendix C4 are based on the 2010 California Air Pollution Control Officers Association's (CAPCOA's) report *Quantifying Greenhouse Gas Mitigation Measures*. Contrary to assertions in several comments, the methods presented in the 2010 CAPCOA Report allow for customization of reductions based on local context and implementation details, and the 2010 CAPCOA Report is the best available, and most widely used, source for quantifying reductions from TDM programs in the state of California.

[25] California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, August 2010. Available at: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf. Accessed January 22, 2021.

Multiple comments (for example, Comments Z.30 and Z.52) ask for additional detail on how the values shown in Table 2 of Draft EIR Appendix C4 were reached, and claim that local context was not adequately reflected in the methods. The methodology has been further expanded upon in a revised and expanded version of Draft EIR Appendix C4, which is included in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment. This expanded documentation details how calculations for each measure are reflective of the project's land use and location, showing that the total reductions presented in the revised Draft EIR Appendix C4 are supported by substantial evidence.

The following summary describes the project's calculated VMT reductions from individual TDM strategies, as classified and named in the CAPCOA Report.

SDT-1 Provide Pedestrian Network Improvements

Because Downtown San José has a robust pedestrian network and high levels of walkability, the TDM quantification conservatively assumes that the City of San José Travel Demand Forecasting Model adequately reflects the expected shift in pedestrian activity. No additional calculations were performed. CAPCOA indicates that these improvements in a downtown setting could result in up to a 2 percent reduction in VMT. To be conservative, the project's VMT calculations take no credit for these reductions.

TRT-9 Implement Car-Sharing Program

Vehicle trip reductions due to car sharing are a function of adoption rates, and the typical driving pattern of carshare members compared to non-members. Per CAPCOA:

> *% Reduction in VMT = % reduction in car-share member annual VMT * number of carshare members per shared car / deployment level based on urban or suburban context*

CAPCOA indicates that carshare members drive 37 percent less per year compared to non-carshare members,[26] and a single carshare vehicle supports 20 members. Note that the table in Draft EIR Appendix C4 uses a more conservative assumption regarding driving rates, and uses the "all other contexts" figure instead of the "downtown / comprehensive transit" figure from CAPCOA. (In an urban downtown context, one carshare vehicle may be deployed per 1,000 daytime population, and members are expected to drive 50 percent less per year compared to non-members.)

As such, the car-sharing program is conservatively expected to result in a 0.7 percent reduction in VMT and vehicle trips associated with the project. This reduction is accounted for in the project's mitigated VMT calculations.

TST-4 Increase Transit Service Frequency/Speed

The effectiveness of proposed transit improvements was not calculated, due to inclusion of many of the anticipated transit network improvements in the model under cumulative conditions. As an example, increased service on Caltrain is coded into the travel model under 2040 conditions, and

[26] For purposes of quantifying the Project's TDM reduction, this analysis uses the lower VMT reduction for suburban uses, as opposed to the 50 percent reduction in VMT for urban uses to reduce potential for double-counting.

as such no additional calculations were performed to isolate the difference from such service improvements relative to existing conditions.

TRT-4 Implement Subsidized or Discounted Transit Program

Per CAPCOA, the VMT reduction expected from implementing subsidized and discounted transit passes is as follows:

> *% Reduction in commute VMT = % reduction in commute vehicle trips * % of employees eligible*

EXPECTED PERCENT REDUCTION IN COMMUTE VEHICLE TRIPS BASED ON DAILY TRANSIT SUBSIDY

	Subsidy Amount (per employee per day)			
	$0.75	**$1.49**	**$2.98**	**$5.96**
Worksite Setting	**% Reduction in Commute Vehicle Miles Traveled**			
Urban	6.2%	12.9%	20.0%	20.0%
Suburban Center	3.4%	7.3%	16.4%	20.0%
Suburban	1.5%	3.3%	7.9%	20.0%

SOURCE: California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, 2010, p. 231.

Per CAPCOA, at a reimbursement rate of $2.98 ($3.54 in 2020 dollars) per day or more in an urban center, commute trips are reduced by 20 percent. In the case of the proposed project, all office employees at the project site would be eligible for subsidies, resulting in a 20 percent expected reduction in trips associated with commuting purposes (35 percent of total trips), resulting in a total VMT reduction of 7 percent.

TRT-14 Price Workplace Parking

Per CAPCOA:

> *% Reduction in commute VMT = % reduction in commute VMT * % of employees subject to priced parking*

EXPECTED REDUCTION IN COMMUTER VEHICLE TRIPS WITH PAID EMPLOYEE PARKING, BY URBAN CONTEXT AND PARKING CHARGE

	Daily Parking Charge			
	$1	**$2**	**$3**	**$6**
Worksite Setting	**% Reduction in Commuter Vehicle Trips**			
Urban	6.9%	12.5%	16.8%	19.7%
Suburban Center	1.8%	3.7%	5.4%	6.8%
Suburban	0.5%	1.2%	1.9%	2.8%

SOURCE: California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, 2010, p. 262.

At a cost to park of $6 per day or more ($7.12 in 2020 dollars), and with 100 percent of employees subject to priced parking, due to the urban context of the area, the CAPCOA analysis indicates a 19.7 percent reduction in vehicle trips, applied to the 35 percent of vehicle trips associated with commute purposes. This results in a total reduction of 6.9 percent VMT. This is quantified separately from overall parking pricing due to the prevalence of free parking as an employee benefit in many locations; even in many locations with priced parking, employers may opt to pay parking for their employees, indicating that this benefit is in addition to overall parking pricing at the site.

TRT-6: Alternative Work Schedules & Telecommute

Per CAPCOA:

> *% Reduction in commute VMT = reduction based on employee participation and strategy implemented*

EXPECTED REDUCTION IN COMMUTE VMT DUE TO ALTERNATIVE WORK SCHEDULES AND TELECOMMUTING PROGRAMS, BY LEVEL OF PARTICIPATION

Employee Participation	Employee Participation		
	9-Day/80-Hour Work Week	4-Day/40-Hour Work Week	1.5 Days of Telecommuting
	% Reduction in Commuter Vehicle Trips		
1%	0.07%	0.15%	0.22%
3%	0.21%	0.45%	0.66%
5%	0.35%	0.75%	1.10%
10%	0.70%	1.50%	2.20%
25%	1.75%	3.75%	5.50%

SOURCE: California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, 2010, p. 237.

Roughly 25 percent of all employees and residents are expected to work from home one day per week. This results in a 3.75 percent reduction in commute VMT (35 percent of trips), and a reduction of 1.3 percent of total VMT. Based on changes in travel and workplace behavior due to the COVID-19 pandemic, a higher level of telecommuting/working from home may occur in the future, and as such this reduction estimate is conservative.

TRT-7 Implement CTR Marketing

CAPCOA estimates a flat commute trip reduction of 4 percent for implementing a robust commute trip marketing program, consisting of elements such as readily available transit maps and schedules, promotional events encouraging transit and bicycle use, internal trip-planning assistance, and an on-site TDM coordinator. Case studies have shown that marketing effectiveness does vary substantially, and that some locations may achieve a higher reduction than the 4 percent reduction indicated in CAPCOA guidance. This reduction applies to the 35 percent of trips that are commute related, resulting in a total vehicle trip reduction of 1.4 percent.

Residential TDM Marketing

The residential component of the project has committed to providing marketing materials similar to those used in the Commute Trip Reduction Marketing strategy; however, these reductions would also apply to non-commute trips. An example of successful implementation of residential TDM marketing programs is the SmartTrips program, launched in several cities throughout the United States. In Portland, Oregon, new residents who were contacted through the SmartTrips program reduced their drive alone mode share by 10 percent. To maintain conservatism, this measure is quantified using the flat 4 percent reduction presented in CAPCOA, applied to residential trips that are not commute-based (around 10 percent of total project trips), for a total vehicle trip reduction of 0.4 percent.

TRT-11 Provide Employer-Sponsored Vanpool/Shuttle

Per CAPCOA:

> *% Reduction in commute trips = % shift in vanpool/shuttle mode share of commute trips * % employees eligible * adjustment from vanpool mode share to commute vehicle trips*

EXPECTED SHIFT IN VANPOOL/SHUTTLE MODE SHARE OF COMMUTE TRIPS BY EMPLOYER SIZE AND LEVEL OF IMPLEMENTATION

	Level of Implementation		
	Low	**Medium**	**High**
Employer Size	**% Shift in Vanpool/Shuttle Mode Share of Commute Trips**		
Small	2%	5%	10%
Medium	5%	11%	15%
Large	10%	15%	20%
100%	percentage of employees eligible		
0.69	Adjustment from vanpool mode share to commute VMT (accounts for substitution effects and mileage incurred by vanpools/shuttle vehicles)		

SOURCE: California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, 2010, pp. 253–255.

Based on these inputs, as a large employment site with high levels of implementation (i.e., shuttles to/from other Google campuses, subsidized vanpool programs, etc.), the site expects to achieve a 13.8 percent reduction in vehicle trips, which applies to the 35 percent of trips that are commute related, resulting in a total vehicle trip reduction of 4.8 percent.

TRT-3 Provide a Ride Matching Program to Facilitate Carpooling

Per CAPCOA:

> *% Reduction in commute VMT = % reduction in commute VMT * % of employees eligible*

EXPECTED REDUCTION IN COMMUTE VMT DUE TO RIDE-MATCHING PROGRAMS

Project Setting	% Reduction
Urban	15%
Suburban Center	10%
Suburban	5%

SOURCE: California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, 2010, p. 228.

The project is located in an urban center and can expect a 15 percent reduction in vehicle trips due to implementing a robust carpooling/ride matching program. This reduction applies to the 35 percent of trips that are commute related, resulting in a total vehicle trip reduction of 5.3 percent.

PDT-1 Limit Parking Supply

Per CAPCOA:

> *% Reduction in VMT = (ITE parking provision - actual parking provision) / ITE parking provision * 0.5*

The project currently proposes to provide less than 25 percent of the number of parking stalls recommended by ITE's *Parking Generation* manual. This reduction has a powerful TDM effect, with an expected raw percentage reduction in trips of 37.5 percent. However, this analysis has capped the total reduction from all parking measures at 20 percent of trips per CAPCOA guidance (intended to reflect typical conditions at locations studied in the supporting research), and as such the TDM analysis is somewhat conservative.

PDT-2 Unbundle Parking Costs from Property Cost

Per CAPCOA:

> *% Reduction in VMT = % Change in annual vehicle cost due to parking * elasticity * adjustment from vehicle ownership to VMT*

1) Change in vehicle cost = monthly parking cost * 12 / annual vehicle cost
   - a) \$170 — Monthly parking cost
   - b) \$4,000 — Average annual vehicle cost
2) -0.4 — elasticity of vehicle ownership with respect to total vehicle costs
3) 1.00 — adjustment from vehicle ownership to VMT

SOURCE: California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, 2010, p. 228.

VMT reductions from unbundled residential parking are associated with the change in vehicle ownership due to vehicle costs. The elasticity of vehicle ownership with respect to total vehicle costs is -0.4, meaning that a 1 percent increase in vehicle costs results in a 0.4 percent *decrease* in vehicle ownership. At a monthly parking rate of $170 per month, unbundled parking pricing is expected to result in a 20.4 percent reduction in VMT, applied to residential uses. However, this analysis has capped the total reduction from all parking measures at 20 percent, and as such the TDM analysis is somewhat conservative.

PDT-3 Implement Market Price Public Parking

Per CAPCOA:

> *% Reduction in VMT = % increase in on-street parking prices * elasticity of VMT with respect to parking price*
>
> 1) | 50% | increase in on-street parking prices (min 25%, max 50%)
> 2) | -0.11 | elasticity of VMT with respect to parking price
>
> SOURCE: California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures, (CAPCOA)*, 2010, p. 214.

By pricing on-street parking at a competitive rate, the project is expected to see a 5.5 percent reduction in VMT and vehicle trips across all trip types. However, this analysis has capped the total reduction from all parking measures at 20 percent, and as such the TDM analysis is somewhat conservative.

Bikeshare Program

The project could contribute to or implement a bikeshare program to increase use of biking and access to transit and surrounding land uses. This may include providing space for bikeshare providers to locate bikeshare stations or docks, providing subsidies for bikeshare memberships or fare, and allowing for dockless bikeshare at the project site. This measure is not included in the CAPCOA documentation, and as such the project takes no credit or reduction from its implementation.

Built-in Conservatism in TDM Effectiveness Calculations

Several comments questioned the methods used in calculating TDM effectiveness by stating that the Draft EIR assumed a maximum reduction for each measure, that no evaluation of TDM measures in terms of vehicle trips occurred, and that there is no correlation between the mode share metric presented and the vehicle trip reduction that would result. These statements are contradicted by the analysis provided in the Draft EIR, as discussed below.

First, while Table 2 in Draft EIR Appendix C4 does present the parking measures as reaching the "category maximum," this is intended to identify the maximum effectiveness of these measures, as discussed above. For each individual measure, as shown in the discussion above, many of these measures reach the maximum possible reduction shown in CAPCOA, precisely because of the project's location in a transit-dense area. In addition, to reach a total reduction calculation consistent with the methods presented in the CAPCOA report, percentage reductions are not

summed, but applied serially, which prevents double-counting of TDM measure effectiveness. As an example, if the first measure applies a 5 percent reduction to total trips, it would result in 95 percent of the initial value. If the next measure applies a 10 percent reduction, it would result in a (95 percent) * (100–10 percent) = 85.5 percent reduction. This results in the total reduction summing to 14.5 percent rather than 15 percent, as each measure applies only to trips that have not yet been shifted to another mode.

As described above, the analysis in Draft EIR Appendix C4 does not assume that every individual measure would result in the maximum potential trip reduction. Most significantly, the reduction from all parking-related measures is conservatively assumed to be 20 percent, per standard CAPCOA practice, even though the total reduction suggested by summing the individual parking-related measures would be much higher than 20 percent.

This method also renders calculation of the total number of vehicle trips reduced by each measure to be misleading in isolation; the total number of trips would differ depending on which order reductions were applied. As such, numeric vehicle trip reductions are presented only after calculating a total reduction.

With respect to the relationship between mode share and vehicle trips, the analysis presented in Draft EIR Appendix C4 is specific to vehicle trips. The comparison to mode share is presented for ease of monitoring, and based on the following simple arithmetic:

1. First, a translation from total vehicle trips prior to TDM Program implementation to the total number of vehicle trips expected to be reduced (through calculations shown above):

   117,400 daily vehicle trips[27] ** 27 percent vehicle trip reduction = 31,700 vehicle trips reduced*

2. Second, a translation of the number of removed vehicle trips (assumed to be SOV trips) to change in vehicle mode share. For SOV trips, one vehicle trip is equivalent to one person trip (for carpools, one vehicle trip may be 2 – 8 person trips). As such, removing 31,700 single occupant vehicle trips relates to 16 percent of total person trips (by all modes) to and from the project site:

   31,700 removed vehicle trips / 201,200 daily person trips[28] *= 16 percent person trip mode shift*

3. Finally, the reduction is applied to the baseline mode share to reach a target mode share:

   51 percent initial drive alone mode share – 16 percent person trip mode shift = 35 percent total drive alone mode share [or 65 percent non-drive alone mode share].

Feasibility of TDM Program in light of Transit Capacity

Several comments argue that because the project would add substantial numbers of passengers to transit service under cumulative conditions, and available transit services would be unable to

[27] See Table 4 of Appendix J1 to the Draft EIR, *Transportation Analysis*
[28] See Table 3 of Appendix J1 to the Draft EIR, *Transportation Analysis*.

accommodate that demand, mode share assumptions of the TDM Program would be rendered infeasible.

Section 3.2.7, *Master Response 7: Non-CEQA Issue—Transit Demand*, presents a general discussion of the approach to transit capacity analysis used in the Draft EIR, and the adequacy of that analysis. As stated in that response, while the project is anticipated to add substantial numbers of transit passengers under cumulative conditions, these increases are not expected to lead to overcrowding that would affect the ability of Mitigation Measure AQ-2h to meet its targets. In addition, Mitigation Measure AQ-2h includes specific monitoring and enforcement requirements, including penalties for non-compliance. Therefore, in the event that the project fails to meet vehicle trip reduction targets in the future, it must instead find other ways to achieve the required reduction in vehicle trips, as set forth in EIR Mitigation Measure AQ-2h (as revised herein) and in the project's Transportation Demand Management Plan.

Sufficiency of Mitigation Measure AQ-2h

Several comments questioned whether Mitigation Measure AQ-2h is sufficient to ensure that the relevant air quality impacts (largely resulting from mobile sources) would be mitigated to the extent feasible. Mitigation Measure AQ-2h is one of a long list of mitigation measures included to reduce criteria pollutant emissions from the proposed project to the extent feasible. Criteria pollutant emissions are identified as a significant and unavoidable impact despite this mitigation (refer to Draft EIR Impact AQ-2 starting on page 3.1-89). Mitigation Measure AQ-2h would also reduce the severity of other impacts, including AQ-1 (conflicts with plans), AQ-3 (exposure of sensitive receptors to substantial pollutant concentrations), C-AQ-1 (cumulative contribution to regional air quality), C-AQ-2 (cumulative health risk impacts), Impact GR-2 (greenhouse gas emissions), Impact TR-7 (reduced speed on transit corridors), and Impact C-TR-1 (contribution to cumulative transportation impacts).

As discussed above, the quantification of TDM measure effectiveness followed the state of the practice in using the 2010 CAPCOA report to quantify reductions; showed that those reductions would lead to a shift in vehicle trips; and translated that reduction in vehicle trips to a drive alone mode share "target" to allow for ease of monitoring.[29] This target increases as additional transit options become available, from a 50 percent non-SOV rate under existing public transit service levels, to 60 percent non-SOV following completion of Caltrain electrification, to 65 percent non-SOV following the start of BART service to Diridon Station. These sequential targets, which are based on the analysis in Draft EIR Appendix C4 of feasible TDM measures for reducing vehicle trips, are included as a performance standard in Mitigation Measure AQ-2h.

The analysis of all feasible mitigation is based on an assessment of all quantifiable, project-level TDM strategies listed in the CAPCOA manual, which is itself backed by substantial evidence. This analysis demonstrates that it is feasible to achieve the TDM performance standards through a combination of required and optional trip reduction strategies. Although it may be possible for these strategies to achieve greater non-SOV rates than currently required by Mitigation Measure

[29] As stated earlier, the 2010 CAPCOA Report is the best available, and most widely used, source for quantifying reductions from TDM programs in the state of California.

AQ-2h, the available data indicate a maximum effectiveness of up to 65 percent non-SOV (which equates to 27 percent trip reduction). The mitigation measure also includes a robust monitoring component, which requires submittal of annual travel survey results to the City, and a process for enforcing compliance. (See the entire text of Mitigation Measure AQ-2h, as revised herein in this First Amendment, in Chapter 4, *Revisions to the Draft EIR*.) Due to the potential for changes in the state of the practice for TDM programs, the monitoring component provides accountability to ensure the project meets the maximum possible vehicle trip reductions (memorialized as performance standards) to mitigate its air quality impact to the extent feasible, with requirements if the performance standards are not met, and a penalty structure in the event of non-compliance by office development. Commenters have not identified any particular additional mitigation measures which are believed to be feasible and effective in reducing the project's air quality impacts. Therefore, the analysis presented in the Draft EIR is both sufficient and complete, and recirculation of the Draft EIR is not required.

Conclusion

This section provides information in response to comments received on the Draft EIR and does not materially alter the analysis or conclusions of the Draft EIR. Also, referenced amendments to the text of the TDM program (Mitigation Measure AQ-2h) included in Chapter 4, *Revisions to the Draft EIR*, constitute minor clarifications to the text of the mitigation measure, primarily addressing enforcement actions and penalties to ensure the effectiveness of the measure. As a result, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

3.2.5 Master Response 5: COVID-19

Comments addressed in this response: DD.2, DD.3, DD.11, DD.17, S.27

As indicated on Draft EIR page 3-3, the COVID-19 pandemic has introduced a substantial amount of uncertainty to human lives. The pandemic has directly affected human behavior, requiring people to shelter in place, leaving many office buildings vacant and reducing transit ridership. It has also indirectly affected the economy, resulting in adapted operational models, business closures and increased unemployment. While some of these changes are likely to be temporary, there are likely to be some permanent changes in the ways people live and behave in the post-pandemic world, although it would be speculative to identify the nature or duration of the pandemic's long-term consequences at this time. Moreover, this approach is consistent with Section 15125(a)(1) of the state CEQA Guidelines, as well as case law, which generally require that the environmental setting in an EIR "describe the physical environmental conditions as they exist at the time the notice of preparation is published…." (The notice of preparation for this EIR was published on October 23, 2019.) For these reasons, the Draft EIR analysis is based on a pre-pandemic baseline, although some EIR sections note the recent changes in behavior and the economy for informational purposes.

Several commenters referred to the pandemic in their comments on the Draft EIR, correctly observing that COVID-19 has had positive impacts on the environment such as air quality improvements, and has increased park usage. The commenters went on to note that these improvements will be challenging to maintain and that the design of cities may have to change "so that parks and public spaces can meet human needs," potentially with "less density, more nature" (Comments DD.2 and S.27). These comments do not address the adequacy of the EIR and do not require a response. However, these comments may be considered by the City when acting on project entitlements.

A commenter also requested modification to the project itself, including a re-evaluation of the amount and configuration of office space and high density housing that is proposed, stating that the project "needs to be entirely rethought" to account for changes "in how we can safely be in proximity with each other," particularly indoors (Comment DD.2) and that it would be a "waste of space" if the buildings are built and remain vacant (Comment DD.3). Other comments challenged the project applicant to examine its design guidelines for parks "through the lens of COVID and POST-COVID" (Comment S.27) or urged that "any further development should be… halted" due to the pandemic (Comment DD.17). These comments are opinions that address policy considerations regarding the proposed project and not the analysis of potential project-related impacts provided in the EIR. As such, they do not require response. Nonetheless, it should be noted the Draft EIR includes analysis of a range of possible alternatives to the project, including a No Project Alternative, and that by analyzing the maximum possible development anticipated on the site as part of the Downtown West project, the EIR's analysis and conclusions would adequately address any modifications to the project that would result in less construction.

The only comments suggesting that there could be new project-related impacts as a result of the COVID-19 pandemic, requested an analysis of how construction workers could both be affected by the virus (Comment DD.11) and "impact the growing amount of COVID-19 cases" in the city

and the county (Comment DD.2), suggesting that Google employees who come to the site for work risk "spreading COVID in the workplace and in the surrounding areas" (Comment DD.3). As noted earlier, predicting long term consequences of the pandemic would be speculative and is therefore beyond the scope of CEQA (refer to CEQA Guidelines Section 15145). While public health officials have warned against congregating in the workplace as a way to prevent the spread of the virus, it is likely that these warnings will change as vaccines are widely distributed, and it is unknown whether the potential for transmissible diseases in the workplace will remain a legitimate concern and if so, for how long. To the extent the pandemic is still occurring at the time of project construction, it is reasonable to assume that construction work would occur only in accordance with applicable law and public health orders, which may continue to include requirements such as personal protective equipment, social distancing, and monitoring and reporting obligations for contractors. Similarly, to the extent that the pandemic is still occurring at the time of project operations, it should be assumed that all workplaces would adhere to laws and public health orders in existence at the time. Accordingly, there is no evidence to suggest that construction or operation of the project would exacerbate pandemic conditions. Moreover, there is no causal link between any physical environmental impact addressed in the EIR and the pandemic.

Conclusion

As explained above, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts. This response provides information in response to comments received on the Draft EIR and does not materially alter the analysis or conclusions of the Draft EIR. As a result, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

3.2.6 Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34

Comments addressed in this response: E.4 (in part), E.5, E.9 (in part), K.64 (in part), O.1 (in part), O.3 (in part), S.6, BB.1 (in part), CC.4

The above-noted comments relate to how the proposed project would comply with the *Santa Clara Valley Habitat Plan* (2012 [Habitat Plan]) and/or City of San José City Council Policy 6-34, Riparian Corridor Protection and Bird-Safe Design with respect to development setbacks from Los Gatos Creek and the Guadalupe River. This response addresses both the Habitat Plan setback requirements and the setback requirements of the City's Policy 6-34. As explained in detail below, the Habitat Plan requires a minimum setback of 35 feet from streams and vegetation in a previously developed area. Policy 6-34 does not similarly establish a minimum setback, but in Downtown the City commonly permits a reduction in setbacks from riparian corridors on developed sites consistent with Policy 6-34, typically a minimum 50-foot riparian setback. As explained below, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts.

At the outset, it should be noted that the project has been modified since publication of the Draft EIR to respond to comments regarding the adequacy of stream setbacks. Specifically, the Draft EIR stated, on page 2-20 in footnote 35, that the project proposed setbacks of 50 feet for new buildings from either the top of bank of Los Gatos Creek or the edge of the creek's existing riparian canopy, whichever is a greater distance (based on City Council Policy 6-34); 30 feet from the top of the channel wall along the Guadalupe River on the former San Jose Water Company site, consistent with previously approved project entitlements; and, as stated in footnote 49 on Draft EIR page 2-35, for existing legal buildings along Barack Obama Boulevard (formerly South Autumn Street) that are currently within 50 feet of the riparian corridor, setbacks consistent with the existing building footprints in the event of rebuilding.

As described in Chapter 1, *Introduction*, of this First Amendment, the project has been revised, as set forth in the General Development Plan and Downtown West Design Standards and Guidelines, such that no new building development would occur within 50 feet of the Guadalupe River, and the only improvements within this 50-foot riparian setback would be new open space, along with a new private street and pedestrian area of the private street extending north from West San Fernando Street in the southern portion of this block.[30] The vehicular access on the

[30] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project. As stated in these documents and in the Draft EIR, the relocation of the small, historic San Jose Water Company Transformer House, approved by the City in 2016, would occur within this 50-foot setback, outside the 35-foot Habitat Plan minimum setback, and within the current footprint of the San Jose Water Company building complex. This previously approved relocation is not considered a project improvement.

private street would be set back 35 feet from the edge of the Guadalupe River, consistent with the Habitat Plan.

With respect to the existing buildings along Los Gatos Creek, between Barack Obama Boulevard and the creek, and between West Santa Clara Street and West San Fernando Street, the project has been modified such that two of the buildings closest to the riparian corridor—Blocks D9 and D12—could be retained and reused with only cosmetic improvements and maintenance; should either or both of these buildings be demolished, any replacement structures would be required to be outside the 50-foot riparian setback, just as with all new construction.

The project applicant would also relocate to the Creekside Walk open space, between Barack Obama Boulevard and Los Gatos Creek, a group of three existing residential structures at 559–567 West Julian Street that together comprise a historical resource under CEQA. These buildings would be placed outside the 50-foot riparian setback from Los Gatos Creek, between the Valley Transportation Authority light rail tracks and the existing building at 450 West Santa Clara Street (Block D8). The relocated buildings would be rehabilitated and utilized for active uses. This relocation would support one of the project applicant's objectives for the project, "Preserve and adapt landmark historic resources and assets where feasible to foster a place authentic to San José, and foster contemporary relations to San Jose's history," while also supporting the applicant's objective to "Connect people with nature along Los Gatos Creek and the Guadalupe River."

A third existing building—74 Barack Obama Boulevard (Block D13)—would be demolished and replaced with a residence to be relocated from 35 Barack Obama Boulevard. The existing building on Block D13, just south of the VTA tracks, encroaches a few feet into the 50-foot riparian setback. However, the relocated residence is not as large a structure and would be sited outside the 50-foot riparian setback. The three other existing buildings, on Blocks D8, D10, and D11, encroach to varying degrees into the 50-foot riparian setback. These buildings are now proposed to be retained and may be altered as long as their foundations remain extant; they would not be permitted to expand beyond their existing footprint within the 50-foot riparian setback. As noted above, where buildings are replaced, the new or relocated buildings would have to be outside the 50-foot riparian setback.

Santa Clara Valley Habitat Plan

Habitat Plan Background

As described in the Draft EIR pages 3.2-24 to 3.2-25, the Habitat Plan is a Habitat Conservation Plan and Natural Community Conservation Plan, which provides a framework for the protection and recovery of natural resources, including endangered species, while streamlining permitting. It identifies measures to avoid and minimize impacts on native species and natural communities. These measures are referred to as *conditions* and are required for nonexempt development projects in the city of San José.[31] Generally, development projects occurring in land cover defined

[31] San José is one of six agencies that developed and adopted the Habitat Plan, along with the cities of Morgan Hill and Gilroy, Santa Clara County, the Santa Clara Valley Water District (Valley Water), and the Santa Clara Valley Transportation Authority.

as urban-suburban (classified by the Habitat Plan and verified by qualified professionals) are exempt from Habitat Plan conditions unless the project may affect mapped or unmapped streams, riparian, or wetland land cover types, or the project is located in a stream setback. In the case of the proposed project, the project site includes stream and riparian land cover types and the stream setback area, where this exemption would not apply. Because of the project location and the presence of riparian and stream land cover types, the project is subject to the setback requirements in Condition 11, *Stream and Riparian Setbacks*. The City has adopted this condition in General Plan Policy ER-2.1 (refer to Draft EIR Table 3.2-3). Condition 11 applies to all development projects that may impact streams within the Habitat Plan area. This includes all development inside the urban service area[32] where a stream or the stream setback overlaps with any portion of the parcel on which a covered activity is being implemented.

The Habitat Plan groups streams into two categories to determine the applicability of Condition 11—Category 1 and Category 2 streams. The two streams in the project area, Los Gatos Creek and Guadalupe River, are classified as Category 1 streams.[33] This stream type includes perennial streams, and some intermittent streams, that have sufficient flow to support covered species and riparian habitat. Category 1 streams are typically larger than ephemeral drainages and support movement of Habitat Plan covered species, as well as fish,[34] along the length of the stream.

Different setback distances apply depending on whether the activity occurs within or outside of the urban service area. The project is within the urban service area of San José, where there is typically extensive development. Due to past land use policies and development that predates the Habitat Plan, existing development in the urban service area may have been built with limited or no setbacks from streams, and the "overall habitat value for covered species is less than in the rural areas" (Habitat Plan page 6-51). As stated in the Habitat Plan (page 6-51), the stream setback requirement for projects within the urban service area is intended to be modest and consistent with existing land uses.

Inside the urban service area, the standard required setback for Category 1 streams is 100 feet from the top of creek bank. The setback is increased by 50 feet for parcels with slopes greater than 30 percent to compensate for increased slope instability and higher anticipated rates of erosion; this condition is not present on the project site. If the site supports riparian vegetation the setback is equal to either the edge of the riparian vegetation plus a 35-foot buffer or the 100- to 150-foot top-of-bank setback as defined above, whichever is greater; this condition is present along much of Los Gatos Creek within the project site, but not along the Guadalupe River (Draft EIR Figure 3.2-1).[35] These setback requirements do not apply to exempt activities listed on

[32] The urban service area is defined in the Habitat Plan as "the area within a city's sphere of influence where utilities such as gas, water, sewer, and electricity, and public services such as police, fire, schools, and parks and recreation are and will be provided." It is depicted in Figure 2-5 of the Habitat Plan.

[33] The Category 1 stream classification was determined using the Santa Clara Valley Habitat Agency's geobrowser, accessible at www.hcpmaps.com.

[34] The Habitat Plan does not cover fish species.

[35] Certain activities are exempt from the stream setback requirements. These include, among other things, activities that require work within or adjacent to streams such as bridges, flood-protection and stream maintenance projects, and outfall installation and maintenance; recreational trails, subject to certain conditions; utility replacement that results in no new permanent riparian corridor disturbance; and stream crossings that provide essential access.

Habitat Plan page 6-53, including recreational trails and activities that require work within or adjacent to streams such as bridges, stream maintenance, and outfall installation and maintenance, each of which may be subject to other Habitat Plan conditions.

Stream Setback Exceptions

As stated in the Habitat Plan (page 6-54), stream setback policies that apply to a large number of parcels with varying characteristics require a clear and practical set of exceptions. Exceptions allow for reductions in mandated setback distances necessary to allow reasonable use and development of a property based on the variety of constraints and factors that may affect the property. In situations in which exceptions are granted, aspects of the stream setback Condition 11 may still apply. Exceptions are intended to be used in a minority of cases with special circumstances that limit or restrict the ability of a landowner to fully apply the required stream setback. Exceptions are considered based on the following factors:

1. The existence of legal uses within the setback;
2. The extent to which meeting the required setback would result in a demonstrable hardship for the applicant (i.e., would deny an owner any economically viable use of the land or adversely affect recognized real property interests);
3. The extent to which meeting the required setback would require deviation from, exceptions to, or variances from other established policies, ordinances or standards regarding grading, access, water supply, wastewater treatment, disposal systems, geologic hazards, zoning, or other established code standards; and
4. The stream setback exception does not preclude achieving the biological goals and objectives of the Habitat Plan or conflict with other applicable requirements of the Habitat Plan and local policies.

Regardless of project location, stream setback exceptions may not reduce a Category 1 stream setback to less than 50 feet for new development or to less than 35 feet for existing or previously developed sites with legal buildings and uses.[36]

Exceptions may be requested to Habitat Plan Condition 11 setback requirements. The exception request would be reviewed and approved by the City, as explained on Draft EIR page 3.2-86. The findings required to approve the stream setback exception must be supported by factual information and judgments in the record. As part of the review process, the City must consider the implications of a reduced setback on the riparian system and species covered by the Habitat Plan, progress toward the biological goals and objective of the Habitat Plan, and potential effects on adjacent properties. The City must make written findings that document these considerations and the rationale for the stream-setback exception. The City may require technical reports from qualified professionals or consultants to support the request for a setback exception.

If the stream setback exception is granted at an administrative level (Director of Planning, Building, and Code Enforcement) or by a designated decision-making authority (Planning Commission), local agencies must include provisions that allow appeal of this decision to the

[36] It is noted that the City of San José's Council Policy 6-34 measures City-required setbacks "from the outside dripline of the Riparian Corridor vegetation or top-of-bank, whichever is greater.

elected legislative body of the applicable agency. For the City, the stream setback exception would be evaluated at the administrative level with a recommendation proceeding to the legislative (City Council) level in connection with other project approvals. As also explained on Draft EIR page 3.2-86, prior to granting the exception, the City would provide the exception request and proposed decision to the Santa Clara Valley Habitat Agency (Habitat Agency) and to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (Wildlife Agencies) for review and comment. The Habitat Agency and Wildlife Agencies would then have 30 days to review the request and provide a written response. The City cannot take an action until after that 30 day-period; however, the ultimate decision-making authority rests with the City.

Given this, and that the City's General Plan policies were developed consistently with the Habitat Plan, the City retains project-by-project decision-making authority when it comes to establishing the setback requirements and is bound, as a signatory of the Habitat Plan, to weigh the four factors above.

Project Compliance with Setback Requirements

The project would comply with the Habitat Plan setback requirements. In locations where the standard setback compliance cannot feasibly be achieved, the project applicant would seek a setback exception from the City. In some cases, the existing site development is within the minimum 35-foot riparian setback area required in the Habitat Plan (and therefore also within the 50-foot riparian setback that the City commonly requires for Downtown projects on previously developed sites). In these instances, the existing legal use within the setback area would be taken into account when considering the appropriate setback distance, consistent with factor 1, above. As explained above, the project has been modified since release of the Draft EIR to commit to a minimum 50-foot riparian setback for any new or relocated buildings; the relocation of three on-site buildings, with setbacks of at least 50 feet from Los Gatos Creek; and the relocation of another existing on-site building to replace an existing building along Los Gatos Creek. (The other three buildings along Los Gatos Creek, two of which are within the 35-foot setback and the third of which is within 50 feet of the riparian corridor, would remain at their existing locations and would be reused as part of the project.) Additionally, the project applicant would comply with the exception requirements as determined by the City and informed by the Habitat Agency and the Wildlife Agencies. The applicant has also committed to a 50-foot riparian setback from the Guadalupe River for new buildings, with vehicular access on a new private street proposed at a distance of 35 feet from the Guadalupe River, the minimum setback permitted under the Habitat Plan.

Regardless of whether the project applicant makes a separate setback exception request, the applicant would be required to submit an application for Habitat Plan coverage to the City. Compliance with Habitat Plan conditions would be documented and fees paid for project impacts. This includes documentation of standard setback compliance and the issuance of setback exemptions. As explained above, the Habitat Plan allows for the City to grant setback exceptions and any such exceptions would be covered under the Habitat Plan permits. The project proponent would also be subject to the permit authority of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife for any project development that would cause impacts to riparian habitat or waters of the U.S. or state. In these

cases, the project proponent must apply for applicable permits from these agencies and comply with the prescribed conditions.

City of San José Policy 6-34, Riparian Corridor Protection[37]

As explained on Draft EIR page 3.2-83, Policy 6-34 generally requires a setback of 100 feet from the riparian corridor, which is defined as the outside dripline of the riparian vegetation or the top of stream bank, whichever is greater. Multi-use trails (pedestrian/equestrian/bicycle trails) along natural channels are permitted within 10 feet of the riparian corridor. Interpretive nodes, paths, and stream crossings are not subject to the setback requirement. Conversely, active recreational uses with lighting and mechanical noise generating sources normally require a setback of 200 feet. However, as also stated on page 3.2-83, the policy expressly permits reduced setbacks in some circumstances, one of which is applicable to projects such as the proposed Downtown West project that are located in the Downtown area. Another circumstance in which a reduced setback may be permitted is at sites with existing legal uses within the minimum setback, such as the area of the project site between Barack Obama Boulevard and Los Gatos Creek. Section A.3 of Policy 6-34 requires that the City, in granting reduced setback(s), make findings supported by substantial evidence that some or all of the following conditions apply:

a. There is no reasonable alternative for the proposed Riparian Project that avoids or reduces the encroachment into the Setback Area.

b. The reduced setback will not significantly reduce or adversely impact the Riparian Corridor.

c. The proposed uses are not fundamentally incompatible with riparian habitats….

d. There is no evidence of stream bank erosion or previous attempts to stabilize the stream banks that could be negatively affected by the proposed development within the Setback Area.

e. The granting of the exception will not be detrimental or injurious to adjacent and/or downstream properties.

Although not set forth in Policy 6-34, it is common for Downtown projects on previously developed sites to be permitted a reduction in the riparian setback to 50 feet. Inasmuch as reduced setbacks are expressly permitted by Policy 6-34, the City may permit such a reduction in full compliance with Policy 6-34, assuming the findings above can be made.

Project Compliance with Setback Requirements

As stated above, the proposed project, as revised since publication of the Draft EIR, would maintain a minimum riparian setback of 50 feet for all new development, with only trails and open space permitted to be placed closer to Los Gatos Creek or the Guadalupe River, and a private street on Block E with vehicular access set back 35 feet from the Guadalupe River.

[37] The full name of this policy is the Riparian Corridor Protection and Bird Safe Design Policy. However, the bird-safe design provisions of Policy 6-34 are applicable only north of State Route 237.

Therefore, assuming that the City Council makes findings in support of a 50-foot riparian setback for new construction, the proposed project would be fully consistent with Policy 6-34.

Other Specific Concerns Expressed in Comments

With respect to the statement in Comment BB.1 that the project's proposed setback of 30 feet from the Guadalupe River would not be in compliance with the Habitat Plan, the project applicant has revised the project such that new buildings would be set back 50 feet from the existing Guadalupe River channel wall. The only project improvement within this 50-foot riparian setback would be new open space (including pedestrian pathway), uses that are consistent with the Habitat Plan, and vehicular access on a new private street on Block E that would be set back 35 feet from the existing channel wall, the minimum setback permitted under the Habitat Plan.

With respect to Comments E.4, E.5, E.9, K.64, O.1, O.3, S.6, BB.1, and CC.4 that the proposed setbacks along Los Gatos Creek would be insufficient, the Draft EIR additionally explains on pages 3.2-86 to 3.2-87 that the proposed project would remove certain hardscape areas and areas of disturbed landscape between Los Gatos Creek and existing buildings, revegetate the formerly hardscape/disturbed areas with riparian plant species, and install a pedestrian boardwalk above certain of the newly pervious, revegetated areas, thereby enhancing the riparian corridor relative to existing conditions. Accordingly, because the conditions would be less impactful on the environment relative to existing conditions, and because project impacts would be further reduced through implementation of Mitigation Measures BI-1a, BI-1b, BI-1c, and BI-2a, the project would not have a significant adverse impact on the environment with respect to setbacks from Los Gatos Creek. To the extent that the commenters request greater setbacks than the increased proposed setbacks described above, these are policy considerations that do not concern the adequacy or accuracy of the EIR, although the City may consider these comments in its decisions on the merits of the project.

Concerning the statement in Comment E.9 that it is "not clear in the DEIR why non-historic buildings [on Blocks D8 through D13] are proposed to be retained within the reduced 50-foot riparian setback, when the Project description calls for the demolition of most buildings in the Project area," the project applicant intends the proposed project as a new extension of Downtown San José and a high-density, active area that supports a significant transportation hub. As such, the project proposes a mixed-use program, especially in its central area and "social heart," which includes the area of the site immediately west of Los Gatos Creek. The project applicant envisions a passive, low-intensity urban interface with adjacent natural areas such as the Los Gatos Creek riparian corridor, providing people access to an underutilized natural resource within the city and region. Retention and reuse of existing buildings in this area for low-intensity uses would "improve visibility, access, and connectivity along the riparian corridors," as described in the Downtown West Design Standards and Guidelines, while the retention of existing buildings, including historic buildings, in general would support the creation of "varied building fabric" at Downtown West, likewise described in the Downtown West Design Standards and Guidelines.

Additionally, since publication of the Draft EIR and as explained above, in Chapter 1, *Introduction*, of this First Amendment, the project applicant has made revisions to the project

that, among other things, would require any replacement buildings for two of the existing buildings closest to the riparian corridor (to the extent that they are demolished) to be built outside of the 50-foot riparian setback. This would increase the riparian setback for these structures compared to existing conditions. The project has also been revised to include the relocation of four existing residential structures to this area, and these buildings would likewise be required to be outside of the 50-foot riparian setback. Three other existing buildings in this area that encroach into the 50-foot riparian setback to varying degrees would be retained and reused, with no permitted expansion within the 50-foot riparian setback, while a fourth, almost entirely within the 50-foot riparian setback, may be retained and reused or may be demolished and reconstructed outside the 50-foot riparian setback.

Conclusion

The Draft EIR concluded, in Impact BI-2, page 3.2-45, that, with mitigation, the proposed project would have a less-than-significant impact on riparian habitat. Inasmuch as the changes described above would increase riparian setbacks from Los Gatos Creek and the Guadalupe River and thus incrementally lessen the project's impact on riparian habitat, compared to the impact of the project analyzed in the Draft EIR, the project's impact on riparian habitat would remain less-than-significant with mitigation. Thus, the revisions to the proposed project with respect to riparian setbacks do not materially alter the analysis or conclusions of the Draft EIR and, therefore, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

3.2.7 Master Response 7: Non-CEQA Issue—Transit Demand

Comments addressed in this response: G.11, H.7, J.11

Comments addressed the transit capacity analysis presented in the Local Transportation Analysis (LTA) (Draft EIR Appendix J2), claiming that the capacity analysis presented in the Draft EIR was inadequate. Commenters asked for further documentation of the methods used for transit capacity analysis, requested additional detail regarding transit trip assignment, and suggested that the findings of the transit capacity analysis indicated that the Project's future mode share projections were flawed. As explained below, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts.

The transit capacity analysis is presented in the LTA on pages 123 to 146. Although a summary of the LTA transit capacity analysis is provided on Draft EIR page 3.13-63 for informational purposes, the analysis of transit capacity to determine the significance of a transportation impact is not required under CEQA, which focuses on physical changes in the environment. Based on the City of San José's criteria for determining significant transportation-related impacts to the environment, transit crowding is not considered to be a physical change in the environment. The transit capacity analysis is presented for planning purposes, to help ascertain and size future transportation network improvements, and to assist partner agencies in planning future transit service. Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, provides additional discussion in response to comments on interagency coordination.

Several comments further discuss the question of the potential secondary effects of transit crowding: namely, that if transit capacity is inadequate under cumulative conditions, the commenters suggest that the project may have a lower transit mode share, and higher drive-alone mode share, than the mode share presented in the cumulative analysis in the LTA. These comments primarily focus on crowding on Caltrain express service, and suggest that if the cumulative transit mode share targets analyzed in the Draft EIR are not met, the project may produce a higher level of VMT and tailpipe emissions than those analyzed in the Draft EIR, potentially making Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, inadequate to mitigate the identified air quality impacts of the project. These CEQA concerns are discussed in this response and further addressed in Section 3.2.4, *Master Response 4: TDM Program*, along with other comments regarding the adequacy of Mitigation Measure AQ-2h.

Additional comments assert that the capacity analysis performed for BART, VTA bus, VTA light rail, and ACE are inadequate due to the lack of more detailed information. In the case of BART, the commenters suggest that the analysis does not evaluate project contributions to crowding in locations other than through the Transbay Tube. In the case of VTA services, the commenters suggest that the screenline method does not provide adequate detail to assess project impacts. Responses to these specific concerns are grouped by transit service provider below.

Caltrain

Comments regarding the project's effect on crowding under cumulative conditions for Caltrain request additional analysis that separates ridership based on service type during the peak periods, to compare crowding on express trains with crowding on non-express trains. In addition, Caltrain specifically indicated that the 135 percent comfortable crowding level was not appropriate for assessing significant impacts.

First, demand for both express and non-express trains was evaluated together for purposes of assessing overcrowding. While express trains are more likely to experience overcrowding than non-express trains, due to the project's location near the Diridon terminus, for most express service, crowding is less likely to influence the decision of project trips to utilize transit or not. For instance, project site residents using Caltrain service will almost certainly board northbound trains in the AM peak period and be able to find a seat, while employees at the project site boarding northbound trains in the PM peak period will find the same. To the extent that this exacerbates crowding, effects would occur north of Diridon Station, primarily along the service segments between San Mateo Station and Downtown Palo Alto Station. Especially with decreased time between trains as projected in the Caltrain Business Plan (slated to increase service during peak periods to eight trains per hour in each direction, or roughly one train every 7.5 minutes by 2040), riders unable to board an individual train at an individual station due to crowding may wait for the next train, even if that train does not provide express service. This type of behavior is present under existing conditions on Caltrain and other time-competitive transit services in the Bay Area, such as BART service through the Transbay Tube during peak periods.

The transit capacity analysis presented in the LTA acknowledges that under cumulative plus project conditions, the project may result in transit demand exceeding this level on individual express trains during peak hours. However, as mentioned above, transit crowding is not a consideration in the determination of the significance of a CEQA transportation impact. In addition, the project's calculated transit ridership at the maximum load points is likely overstated, as all project ridership was conservatively added to the maximum load point. Under actual conditions, many riders would board/alight downstream or upstream of the maximum load point. This conservative approach to the analysis was intended to help offset some of the uneven crowding between trains and service types. Additional background regarding the assumptions and methods used to evaluate transit demand and crowding on Caltrain related to the project are included in a supplemental memo that was transmitted to Caltrain in mid-February 2021.[38]

Relevant to the Draft EIR's analysis is the question of how transit crowding may affect the travel behavior of populations associated with the project, and whether it would lead to inadequate execution of Mitigation Measure AQ-2h. The 135 percent acceptable crowding level has been used by Caltrain for assessing the point at which riders with other travel options may shift modes, as indicated in presentations from the Caltrain Business Plan (refer to the *January–April 2019 Business Plan Quarterly Update*, retrieved from https://caltrain2040.org/wp-content/uploads/CBP_Quarterly_Board_Update_May2019_V2.pdf). As noted in these

[38] Teresa Whinery and Franziska Church, Fehr & Peers, Clarification on Caltrain Transit Demand Assessment for the Downtown West Mixed-Use Project, a memorandum dated February 12, 2021.

presentations, transit riders are not likely to change their decision to utilize a time-competitive transit service (such as Caltrain) unless crowding reaches levels in excess of 135 percent of seated capacity. While the 135 percent seated capacity is not an adopted Caltrain threshold, the Project is not expected to result in crowding above this level, as shown in the LTA. This analysis, in combination with the projected underutilization of service between Diridon Station and Palo Alto Station, indicates that capacity concerns would not affect demand for Caltrain services among project residents and employees.

The Project would result in an increase of ridership above Caltrain's adopted crowding standard of 120 percent of seated capacity, under Baseline plus Project and Cumulative plus Project conditions, as shown in the LTA. However, this does not represent an impact for CEQA purposes, and is intended to assist in future planning efforts and assessment of compliance with the City's General Plan. Peak demand under plus project conditions is likely overstated in the LTA for several reasons. First, the full number of project Caltrain riders are added to the expected passenger load at the maximum load point, when in reality many riders would board after / alight before reaching said point. Second, the LTA conservatively assumes all project-related transit users are in addition to Caltrain's future forecasts, which include a substantial amount of growth in Downtown San José. Furthermore, the LTA conservatively assigns all northbound transit trips along the Caltrain Corridor, including those to San Francisco, to Caltrain services, despite the expectation that High Speed Rail services may be available by the cumulative year of 2040. For trips traveling the full distance from San José to San Francisco, High Speed Rail would provide additional time savings and transit capacity that is not included in the analysis presented in the LTA.

For these reasons, the transit capacity analysis presented in the LTA is sufficient and complete with regard to Caltrain services.

VTA Bus and Light Rail Service

Multiple comments suggested that the analysis performed regarding the project's effects on VTA bus service is inadequate, due to either aggregating demand across cordons or failing to assess transit delay associated with the increased number of passenger boardings.

To assess the project's effects on bus capacity, the LTA uses a cordon-based methodology, similar to the transit screenline methodology used for many years by the City of San Francisco to assess transit crowding. This screenline methodology is appropriate for several reasons: first, the amount of service on a bus line is generally correlated with its ridership, so routes with higher levels of demand also generally have higher levels of service and greater total capacity. Assessing capacity using screenlines allows for de facto weighting of ridership to each cordon based on these factors. Second, for many short transit trips (i.e., less than 2 miles), multiple lines may serve the rider's ultimate destination or next transfer point, allowing for additional choice on the part of riders regarding which line to board; this is the case for many trips traveling towards the eastern edge of the Downtown San José area. Finally, crowding on buses is most likely to occur under cumulative conditions. Due to the nature of bus service, re-structuring of routes (including changes to routing, scheduling, frequency of service, etc. in response to ridership, policy goals, or

changes in resources) is likely to occur over the next twenty years with or without addition of project-related ridership, and by assessing demand in terms of rough directionality, the analysis reflects a number of potential future transit system layouts and patterns.

In addition, as stated above, while capacity analysis is presented in the LTA for planning purposes and for coordination with transit agencies, transit crowding itself is not the basis of the determination of the significance of a CEQA transportation impact. To the extent that bus crowding would affect mode choice for trips to and from the project site, the analysis as presented in the LTA is adequate for VTA service, particularly because it conservatively assumes that VTA bus routes, bus capacities, and frequency of service would not change between baseline and future conditions. The analysis does not, for instance, account for additional capacity planned as part of the El Camino Real Bus Rapid Transit project, or other service expansions that may occur as both employee and residential populations in San José's urban core and transit-rich areas increase.

With respect to VTA light rail service, the LTA acknowledges that under cumulative conditions the Green Line may experience substantial crowding resulting from the project. However, due to the configuration of the VTA light rail network, many of the trips assigned to the Green Line may also transfer to or from the Blue Line to reach their final destination. Blue Line capacity was not included when calculating the project's ridership as a percentage of total capacity, and would effectively double light rail capacity serving project trips. In addition, all VTA light rail trips were assigned to the Green Line based on the project's proximity to Diridon Station; however, some transit users may also opt to walk to the Convention Center light rail stop to board the VTA Blue Line rather than transferring. This dispersal of trips to the Blue Line may help manage crowding on the Green Line that may occur specifically on the trip portions between Diridon Station and the transfer point. In addition, similar to crowding on buses, the analysis assumes similar transit frequencies and capacities under cumulative conditions; annual growth in demand generated by the expected growth in jobs and population from downtown San José as well as the City's Diridon Station Area Plan may very well lead VTA to expand service to accommodate that demand.

Finally, several comments note that the Draft EIR does not assess transit delay due to increased boardings of bus or light rail service. The Draft EIR presents transit delay due to vehicular traffic increases for informational and planning purposes, and assesses impacts on transit delay accordingly. Some boarding-related delay is expected due to the increases in bus ridership related to the project, particularly if there is no increase in service vehicles between existing conditions and cumulative conditions. However, neither the VTA, nor the City of San José, nor the City of Santa Clara require an assessment of transit delay due to increased passenger boardings in their transportation analysis guidelines. As such, an assessment of transit delay due to increased passenger boarding is not required within the Draft EIR or the LTA.

For these reasons, the transit capacity analysis and transit delay analysis presented in the LTA is sufficient and complete with regards to VTA services.

BART

Comment H.7 requests additional capacity analysis of BART, and questions the finding that the project would not contribute substantially to existing crowded conditions in the Transbay Tube during peak periods.

The LTA estimates that the project would result in 9,459 total daily boardings at the future Downtown San José BART station and Diridon/Arena BART stations, with a similar number of passenger alightings. This represents 27 percent of the 35,000 daily boarding activity at the Downtown San José station indicated in the 2016 *San José BART Station Access Planning Final Report*, indicating that the project's BART ridership fits within the envelope of boardings used for prior assessments of service. In addition, these 9,459 total daily boardings at Downtown San José BART station / Diridon BART Station (18,918 total daily boardings systemwide) comprise approximately 20 percent of the total systemwide daily boardings assessed in the BART Phase II EIR, again indicating that the project fits within the envelope of ridership growth projected for the BART Phase II project. The BART Phase II EIR found no significant impacts to crowding from adding a total of 96,783 new daily trips, which indicates that the project would likewise not result in a significant impact.

Regarding peak hour crowding on BART through the Transbay Tube (between West Oakland station and Embarcadero Station, westbound in the AM peak hour and eastbound in the PM peak hour), only a small percentage of BART riders traveling to or from the project site are expected to use BART to travel to or from San Francisco via the Transbay Tube. Travel times on Caltrain, combined with increased levels of Caltrain service under cumulative conditions, would lead the vast majority of project trips to/from San Francisco or northern San Mateo County to ride Caltrain rather than BART. In addition, existing conditions at Embarcadero Station and other downtown San Francisco stations indicate that during periods of crowding, riders are willing to wait for a train with capacity to accommodate them, demonstrating that BART crowding would likely not affect the mode share estimates used to assess the project.

For these reasons, the transit capacity analysis presented in the LTA is sufficient and complete with regards to BART services.

Long-Distance Commuter Rail

Comment H.7 requests that the Draft EIR assess not just the project's contribution to overall service on the ACE system and Capitol Corridor / Amtrak system, but also assess potential for crowding on individual trains, and compare the project's travel demand to existing ridership. As mentioned above, transit crowding is not a measure that is used to determine the significance of a CEQA transportation impact, and this topic is relevant only insomuch as transit crowding affects the mode choice of many individuals travelling to and from the project site. Generally, the LTA acknowledges that the project would contribute substantial levels of ridership to both the ACE and Capitol Corridor during peak periods. However, the estimates provided in the LTA are highly conservative, as they assign all peak period demand for these two services to a single peak hour, rather than acknowledging that demand may shift between trains if crowding occurs. This analysis choice was made to reflect the longer time between trains on these two services, as

compared with other local and regional travel services that operate more frequent service. In addition, the LTA does not account for changes in service that may occur due to increased demand for ridership.

In addition, while the project would generate demand for these services that uses a high percentage of existing capacity, riders of these two services represent only 3.7 percent of all transit trips to and from the project site. Minor changes due to crowding would be unlikely to have a substantial effect on the analysis, or to affect the implementation and efficacy of the project's TDM program.

For these reasons, the transit capacity analysis presented in the LTA is sufficient and complete with regards to long-distance commuter rail services.

Conclusion

This section provides information in response to comments received on the Draft EIR regarding transit demand, which is not a CEQA impact, and does not materially alter the analysis or conclusions of the Draft EIR. As a result, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

3.2.8 Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay

Comments addressed in this response: A.2, X.4, Z.14, Z.18, Z.20-24, Z.26, Z.28, Z.36, Z.37, Z.44, II.3, II.5

Several of the commenters suggested that the project is required to address level of service or other non-CEQA related operational analysis conducted as part of the Local Transportation Analysis (LTA) included as Draft EIR Appendix J2. Consistent with City Council Policy 5-1, the LTA's traffic congestion and delay analysis was conducted for City development application purposes and not for CEQA purposes. As amended by Senate Bill (SB) 743 (2013), CEQA required the state Office of Planning and Research to develop guidelines for determining the significance of transportation impacts within transit priority areas and provided that upon certification of those guidelines, "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (Pub. Resources Code Section 21099). As stated on Draft EIR page 3.13-18, CEQA Guidelines Section 15064.3(b) – adopted pursuant to SB 743 – requires that all public agencies base the determination of transportation impacts under CEQA on VMT rather than level of service (LOS).

Consistent with City policy and practice, LTAs are used to evaluate the effects of a development project on transportation, access, circulation, and related safety elements in the proximate area of the project. LTAs evaluate adverse effects for all travel modes, including pedestrians, bicycles, transit, and vehicles, and their intent is to identify adverse effects of a project on the surrounding transportation system and to recommend improvements.

Consistent with the City's General Plan, Envision 2040, the City—through the entitlement process for individual projects—seeks to identify and fund needed transportation improvements for all travel modes, giving first consideration to bicycle, pedestrian, and transit facility improvements and encourages investments that reduce vehicle travel demand. Specifically, a project should prioritize improvements related to alternative transportation modes, parking measures, and/or TDM measures. Improvements that increase vehicle capacity could have secondary effects and must not have unacceptable effects on existing or planned transportation facilities. Where adverse effects are identified, improvements consistent with General Plan policies, goals, and street typologies are discussed. Adverse effects are either directly addressed through identified improvements or through off-setting improvements that address multimodal access within the downtown area.

In the current instance, a key element of the proposed project is the robust and comprehensive *Enhanced TDM Mitigation Program* required to reduce air quality impacts to the extent feasible (refer to Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, on Draft EIR page 3.1-101, as revised herein in this First Amendment; refer to Chapter 4, *Revisions to the Draft EIR*, for the complete text of the revised measure). The TDM program

includes a tiered non-single occupant vehicle (SOV) requirement based on transit service enhancements anticipated to become available over time:

- Assuming currently available public transit service levels (pre-COVID 19), achieve a non-SOV rate of 50 percent, which is estimated to be equivalent to a 24 percent reduction in daily vehicle trips from the City model's travel demand outputs;
- Following completion of service enhancements related to Caltrain Electrification, achieve a non-SOV rate of 60 percent, which is estimated to be equivalent to a 26 percent reduction in daily vehicle trips from the City model's travel demand outputs; and
- Following completion of service enhancements related to the commencement of BART service to Diridon Station, achieve a non-SOV rate of 65 percent, which is estimated to be equivalent to a 27 percent reduction in daily vehicle trips from the City model's travel demand outputs.

The TDM effectiveness analysis presented in the LTA includes an 18-percent reduction in daily vehicle trips (refer to LTA Section 4.1.3, pages 100–102), to present a more conservative analysis. The LTA does not include the additional six to nine percentage points (total 24 to 27 percent trip reduction) required by the EIR's *Enhanced TDM Mitigation Program*. The purpose of applying a different analysis approach is to provide a conservative analysis consistent with those prepared for other LTAs in the City and allow for better comparison of results. Thus, any adverse effects identified in the LTA under the Project Buildout scenario (Scenario 2c) are overstated.

Consistent with Council Policy 5-1, the project includes several major investments into multimodal infrastructure that either directly or indirectly address identified adverse vehicle operations effects and support the City's goal to reduce vehicular travel. These include:

- Fund a study to evaluate the feasibility of a dedicated public service lane along Santa Clara Street/The Alameda between 17th Street and I-880
- Contribute to a study to explore transit improvements in the area, including exploring alignment and operational improvements along the light rail corridor in Downtown, and in particular, the evaluation of the light rail operations at Delmas Avenue, as well as new transit opportunities including a connector between the San José International Airport and Diridon Station that continues to Stevens Creek Boulevard.
- Construct a footbridge over Los Gatos Creek north of West San Fernando Street between Delmas Avenue and Barack Obama Boulevard (formerly South Autumn Street).
- Construct a trail at-grade signalized crossing at West Santa Clara Street.
- Contribute to protected bikeway improvements along Auzerais Avenue between the Los Gatos Creek Trail and Barack Obama Boulevard (formerly Bird Avenue).
- Enhance bicycle and pedestrian connectivity along West Taylor Street from Walnut Street to Stockton Avenue including improvements to the pedestrian walkway, removal of corner islands, and other improvements within the existing rail undercrossing could also be included.
- Contribute to First/Goodyear and First/Alma multimodal and intersection improvements.

- Construct multimodal intersection improvement at the Auzerais Avenue/SR 87 Southbound On-Ramp intersection. Improvements include signal modifications at the intersection and widening of the Auzerais Avenue north sidewalk beneath SR 87 freeway to provide for a continuous sidewalk that is not interrupted by the existing pillars from SR 87 freeway overcrossing
- Contribute to the City/Caltrans programmed signal and bikeway improvements at the Taylor Street/SR 87 interchange.
- Contribute to the Bird Avenue/I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community.

The physical improvements on this list were analyzed as part of the Draft EIR. For example, the referenced footbridge over Los Gatos Creek north of San Fernando Street is illustrated in Figure 2-8 in the Draft EIR Project Description, and potential impacts associated with its construction are considered in Impact BI-2 (starting on page 3.2-48) and elsewhere.

The LTA's traffic congestion and delay analysis is conducted for non-CEQA purposes and addresses the requirements and priorities of City Council Policy 5-1. No additional analysis regarding vehicle congestion or intersection level of service is required or appropriate under CEQA. To the extent that vehicle traffic related to the project could cause impacts related to emergency access, noise, air quality, or hazards, these issues are considered in the respective sections of the Draft EIR. Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for discussion of subsequent site-specific LTAs that would be prepared in connection with future development proposals within the project site.

Conclusion

As explained above, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts. This section provides information in response to comments received on the Draft EIR and does not materially alter the analysis or conclusions of the Draft EIR. As a result, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

3.2.9 Master Response 9: Non-CEQA Issue—Aesthetics

Comments addressed in this response: X-3, DD-14, M-9

As indicated on Draft EIR page 3-1, Senate Bill (SB) 743 became effective on January 1, 2014 and, among other things, added Section 21099 to the California Public Resources Code, which states that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." The proposed project meets the definition of a mixed-use residential project on an infill site located within a transit priority area as specified by California Public Resources Code Section 21099. Accordingly, the Draft EIR does not contain a discussion of aesthetics, including views and light/glare experienced by nearby residents, which can no longer be considered under CEQA in determining the proposed project's physical environmental effects.

The Draft EIR nonetheless provides conceptual drawings of the proposed project for informational purposes as part of Chapter 2, *Project Description*, and the Downtown West Design Standards and Guidelines, released for public review concurrently with the Draft EIR, provides additional illustrative figures and extensive provisions to regulate and guide aesthetic aspects of the project.[39] To the extent that aesthetic considerations may indirectly relate to environmental impacts under CEQA, Draft EIR Section 3.3.2, *Regulatory Framework*, explains that structures proposed on the project site would comply with Downtown Design Guidelines provisions for minimizing bird collisions with the built environment, including avoiding the use of large areas of reflective glass and up-lighting and spotlights on buildings. Also, as noted in Comment X-3, guidance to minimize light and glare from new buildings is included in the proposed Downtown West Design Standards and Guidelines. The portion of the Downtown West Design Standards and Guidelines most applicable to the comment regarding glare is Guideline G5.13.2, Glare Reduction, which states, "Buildings along the rail corridor [those closest to the Plant 51 building] should include a minimum of one glare reduction strategy along facades that may [otherwise] redirect light toward train operators. Glare reduction strategies include but are not limited to:

- Reduction of highly reflective surfaces
- Architecture articulation to break up spans of reflections
- Use of diffusing rather than reflective materials
- Minimizing skyline level façade orientation from 200 to 240 degrees from true north."

As stated in Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*, assuming project approval, the Downtown West Design Standards and Guidelines would be legally binding once approved as part of the project's General Development Permit and Planned Development rezoning. Although the Draft EIR relies only upon the enforceable standards in the Downtown West Design Standards and Guidelines because compliance with the standards would be required and the guidelines are more advisory in nature, the project applicant must "demonstrate[]

[39] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

that the application achieves the design intent set forth in the chapter of the applicable guideline" (Downtown West Design Standards and Guidelines, Draft EIR Appendix M, page 16).[40] Therefore, the project applicant for subsequent building(s) to be developed along the rail corridor would have to demonstrate that the building(s) are designed to minimize glare.

Views accessible to current downtown residents and the type of views they will experience (referred to by the commenter as "view equity" in Comment DD-14) can be considered in the context of the Downtown West Design Standards and Guidelines and outside the CEQA context. The project proposes redevelopment of approximately 80 acres with construction of approximately 65 new buildings, about 70 percent of which would be high-rise structures (i.e., above 75 feet). Maximum building heights would range from 180 feet in the north end of the site to 290 feet on the south end (Draft EIR Section 2.5, *Building Heights*). The new buildings would clearly be visible from residents of downtown and would truncate their long-range views to the west. Parking would be located underground or within buildings and is not expected to be a major visual component of the area once existing surface parking lots are redeveloped. Planned open spaces may be visible from some vantage points.

The commenter's suggestions and observations (Comment M-9) regarding the need to coordinate with Urban Confluence Silicon Valley regarding the park being planned as the "front door" to Arena Green, and related viewsheds and accessways are noted. These comments, which involve policy considerations, are unrelated to the EIR and do not require further response.

Comments related to aesthetics, which do not address the adequacy or accuracy of the Draft EIR, will be forwarded to the decision-makers, including the City Council, for their consideration in their deliberations on the proposed project.

Conclusion

As explained above, the EIR has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The EIR's conclusions are based on thorough, complete and comprehensive analysis of the project as known and described in the EIR, facts, and a good faith effort at full disclosure of all impacts. This section provides information in response to comments received on the Draft EIR and does not materially alter the analysis or conclusions of the Draft EIR. As a result, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

[40] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

3.3 Comments and Responses

3.3.1 State Agencies

A. California Department of Transportation, District 4 (12/8/20)

Comment A.1

Travel Demand Analysis

Caltrans commends the lead agency in preparing a quantitative and thorough VMT analysis in the DEIR. Based on the VMT analysis, the project would have less-than-significant VMT impact. Caltrans also commends the lead agency in developing the Enhanced Transportation Demand Management Project to further reduce the project generated VMT, which is in support of helping achieve the State's VMT reduction goals.

Response A.1

The commenter's endorsement of the methodology used to evaluate vehicle miles traveled (VMT) in the Draft EIR and the proposed project's Enhanced Transportation Demand Management Program (Mitigation Measure AQ-2h) is appreciated and does not require further response. Nonetheless, this comment will be communicated to the decision-makers for their consideration.

Comment A.2

Highway Operations

Referring to the Local Transportation Analysis, for the intersection listed in Table 52 (Intersection, Turn-lane Queueing Analysis) within the State ROW and the off-ramps in Table 53 (Off-Ramp Queue Analysis), the "Background Plus Goal-Based Project Buildout" scenario may not sufficiently mitigate the queue spillback from the left-turn and right-turn pockets or onto the freeway mainline. While Caltrans agrees with not recommending non-capacity increasing mitigation measures, the Bird Avenue/I-280 bicycle and pedestrian multimodal connection from Diridon Station area to the Gardner community and the additional 9 percentage point trip reduction from the TDM Program and Monitoring Plan may not be sufficient to mitigate the potentially adverse impacts. For the on-ramp locations listed in Table 54 (On-ramp Capacity Analysis) where "Background Plus Project Buildout" queues spill out of on-ramp storage capacity, the existing metering rate should be used for evaluation instead of the maximum metering rate, which is 900 vehicle per hour per lane. If other non-capacity increasing mitigation measures cannot be accommodated, the State may then consider modifying the on-ramp metering rate, which would impact an already congested mainline freeway.

Response A.2

The comment concerns the non-CEQA analysis in the Local Transportation Analysis (LTA) (Draft EIR Appendix J2) and does not address the adequacy or accuracy of the EIR's CEQA analysis. For information, the following is provided.

As discussed on pages 193 and 194 of the LTA, consistent with not recommending capacity increasing measures for the freeway on- and off-ramps, each of the on-ramps was evaluated using the maximum metering rate of 900 vehicles per hour per lane. This is the correct rate for this analysis because only after metering rates are maximized should any physical improvements be considered. A full ramp-metering operations study would likely require evaluating on- and off-ramps along the full length of SR 87 and is beyond the scope of a single project.

The initial review of aerial photography conducted to support the analysis and conclusions in the LTA indicated that there does not appear to be sufficient right-of-way to provide additional on-ramp capacity at the on-ramps with excess demand without completely rebuilding the on-ramps or converting high-occupancy-vehicle lanes to mixed-flow lanes.

It should be noted that the volume assumptions used for the analysis are relatively conservative as they assume a lower transportation demand management (TDM) effectiveness (18 percent) than required by Mitigation Measure AQ-2h (27 percent). In addition, the analysis does not take into account any mode shift for the existing and background volumes that would occur from densification of the downtown and added transit and bicycle facilities that would likely occur.

Comment A.3

Fair Share Contributions

As stated in the Highway Operations section above, due to the potentially adverse impacts of the project on the intersections within the State ROW, the freeway off-ramps and the freeway segments identified in the DEIR and therefore, the City of San José, as the lead agency, is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Fair share fees should be allocated for the impacted freeway ramps due to added project traffic. The project applicant shall coordinate with the City of San José, Santa Clara Valley Transportation Authority and Caltrans for the proposed mitigation.

Fair share contributions should be considered to projects listed below:

- SR-87 Express Lanes: from I-880 to SR-85 (Plan Bay Area 2040, ID: 17-07-0082);
- SR-87 Technology-based Corridor Improvements (Plan Bay Area 2040, ID: 17-07-0009);
- SR-87 Corridor & Interchange Improvement Santa Clara (Plan Bay Area 2050, Project category: 2036–2050);
- I-280 Express Lanes: US 101 to Leland Avenue (VTP 2040, ID: H12);
- Part Time Lane projects identified in the VTA SR-87 Corridor Study within the proposed project area.

Response A.3

Draft EIR Section 3.13, *Transportation*, concludes that the proposed project would result in less-than-significant transportation impacts, with the exception of Impact TR-7. The Draft EIR discusses the potentially significant impact determination for Impact TR-7, which relates to travel

speeds in transit corridors, on pages 3.13-52 through 3.13-54, and concludes that this impact would be reduced to a less-than-significant level with implementation of Mitigation Measure AQ-2h (Enhanced Transportation Demand Management Program).

Since no additional mitigation is required to further reduce this impact, fair-share contributions to the regional highway projects identified by the commenter are not required under CEQA and, therefore, are not included as part of the project for purposes of the EIR. As noted on Draft EIR page 3.13-59, the localized access and queuing analysis conducted as part of the Non-CEQA LTA (Draft EIR Appendix J2) indicates that the proposed project would contribute to the Bird Avenue/I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community. Because this analysis is not required by CEQA and the effect is not significant under CEQA, the terms of the proposed project's financial contribution are not discussed in the Draft EIR but, rather, would be included as part of the conditions of approval for the proposed project.

B. California Department of Transportation, District 4 (10/13/20)

Comment B.1

This is Yunsheng Luo with Caltrans D4. We received a review request from SCH for the Downtown West Mixed-Use Plan (Google project). I just skimmed through the transportation section in the DEIR and have a clarification question. On page 3.13-59, it says that "The project applicant would contribute to the Bird Avenue/I-80 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community." Did it mean **Bird Avenue/I-280**? Because I-80 is not located near the project site, based on my understanding of the purpose, I think it should have been I-280? Just want to make sure I understand it correctly.

Response B.1

The commenter identified a typo on Draft EIR page 3.13-59. The typo has been corrected by modifying the last sentence of the second full paragraph on page 3.13-59 as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~): "The project applicant would contribute to the Bird Avenue/~~I-80~~ I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community." (Refer to Chapter 4, *Revisions to the Draft EIR*, of this First Addendum.) This typo was repeated on page 192 of the Local Transportation Analysis (Draft EIR Appendix J2), and has been corrected consistent with the above. This editorial change does not alter the analysis or conclusions of the EIR.

C. California High-Speed Rail Authority (12/8/20)

Comment C.1

As discussed in more detail below, the Authority requests that the City of San José and Google consider the following specific revisions to the DTW Plan and coordination efforts:

- Inclusions to demonstrate conformity with the transit-supportive Goals and Policies of the Envision San José 2040 General Plan;
- Updates to the documents to account for the HSR rail alignment laid out in the Authority's San José to Merced Project Section Draft EIR/EIS;
- Further analysis to determine the impacts on high-speed rail ridership and modes of access/egress;
- Modifications to the design of the street network to meet the Authority's performance needs for station pick-up/drop-off (for all modes) and address functionality of dynamic lanes, bicycleways, and sidewalks for pick-up/drop-off in constrained right-of-way;
- Guidance for the future site planning of the BART station to ensure seamless rail-to-rail connectivity to minimize travel times for HSR travelers;
- Recognize and support the intent of the Diridon Integrated Station Concept (DISC) to create a world-class center of transit and public life integrated with surrounding development, especially given the significant level of investment in rail transit serving the Diridon Station area; and,
- Inclusion of a Comprehensive Construction Coordination Plan to avoid and minimize impacts on HSR construction, utility, infrastructure and station access.

The Authority looks forward to working with the City of San José and Google to ensure the coordination necessary to ensure the successful implementation of the respective policies, goals and plans for the Diridon Station Area and downtown San José.

Response C.1

Thank you for the summary of your comments, which are responded to in Responses C.2 to C.8, below.

Comment C.2

1) RAIL RIGHT-OF-WAY

The area around Diridon station is a constrained environment with plans for both rail upgrades and new development proposed in the DTW Plan Draft EIR. The Authority's planned rail right-of-way needs are laid out in the San José to Merced Draft EIR/EIS and would be impacted by the proposed project described in the DTW Plan Draft EIR. The Authority requests that the City of San José and Downtown West continue to collaborate with the Authority to update the documents to account for the HSR rail alignment laid out in the San José to Merced Draft EIR/EIS. This supports our shared goals for effective rail operations and feasible and high-quality station and development projects. It is critically important to reserve space for HSR to avoid challenging right-of-way negotiations in the future and the Authority stands ready to work with the City of San José and Downtown West

on these issues. Please see the enclosed Table 1 Potential Right-of-Way and Temporary Construction Easement Impacts by Alternative. For the Authority's Preferred Alternative 4, development would impact planned ROW and preclude track, retaining structures, and temporary construction easements of the north approach to Diridon Station.

The DTW Plan should comply with the transit-supportive Goals and Policies of the Envision San José 2040 General Plan (see *Table 3.13-2 Land Use and Transportation Goals and Policies*) by, including the following in section 3.13.2 Regulatory Framework of Downtown West's EIR (p. 3.13-21):

- 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.
- Policy TR-4.2 – Work collaboratively with the California High-Speed Rail Authority to bring high speed rail to San José in a timely manner.

Downtown West's development application, submitted in October 2019, accounted for space for a future rail alignment (represented by the hatching and notes included on *Figure 2.09 Illustrative Framework* of the development application). *Figure 2.2 Downtown West Mixed-Use Plan* in the Downtown West Design Standards and Guidelines (DWDSG) does not similarly account for space needed for a future rail alignment. The proposed right-of-way (ROW) boundaries identified in the DTW Plan Draft EIR do not include development setbacks for parcels B1, C1, C2, F5, and G1. The lack of setbacks in these locations could complicate and/or impede the construction and staging of the Authority's project. Additional information on the construction staging of the DTW project would be helpful in evaluating additional impacts on the Authority's project. The Authority stands ready to work with Downtown West and the City of San José to find solutions for the permanent and temporary ROW interfaces between the DTW Plan and the Authority's project.

We noted that deviations from the DWDSG are allowed following implementation of DISC, per approval by the City Director (p. 242). The likelihood of major deviations being needed could be greatly reduced by the Downtown West documents better accounting for the future rail alignment including both HSR plans and the DISC Concept Layout. The Authority requests that the Downtown West documents be updated to account for this.

Response C.2

As stated in Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, neither the DISC Concept Layout nor the Preferred Alternative of the California High Speed Rail project is fully designed, engineered, or funded, and it remains subject to environmental review under CEQA. Additionally, the Concept Layout and the high-speed rail Preferred Alternative are inconsistent with one another, in that the Concept Layout foresees elevated rail tracks and an elevated Diridon Station, while the Preferred Layout includes at-grade tracks and station. It is unclear when this inconsistency will be resolved. As a result, it would not be reasonable to require that the proposed Downtown West Mixed Use Plan be made entirely consistent with the Preferred Alternative. For these reasons, the line shown in the October 2019 application was removed. Nevertheless, the City, as a partner agency in the DISC process—along

with the California High-Speed Rail Authority—remains supportive of the DISC process and of high-speed rail and intends to continue cooperation in all relevant planning processes. For information, the following is provided with respect to the California High-Speed Rail Preferred Alternative.

The Preferred Alternative for the San José to Merced segment of the California High-Speed Rail project would retain the existing historic Diridon Station and operate high-speed rail trains on two pairs of at-grade tracks through the center of the existing station platform area. The Preferred Alternative would also develop a pedestrian concourse above the tracks. Although under the Preferred Alternative high-speed trains would operate in a "blended" arrangement largely on the existing Caltrain tracks, the Preferred Alternative does include a variant that would straighten the rail alignment between West Santa Clara and West Julian Streets to allow for trains to approach Diridon Station from the north at greater speed than permitted under the existing alignment. Depending on the ultimate rail right-of-way, portions of the proposed Downtown West project site could be subject to incorporation into the rail right-of-way, possibly through eminent domain. However, as stated on Draft EIR page 2-10, the Preferred Alternative "is inconsistent with the preferred Concept Layout that has been developed through the DISC planning process," as the Concept Layout envisions aerial rail tracks and platforms through Diridon Station. This conflict and other design decisions concerning Diridon Station have yet to be finally made. The Downtown West project applicant will continue to collaborate with the City and the California High-Speed Rail Authority to account for the high-speed rail and DISC alignments (refer to Draft Project Description Section 2.2.8 for a description of ongoing coordination efforts).

The General Plan goal and policy cited by the commenter are added to the EIR; refer to Chapter 4, *Revisions to the Draft EIR,* of this First Amendment.

Comment C.3

2) STATION ACCESS

The analysis in the DTW EIR requires further development and is insufficient to determine the impacts on high-speed rail ridership, modes of access/egress, and the implications for the transportation network (including all modes) around Diridon Station. The Authority's critical interaction with the DTW Plan is how high-speed rail passengers get to and from Diridon Station. The Authority's San José to Merced Project Section Draft EIR/EIS laid out a series of improvements around Diridon Station to improve access and ensure that passengers will be able to get from high-speed rail to other transportation modes, to the surrounding area, and to the entire service travel-shed surrounding Diridon Station. The DTW Plan proposes a variety of changes to the street network and various access points to the station that would impact the ability of high-speed rail passengers to use the station.

Below is a list of specific areas that require further analysis and potential changes to ensure that high-speed rail and other passengers can get to and from Diridon Station. The DTW Plan EIR must ensure that the proposed modifications do not negatively impact high-speed rail passenger access as described in the San José to Merced Project Section Draft EIR/EIS.

The Authority supports creating urban walkable environments and requests that the Transportation Policies of the City of San José's General Plan (Chapter 6 - Land Use and Transportation, p. 37) be mentioned, and that the following Transportation Policies from *Table 3.13-2 Land Use and Transportation Goals and Policies in the Envision San José 2040 General Plan* be included in section 3.13.2 Regulatory Framework of Downtown West's EIR:

- Policy 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.
- Policy TR-1.5 – Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

The Authority is highly supportive of DWDSG, Mobility Objectives:

> "Improvements throughout this chapter are crafted to enhance transit access and ridership by levering the Project's proximity to Diridon Station, which is served by multiple transit agencies, and where existing and new transit providers are planning future service enhancements."
>
> "Prioritize space for pedestrians and cyclists within streets to promote walkability and active mobility. Support walking, biking and public transit ridership with amenities that support non-vehicular choice to and from Downtown West."

The Authority's concerns regarding the DTW Plan are described below for each mode of access.

Pedestrians

The Draft Local Transportation Analysis (LTA) is underestimating pedestrian activity by omitting the consideration of the fact that all transit trips from the DTW development will require people to walk from transit to employment/housing. The analysis included only walk mode share trips generated by the project.

The Authority is particularly concerned about the assumption that all people going to the downtown area walk on the right side of the street and all people going to Diridon Station walk on the left side of the street, which undercounts the pedestrian flows, especially at intersections. The Authority recommends additional analysis that includes not only the walk mode share trip, but also the walk portion of the transit trips. Key areas for station access within the plan area are:

- Cahill Street and Santa Clara Street
- Cahill Street and Park Avenue
- Cahill Street and San Fernando Street
- Cahill Street and Post Street
- Montgomery Street and San Fernando Street
- Montgomery Street and Santa Clara Street

The DTW Plan shows excessive walking distances to cross Cahill Street to enter Downtown West, overloading pedestrian densities at Santa Clara Street, San Fernando Street and Park

Avenue intersections. The DTW Plan creates two superblocks across Cahill Street from the station requiring pedestrians to walk over 1,000 feet to Park Avenue and Santa Clara Street, rather than a more walkable pattern of small city blocks with closely spaced intersections. The Authority requests street improvement plans with more frequent pedestrian crossings.

Bicycles

The DTW Plan should provide street design plan drawings to show how bicycle lanes are configured at intersections, given the high number of commuters accessing the station by bicycle and the high density of onsite workers who will be using bicycles in the station area on a daily basis. The Authority acknowledges the value of considering the quality of user experience in designing bicycle facilities to attract a diversity of riders.

Transit

Downtown West should comply with the transit-supportive policies of the Envision San José 2040 General Plan, and include the following Policy from *Table 3.13-2 Land Use and Transportation Goals and Policies in the Envision San José 2040 General Plan* in section 3.13.2 Regulatory Framework of Downtown West's EIR (p. 3.13-21):

- Policy 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.

The Authority requests that a Mobility Objective be added in the DWDSGs to improve transit access, reliability, and speed and that Downtown West's EIR documents, including through transit-supportive design by reserving space needed for transit.

Pick-Up/Drop-Off

The Authority recommends that the DTW Plan demonstrate how the design of the street network can meet the Authority's performance needs for station pick-up/drop-off. This is consistent with the following DWDSG Mobility Objective:

> "Enable efficient, intuitive and safe movement of cars, buses and trucks through a redundant street grid that is right-sized to traffic volume, has separated space for pedestrians and bicyclists and slows vehicle speeds."

High-speed rail travel choice, compared to flying and driving for inter-regional trips, is sensitive to door-to-door travel times. The Authority's Draft EIR/EIS Alternative 4 uses local streets for curbside pick-up/drop-off at Cahill Street, Montgomery Street, Otterson Street, Stover Street, and Crandall Street. The Downtown West Plan conflicts with Alternative 4 station access improvements by making the following changes:

- Precludes extending Stover Street with development of Site D6
- Precludes extending Crandall Street with development of Site D7
- Reconfigures Cahill Street from San Fernando Street to Otterson Street
- Reconfigures Montgomery Street
- Closes Otterson Street with development of Site F1

Active Streetscapes

The Authority has the following concerns regarding the functionality of the proposed active streetscapes:

- Location and width of dynamic lanes to serve station access and pick-up/drop-off
- Pedestrian/cyclist adjacency conflicts given highly constrained right-of-way
- Pick-up/drop-off conflicts with bikeways with inadequate sidewalk width between the curb and bikeways for safe pick-up/drop-off
- Inadequate sidewalk width for pedestrian through-movement
- Adequate buffer width for street trees

Per the Vesting Tentative Tract Map for Condominium Purposes PT20 - Downtown West, we want to highlight three examples:

- Exhibit TM-15, D Cahill Street Meander. DTW Draft EIR Alternative 3 is better for locating the bikeway on the east side of the street so that pick-up/drop-off can be located in front of the station. To accommodate a range of vehicles and use of the dynamic lane. For greater flexibility, they need to be 10 feet wide.
- Exhibit TM-15, N. Montgomery Street. Needs a third, new alternative with bikeway on east side of street to avoid conflicts with pick-up/drop-off serving the station on the west side of the street. Dynamic lanes need to be 10 feet wide. Alternatives 1 and 2 have pedestrian/bicycle conflicts when used for pick-up/drop-off.
- Exhibit TM-16, San Fernando Street F1 and F2. Both sections, at 55-foot and 60-foot right-of-way are too narrow to meet functional requirements, especially as the only cross street between two approximately 1,000-foot super blocks extending from Park Avenue to Santa Clara Street. Five-foot-wide sidewalks (after accounting for the one-foot transition) is not a functional width to serve a 280-foot-high building and primary access to the station. Sidewalks need to be at least 12 feet.

The Authority recommends continuing the on-going coordination with the Downtown West development team and the DISC Partner Agencies (defined below) to work together to review the multi-modal functioning of the street network to ensure street design meets the shared objectives of the Authority, DISC Partner Agencies and Downtown West.

Response C.3

As explained in Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, and Response C.2, the California High-Speed Rail Authority's Preferred Alternative for the Diridon Station area is not fully designed, engineered, or funded, nor is its environmental review complete. Therefore, specific design aspects of that project remain unknown. Regarding the commenter's specific concerns as to station access, it is noted at the outset that the proposed project does not include the parcels immediately across Cahill Street from the existing Diridon Station that are owned by the Peninsula Corridor Joint Powers Board, operator of Caltrain. Under the Preferred Alternative, new pedestrian concourses would be built above the existing rail tracks, immediately north and south of the existing Diridon Station, which would remain. The two concourses would each have a pedestrian entrance, with one immediately across Cahill Street from the Caltrain property and a second near the southwest corner of Cahill and

West San Fernando Streets, cater-corner from the Caltrain property. Therefore, future development on these parcels that would most directly affect the interface between new development and the station and its passengers would be at the discretion of Caltrain. Additional parcels north of the Caltrain parcels are part of the proposed Downtown West project (Block D1), at the southeast corner of West Santa Clara and Cahill Streets, but are owned by the Santa Clara Valley Transportation Authority (VTA). As explained on Draft EIR pages 2-5–2-7, 2-13, and 2-29, this block is analyzed in the DEIR and included within the Downtown West Planned Development Zoning District, but is excluded from the Planned Development Permit sought by the project applicant and is not included in the Downtown West Design Standards and Guidelines. Any, future development of the D1 Block would be subject to the direction of and approval by VTA, which is the project sponsor for the BART Silicon Valley Phase II Extension and a partner agency in the DISC planning process for Diridon Station.

Regarding pedestrian access, one block east of the Caltrain parcels, east of South Montgomery Street, the proposed Downtown West project would develop its Social Heart open space, allowing direct pedestrian passage to and from Diridon Station, and this pathway would continue to the east, through the project's Creekside Walk open space and across Los Gatos Creek via the project's proposed new footbridge that would provide access through the Los Gatos Creek East open space to West Santa Clara Street, the VTA platform and West San Fernando Street. Additional east-west pedestrian travel would be available south of these open spaces through the proposed project's mid-block passages through Block F1 and south of Block F4 and north of these open spaces along the new extension of Post Street. Therefore, there would be no "superblocks" precluding east-west pedestrian access through the proposed project site. It is unclear what the commenter means by "excessive walking distances to cross Cahill Street to enter Downtown West," given that Caltrain, and not the project applicant, owns the intervening property. However, as stated above, the project would provide more than adequate pedestrian access between and through the project site, to and from Diridon Station. Proposed pedestrian improvements are described in Section 6.4 and illustrated in Figure 6.8 of the Downtown West Design Standards and Guidelines (EIR Appendix M).[41]

The Local Transportation Analysis (Draft EIR Appendix J2, Chapter 7) evaluates pedestrian demand to support the City's review of the development application and not for CEQA purposes (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). The pedestrian demand analysis was conducted under Background No Project, Background Plus Phase 1 Project, Background Plus Project Buildout, Background Plus Goal-Based Project Buildout, Cumulative No Project, and Cumulative Plus Goal-Based Project Buildout scenarios. Pedestrian volumes for the "No Project" scenarios for Background and Cumulative conditions were estimated by applying a 2 percent annual growth rate over 10 and 20 years, respectively. Because baseline pedestrian volumes are relatively low due to existing development patterns, the assumed 2 percent annual growth rate resulted in modest growth in pedestrian demand in the study area. For both the Background No Project and Cumulative No Project scenarios, the

[41] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

additional pedestrian trips would not substantially change the level of service (LOS) of any of the sidewalks, with most of them remaining at an average and platoon LOS A, with only one platoon dropping to LOS B under the Cumulative No Project scenario.

In response to the commenter's concern about underestimating project-generated pedestrian activity, the EIR transportation consultant conducted a sensitivity test to account for more aggressive growth assumptions under the Cumulative Goal-Based scenario, which has the highest project pedestrian demand, by increasing the Cumulative No Project volumes by 4,000 pedestrians, more than doubling the pedestrian volumes analyzed in the Draft EIR during both the morning and afternoon peak periods. The results of the sensitivity are shown in **Table RTC-2**.

With this increase in pedestrian volumes, the average level of service in most instances remains at LOS A, with a few segments operating at LOS B; therefore, even with a substantial increase in pedestrian volumes, the conclusions of the throughway capacity analysis presented in the LTA remain unchanged and no improvements are needed to address pedestrian crowding.

The pedestrian throughway capacity analysis presented in the LTA was conducted for the main access routes to the project area. The design of the internal sidewalk dimension is guided by the Downtown West Design Standards and Guidelines (Appendix M of the Draft EIR) and the San José Complete Streets Design Standards and Guidelines, which, in general, try to maximize the widths for active uses, including pedestrians in the project area.

As noted by the commenter, the LTA assumed that all pedestrians traveling to the east of the project site would use the north sidewalk, whereas all pedestrians traveling to the west of the project site would use the south sidewalk. Similarly, all pedestrians traveling to the north of the project site were assigned to the east sidewalk, and all pedestrians traveling to the south of the project site were assigned to the west sidewalk. The LTA applied this approach, since pedestrian counts were only available at the intersection-level, and not along specific sidewalks; therefore, it is unknown how the pedestrians disperse after they cross the street. However, this assumption does not undercount the pedestrian flow at intersections, since these volumes are based on intersection counts.

With respect to bicycles, the project would provide an extensive bicycle and micro-mobility (e.g., scooters) network, as described in Section 6.5 and illustrated in Figure 6.13 of the Downtown West Design Standards and Guidelines. Transit access would also be accommodated, along with a private shuttle network, as described in Section 6.6 and illustrated in Figure 6.16 of the Downtown West Design Standards and Guidelines. Pick-up and drop-off locations for high-speed rail and other rail passengers would likely be accommodated on Cahill Street in front of Diridon Station, as depicted in Figure 2-65 (preferred Alternative 4) of the Draft EIR/IS for the San José to Merced Project Section of the California High-Speed Rail project.[42] Neither Cahill Street nor the parcels immediately across Cahill Street from the station are under the control of the Downtown West project applicant. (As explained in Chapter 1, *Introduction*, to this First Amendment, Cahill Street has been removed from the project boundary.)

[42] California High-Speed Rail Authority, *California High-Speed Rail Project, San José to Merced Project Section, Draft Environmental Impact Report/Environmental Impact Statement*, April 2020. Available at https://hsr.ca.gov/programs/environmental/eis_eir/draft_san_jose_merced.aspx.

TABLE RTC-2
YEAR 2040 CUMULATIVE PLUS GOAL-BASED PROJECT BUILDOUT CONDITIONS PEDESTRIAN THROUGHWAY CAPACITY ANALYSIS RESULTS – SENSITIVITY ANALYSIS (INCREASE BASE VOLUMES BY 4,000 PEDESTRIANS)

	Sidewalk Widths		AM (7 to 9 a.m.)				PM (4 to 6 p.m.)			
Sidewalks	**Actual**	**Effective**	**15-Minute Volumes**	**Flow Rate p/min/ft**	**Avg. LOS**	**Platoon LOS**	**15-Minute Volumes**	**Flow Rate p/min/ft**	**Avg. LOS**	**Platoon LOS**
The Alameda – Race to Sunol – North	20	13	348	1.79	A	B	387	1.99	A	B
The Alameda – Race to Sunol – South	20	13	351	1.80	A	B	387	1.99	A	B
Santa Clara – Autumn to Almaden Blvd – North	20	15	790	3.51	A	C	869	3.86	A	C
Santa Clara – Autumn to Almaden Blvd – South	15	10	781	5.21	B	C	881	5.87	B	C
San Fernando – Delmas to Almaden – North	10	8	357	2.98	A	B	426	3.55	A	C
San Fernando – Delmas to Almaden – South	20	10	412	2.75	A	B	399	2.66	A	B
Park – Race to Sunol – North	10	8	350	2.92	A	B	390	3.25	A	C
Park – Race to Sunol – South	10	8	351	2.93	A	B	395	3.29	A	C
San Carlos – Race to Sunol – North	10	7	350	3.33	A	C	384	3.66	A	C
San Carlos – Race to Sunol – South	10	7	354	3.38	A	C	386	3.67	A	C
San Carlos – Montgomery / Bird to Delmas – North	10	7	350	3.33	A	C	381	3.63	A	C
San Carlos – Montgomery / Bird to Delmas – South	10	7	353	3.36	A	C	389	3.70	A	C
San Carlos – Delmas to Almaden – North	10	8	566	4.71	A	C	581	4.84	A	C
San Carlos – Delmas to Almaden – South	10	8	527	4.39	A	C	603	5.03	B	C
Auzerais – Lincoln to Sunol – North	10	5	357	4.76	A	C	377	5.03	B	C
Auzerais – Lincoln to Sunol – South	5	5	351	4.69	A	C	381	5.09	B	C
Sunol – The Alameda to Park – East	10	5	276	3.68	A	C	308	4.10	A	C
Sunol – The Alameda to Park – West	10	5	282	3.76	A	C	330	4.40	A	C
Sunol – Park to San Carlos – East	10	7	348	3.32	A	C	383	3.65	A	C
Sunol – Park to San Carlos – West	10	7	351	3.35	A	C	377	3.59	A	C
Delmas – San Fernando to San Carlos – East	10	6	366	4.07	A	C	386	4.29	A	C
Delmas – San Fernando to San Carlos – West	10	6	353	3.92	A	C	392	4.35	A	C

As stated in Response C.2, the project applicant will continue the ongoing coordination with the California High-Speed Rail Authority and the DISC partner agencies to work together to review the multi-modal function of the street network to ensure street design meets the shared objectives of the Authority, DISC partner agencies and the proposed Downtown West project. These objectives include facilitating pedestrian access to Diridon Station and improving transit access, efficiency, and reliability (refer to Draft EIR Section 2.2.8, *Existing and Planned Transportation Facilities*, for a description of coordination efforts).

The project includes commitments to project improvements and LTA off-site improvements to pedestrian and bicycle facilities on-site and connecting the site to surrounding areas. As stated on Draft EIR page 2-38, "Streets throughout the project site would be designed to put people first, with wide sidewalks, off-street trails, protected bicycle lanes, and implementation of traffic calming measures to support safe movement by workers, residents, and visitors." The project's proposed street network is set forth in detail in the Downtown West Design Standards and Guidelines (refer to Draft EIR Appendix M).

The General Plan policies cited by the commenter are added to the EIR; refer to Chapter 4, *Revisions to the Draft EIR*, of this First Amendment.

Refer also to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment C.4

3) CONSTRUCTION IMPACTS

Overlapping Construction Projects

A comprehensive construction coordination plan is needed to avoid and minimize impacts on HSR construction and station access during operations. The DTW Plan does not propose, and the EIR does not analyze, any solutions to the overlapping construction schedules for the HSR project, BART Silicon Valley Extension, and the DTW Plan to ensure that all projects can adequately meet their respective schedules and avoid substantial delays to these planned, critical transportation projects.

The DTW Plan proposes significant demolition, excavation and earth moving for utilities, district systems, street network changes and new buildings. Ten years of continuous construction is assumed starting in 2021 and continuing to 2031. Three phases of development are planned, and each phase includes development, utilities and street infrastructure to serve that increment of development.

The development and implementation of a Construction Traffic Control Plan needs to have multi-agency coordination and oversight to ensure that the Project Sponsor and their General Contractor(s) minimize and avoid impacts to transit service and station access for transit, bicycles, pedestrians, and vehicles. This includes early notification to affected agencies to ensure adequate time to coordinate construction management and formulate traffic control plans.

Future Focused Local Transportation Analysis (LTA)

When future focused LTAs are developed, there needs to be a method for the Authority and transit agencies to review changes to multi-modal access to the station in the plan area. Per the DTW Infrastructure Plan, "future focused local transportation analysis (LTA) will be done to address site access and on-site circulation, in addition to evaluation of multimodal access in the Plan area. Improvement plans deemed acceptable so long as they substantially comply with street sections for typologies shown in the DWDSG." The City needs to ensure responsiveness to transit agency feedback on these plans to maintain access to transit services.

Response C.4

The City agrees with the need for ongoing coordination with transit agencies. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*.

Comment C.5

4) BART AND DIRIDON STATION PASSENGER CONNECTIVITY

There is no information or guidance for the BART site in the DTW Plan. It is essential that the design of the BART Station and Diridon Station are seamlessly connected to minimize travel time between all rail services. The stations are inter-related projects. However, they have differing governance, funding, design parameters, construction timelines and service schedules. The DTW Plan should provide clear guidance to inform a future development application. The DTW Plan and DWSG should include the urban design of this site, as well as consideration of implementation over time, including how the BART station connects passengers to: 1) the existing Diridon Station, 2) modifications of Diridon Station for HSR service, and 3) implementation of DISC.

This site is to be jointly developed between Google and BART as a P3 project for the BART station and up to 500 units of housing and 18,000 SF of ground floor retail. The project description Figure 2-4 shows existing and proposed changes to General Plan Land Use Designations shows the site as D1, with a downtown land use designation, however Tentative Map Exhibit TM-9A and the Downtown West Design Standards and Guidelines (DWDSG) show this site as NOT part of the project.

Response C.5

Block D1 of the proposed project, at the southeast corner of West Santa Clara and Cahill Streets, is owned by the Santa Clara Valley Transportation Authority (VTA). As explained on Draft EIR pages 2-5–2-7, 2-13, and 2-29, this block is analyzed in the DEIR and included within the Downtown West Planned Development Zoning District, but is excluded from the Planned Development Permit sought by the project applicant and is not included in the Downtown West Design Standards and Guidelines. Any future development of the D1 Block would be subject to the direction of and approval by VTA, which is the project sponsor for the BART Silicon Valley

Phase II Extension and a partner agency in the DISC planning process for Diridon Station. VTA would therefore have primary responsibility for connectivity between Diridon Station and the planned BART station, which would be located in part beneath Block D1.

Refer also to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment C.6

5) DIRIDON INTEGRATED STATION CONCEPT

The Authority, City of San José, Caltrain, MTC and VTA (the Partner Agencies) entered into a 2018 Cooperative Agreement and mutually accepted a Concept Layout for the future Diridon Station in 2020 that defines a conceptual spatial layout for Diridon Station. The Concept Layout coordinates inter-related projects to realize the benefits from new Bay Area Rapid Transit (BART) service, new high-speed rail service, and additional Caltrain, Altamont Corridor Express (ACE), and Capitol Corridor service coming to Diridon Station. When BART, commuter rail, high-speed rail, light rail, and supporting bus services converge, Diridon Station will support more high-capacity transit connections than any other place in the Bay Area. The Partner Agencies' goal is to develop a world-class center of transit and public life that provides seamless connections between modes and integration with the surrounding neighborhoods.

The Authority supports Downtown West's delivery of a transit-oriented center with new jobs, residences and active uses. The variety of the mixed-use core will promote transit ridership and create an active public realm. The Authority requests that the DTW Plan orient these active uses towards Diridon Station.

The DTW Plan, however, does not anticipate the spatial layout of DISC. Recognizing DISC design elements is an opportunity to achieve excellence in integrating development and transit.

As presented in DWDSG Figure 3.5. Minimum Required Ground Floor Active Use Locations there are no building entrances or active ground floor uses oriented towards the station. Every development block that is adjacent to the station turns away from the station: F1, F5, G1, D1 and C2. It is particularly concerning to not see any information on site D1, which is the BART Station site. Figures 4.3 Character Zones of Downtown West's Open Space Network and Figure 4.4 Natural to Urban Open Spaces are opportunities that could be explored to create more directly visible and accessible open spaces to the station. For example, building entrances could be better oriented toward the station to welcome passengers arriving to downtown San José.

Response C.6

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment C.7

6) INFRASTRUCTURE

The DTW Draft EIR proposed several changes to the infrastructure in and around the Diridon station area. There is an ongoing need for the Authority and CSJ to communicate design evolution and coordinate construction sequencing, given the overlapping schedules. As the design of utilities and infrastructure continues to develop, there should be an emphasis on collaboration between the Authority, the City of San José and Google to eliminate conflicting information and simplify construction. The vision of the 2018 California State Rail Plan is to connect the most populous cities of the state together and integrate intercity and regional rail with high frequency service and competitive travel times for long distance and regional trips. High-speed rail will provide competitive travel times between major urban centers of California as well as high-capacity long distance regional and interregional travel. With integrated ticketing and fare coordination, high-speed and regional rail services is planned for seamless transfers.

Response C.7

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment C.8

7) HSR MODE CHOICE

The DTW Plan misses an opportunity to include HSR service as a commute travel mode choice as part of the travel analysis as part of TDM reduction strategies. There is no HSR ridership assumed, development period falls within planned HSR Service with Valley-to-Valley service in 2029 with up to 40 trains a day and with Phase 1 Service starting in 2033 with up to 148 trains by 2040. The vision of the 2018 California State Rail Plan is to connect the most populous cities of the state together and integrate intercity and regional rail with high frequency service and competitive travel times for long distance and regional trips. High-speed rail will provide competitive travel times between major urban centers of California as well as high-capacity long distance regional and inter-regional travel. With integrated ticketing and fare coordination, high-speed and regional rail services is planned for seamless transfers.

Response C.8

The City's Travel Demand Forecasting Model was used to evaluate future conditions both with and without the project. As discussed on Draft EIR page 3.13-27 and further detailed on page 49 of the Local Transportation Analysis (Draft EIR Appendix J2), the City's Travel Demand Forecasting Model includes transit service enhancements related to Caltrain Electrification and VTA's BART Silicon Valley Extension, which will extend BART service from its current terminus at Berryessa Station through downtown San José with a stop at Diridon Station and terminate at the Santa Clara Caltrain Station. Draft EIR page 3.13-8 acknowledges the California High-Speed Rail Project's planned service at Diridon Station. Once constructed and operational,

high-speed rail service would increase transit options in downtown San José and support the project's multimodal and TDM goals. The extension of high-speed rail from Merced to San José is not considered to be an approved project, as it is still under environmental review, with certification of the EIR for this segment of the high-speed rail expected in 2022. The City looks forward to continuing to work with the California High-Speed Rail Authority to plan for high-speed rail service to San José, including through the Diridon Integrated Station Concept (DISC) process. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station,* for additional detail.

D. California Public Utilities Commission (12/8/20)

Comment D.1

The California Public Utilities Commission's (Commission) Rail Crossing and Engineering Branch (RCEB) is taking this opportunity to address the City of San Jose's (City) Draft Environmental Impact Report/Environmental Impact Statement (DEIR) for the Google Downtown San Jose West Mixed-Use Project (Google Project). RCEB staff offers the following comments.

Commission Requirements and Policy

The Commission has jurisdiction over the safety of highway-rail crossings (crossings) in California. The Commission has exclusive power over the design, alteration, and closure of crossings, pursuant to Public Utilities Code Section 1201 et al. Based on Commission Rules of Practice and Procedure, Rule 3.9, an application to the Commission is required to construct a railroad across a public road. The Google Project is subject to several other rules and regulations involving the Commission. The proposed project's design criteria will need to comply with the California Manual on Uniform Traffic Control Devices (MUTCD) and Commission General Orders (GO's). The following GO's, among others, may be applicable:

- GO 26-D (regulations governing clearances on railroads and street railroads with reference to side and overhead structures, parallel tracks, the crossing of public roads, highways, and streets)
- GO 72-B (rules governing the construction and maintenance of crossings at grade of railroads with public streets, roads, and highways)
- GO 75-D (regulations governing standards for warning devices for at-grade highway-rail crossings)
- GO 88-B (rules for altering public highway-rail crossings)
- GO 95 (rules for overhead electric line construction)
- GO 118 (regulations governing the construction, reconstruction, and maintenance of walkways adjacent to railroad trackage and the control of vegetation adjacent thereto)
- GO 143-B (safety rules and regulations governing light-rail transit)

Response D.1

The comment concerns the necessity for project compliance with California Public Utilities Commission (CPUC) requirements. As stated on Draft EIR page 2-80, among the approval actions required for the proposed project could be approval by the CPUC of "one or more at-grade rail crossings of the [Union Pacific Railroad] tracks adjacent to the northern portion of the project site, if applicable …" As explained on page 2-41, the "project applicant currently proposes to modify the existing North Montgomery Street at-grade railroad crossing to provide adequate emergency vehicle access." However, the applicant continues to evaluate options for emergency vehicle access in the northern portion of the site, which could ultimately be affected by changes in connection with the Diridon Integrated Station Concept Plan and/or California High-Speed Rail service. Regardless, emergency vehicle access along with any new crossings ultimately proposed as part of the project "would require coordination with the City, the California Public Utilities Commission and/or Federal Railroad Administration, and Caltrain and UPRR as applicable" (Draft EIR page 2-42). It is noted that, as shown in Draft EIR Figure 2-10, *Proposed Project Development Phasing*, the northernmost portion of the site, including Block A1 that is north of the Union Pacific tracks that traverse the site, is not proposed to be developed as part of the project's initial phase and thus would be anticipated no earlier than 2025. In addition, it is noted that modifications of any highway-rail crossings within the project site or in the vicinity would also be subject to CPUC requirements, and would require concurrence from rail track owners including Caltrain, UPRR and VTA as applicable.

Comment D.2

- The Project site is bounded by Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, South Autumn Street, and Royal Avenue to the east; Auzerais Avenue to the south; and Diridon Station and the Caltrain rail line to the west.
- RCEB recommends any proposed new highway-rail crossings be grade-separated. Grade separated crossings provide a greater safety level for both the roadway users and railroad employees than at-grade highway-rail crossings.
- Caltrain, Union Pacific Railroad Company (UPRR), and the Santa Clara Valley Transportation Authority (VTA) own rail tracks within the project area. Caltrain, UPRR, or VTA concurrence is required for any modifications of existing highway-rail crossings.

Response D.2

As noted in Response D.1, the project applicant currently proposes to provide adequate emergency vehicle access to the northern portion of the project site by modifying the existing at-grade railroad crossing of North Montgomery Street; no new rail crossings are currently proposed. However, the applicant continues to evaluate access options and the outcome of the Diridon Integrated Station Concept Plan and/or initiation of California High-Speed Rail service could alter the existing rail alignment in the project area, potentially allowing for grade-separated access to the northern portion of the site. Additionally, as noted in Response D.1, any highway-rail crossings within the project site or in the vicinity would also be subject to CPUC requirements, and would require concurrence from rail track owners including Caltrain, UPRR

and VTA as applicable. Refer to Response FF.3 (response to a comment from UPRR) for additional detail.

Comment D.3

– The UPRR rail corridor has homeless encampments which can lead to an increased amount of train incidents and additional train horn noise. The City should work with UPRR to routinely keep the railroad right of way clear.

Response D.3

The comment concerns homeless encampments, suggesting that they can lead to train incidents and train noise, and requests City assistance keeping the railroad right of way clear. This comment does not address the adequacy of the EIR, which contains a thorough description of existing noise levels and potential future noise levels as a result of the project (refer to Draft EIR Section 3.10, *Noise and Vibration*). No further response is needed. For information, the City and the Union Pacific Railroad, in December 2020, entered into a memorandum of understanding that, among other things, commits the parties to cooperatively work to reduce trespassing, trash, debris, illegal encampments, and graffiti on Union Pacific and City property.[43]

Comment D.4

– The City has sought to designate the entire corridor as a quiet zone; however, RCEB does not support quiet zones and believes train horns provide a substantial rail crossing safety benefit. The development is expected to increase the number of users at the crossings and adjacent to the railroad right of way, resulting in more noise pollution throughout the rail corridor. The FRA train horn rule allows train engineers to sound the horns at their discretion. Pedestrians tend to walk along the railroad right of way on the adjacent UPRR rail line. The train engineers will sound the train horns should they come across trespassers within the railroad right of way regardless of whether the area is a designated quiet zone or not.

Response D.4

While the proposed project would be expected to increase the number of sensitive noise receptors in proximity to the rail tracks and crossings, the project would not result in more noise generation along the rail corridor because it proposes no changes in rail operations. Train engineers will sound the train horns at all at-grade crossings as required by law. The project would not increase the number of trains operating along the corridor. It is speculative to assume that an increase in density in the project area would result in an increased frequency of trespassers along the rail line that might prompt train engineers to sound warning horns. In fact, it is possible that more residential and commercial activity on the project site could decrease trespassing along the rail line as the area could be less likely to attract persons without residences or businesses on the site.

[43] Memorandum of Understanding Between the City of San José and Union Pacific Railroad Company, December 4, 2020.

Comment D.5

- RCEB recommends pedestrian approaches travel over the tracks at a 90-degree angle. Several of the existing at-grade rail crossings on this corridor have sidewalks skewed as they travel over the tracks. This condition results in a longer distance for pedestrians to travel over the tracks and can lead to wheelchair wheels getting stuck in the tracks.
- Adjacent driveways and frontage roads to at-grade crossings can cause queues onto the tracks. RCEB recommends all nearby driveways and frontage roads be closed.
- Existing railroad preemption should be reevaluated, and new railroad preemption timing sheets be provided to RCEB staff. RCEB recommends that advance railroad preemption be installed with advance pedestrian clearance at crossings with a high pedestrian traffic volume.
- All medians should be squared off on the trackside and have NO U-TURN signs installed to discourage motorists from making U-Turns on the tracks.
- RCEB recommends the project construct a grade-separated, highway-rail crossing to provide emergency vehicle access within the wye track. Currently, a train can block the sole crossing indefinitely, trapping the public inside the wye track.
- RCEB recommends any new proposed highway-rail crossings be grade-separated. For filing applications for new crossings, please refer to this link: https://www.cpuc.ca.gov/General.aspx?id=2182
- Modification of existing crossings requires GO 88-B application. Please refer to this link for details: https://www.cpuc.ca.gov/General.aspx?id=2488.
- Field Diagnostic meetings are required at all impacted or potentially new crossings. The Field Diagnostic Team consists of staff and representatives from the CPUC, the City, potentially Caltrans, and either Caltrain, UPRR, or VTA. This review includes a detailed analysis of the crossing. During the field diagnostic review, the Field Diagnostic Team evaluates appropriate hazard elimination recommendations and determines whether the project's development is feasible.

- Comments at specific rail crossings:
  - The project impacts the following at-grade highway-rail crossings:

Crossing Name	CPUC No.	DOT No.	Railroad
N. Montgomery St	001DA-17.40	750151J	UPRR
Autumn St	082D-2.82	N/A	VTA
San Fernando Station Ped	082D-2.77-D	N/A	VTA
Delmas Ave	082D-2.70	N/A	VTA
San Fernando St	082D-2.66	N/A	VTA
Park Ave	082D-2.53	N/A	VTA
Auzerais Ave	105E-47.35	755097K	Caltrain

  - North Montgomery Street: The crossing is the only entry point into the wye, and it was initially designed for industrial use. The project will be required to account for

the change in the use of crossing due to the new development. The project should consider crossing modifications and pedestrian improvements.

- Autumn Street: RCEB recommends the pedestrian treatments be reevaluated at the crossing. The current configuration can trap pedestrians within the crossing when the gates are activated. Mitigation measures include relocating the Commission Standard 9 vehicle gates closer to the roadway and directing the sidewalks behind the gates and installing complete pedestrian treatments including separate Commission Standard 9 pedestrian gates and EXIT swing gates in the southeast and southwest quadrants. The existing Commission Standard 9 pedestrian gates in the northeast and northwest quadrants require substantial modifications to comply with modern design standards, including installing EXIT swing gates and pedestrian channelization.
- San Fernando VTA station pedestrian crossing: RCEB recommends Commission Standard 9 pedestrian gates be installed with EXIT swing gates and relocating the detectable warning strips outside the gates.
- Delmas Ave: RCEB recommends the detectable warning strips be relocated either before the automatic warning devices or 12 feet from the centerline of the tracks. The detectable warning strips are located too close to the tracks. RCEB also recommends reevaluating the existing railroad preemption. This crossing experiences tremendous volumes of pedestrian traffic during events at the SAP Center. The City should explore installing advance railroad preemption with advance pedestrian clearance at this crossing.
- San Fernando St: RCEB recommends the City of San José review whether the south sidewalk at the crossing meets Americans with Disabilities Act (ADA) width requirements. The measurements should be at least two feet behind the Commission Standard 9 gate for the counterweight. The detectable warning strips are located too close to the tracks. RCEB recommends the detectable warning strips be relocated either before the automatic warning devices or 12 feet from the centerline of the tracks. RCEB also recommends reevaluating the existing railroad preemption. This crossing experiences tremendous volumes of pedestrian traffic during events at the SAP Center. The City should explore installing advance railroad preemption with advance pedestrian clearance at this crossing.
- Park Ave: RCEB recommends the detectable warning strips be relocated further away from the tracks. The detectable warning strips are located too close to the tracks. There have been three incidents within the past three years at this crossing. Two of the incidents involved westbound bicyclists riding in the eastbound bike lanes and failing to yield to the light rail trollies. The City should consider installing a railroad specific automatic warning device in the southeast quadrant or removing the trees in the dog park adjacent to the VTA right of way to improve sightlines.
- Auzerais Ave Caltrain crossing: RCEB recommends the City install complete pedestrian treatments consisting of Commission Standard 9 pedestrian gates, EXIT swing gates, channelization, and detectable warning in all four quadrants. RCEB also recommends closing the existing driveway in the northeast quadrant.

The comments above are a cursory review of the at-grade crossings and should not be construed as a complete review.

Response D.5

The comment concerns the non-CEQA analysis in the Local Transportation Analysis (LTA) (Draft EIR Appendix J2) and does not address the adequacy or accuracy of the EIR's CEQA analysis. For information, the following is provided.

The comment concerning CPUC design recommendations for improvements at or near existing at-grade rail crossings is noted. As stated in the LTA on page 1, "As development is initiated, the Project applicant will be required to develop focused LTAs for the Project area to address the City's requirements for site access and on-site circulation, in addition to providing detailed evaluation of multimodal access within the Project area." Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for a discussion of subsequent LTAs. As noted in Response D.1, the project applicant proposes to provide adequate emergency vehicle access to the northern portion of the project site by modifying the existing at-grade railroad crossing of North Montgomery Street; no new rail crossings are currently proposed. However, the applicant continues to evaluate access options. The outcome of the Diridon Integrated Station Concept Plan and/or initiation of California High-Speed Rail service could alter the existing rail alignment in the project area, potentially allowing for grade-separated access to the northern portion of the site. As also explained in Response D.1, it is noted that modifications of any highway-rail crossings within the project area are subject to CPUC requirements and would require concurrence from rail track owners including Caltrain, UPRR and VTA as applicable. Further, the project's emergency vehicle access, along with any changes in highway-rail crossings, would be subject to CPUC approval and would need to comply with all applicable CPUC safety requirements. This includes CPUC General Orders that outline rules and regulations that apply to rail crossings in California, including General Orders 26-D (Clearances on railroads), 72-B (Construction & Maintenance; pavement at railroad grade crossings); and 75-D (Warning Devices for at-grade railroad crossings). Finally, the City would confirm the proposed design's conformance with all relevant standards as described in the City's Complete Streets Design Standards and Guidelines, CPUC requirements, the California Manual on Uniform Traffic Control Devices (MUTCD), and other City standards, prior to recordation of final maps.

The City and the project applicant acknowledge a formal GO 88-B application process and field diagnostic meeting(s) would be required to determine complete design requirements when further site specific project details and plans are submitted for review and approval. This is reflected in Standard 6.3.5 in the draft Downtown West Design Standards and Guidelines.[44] The City and applicant will continue to engage CPUC and appropriate transit and rail agencies and stakeholders prior to and during the application process.

Comment D.6

The Commission is the responsible agency under CEQA section 15381 with regard to this project. As such, we much appreciate and thank you for the opportunity to work with the City

[44] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

to improve public safety as it relates to crossings in Downtown San José. We request that RCEB be kept informed of all developments associated with the Google Project. Meetings should be arranged with the Commission's RCEB staff to discuss relevant safety issues and conduct diagnostic reviews of any proposed and impacted crossing locations.

Response D.6

The comment requests continued CPUC involvement in project development. As explained in Response D.1, any new rail crossing or alteration of existing rail crossing and "would require coordination with the City, the California Public Utilities Commission and/or Federal Railroad Administration, and Caltrain and UPRR as applicable," and the proposed project would require approval by the CPUC for any such changes proposed by the project applicant. The City and the project applicant look forward to continued coordination with CPUC.

E. California Regional Water Quality Control Board, San Francisco Bay Region 2 (11/18/20)

Comment E.1

Summary. As is discussed below, we are concerned that the DEIR underestimates the Project's long-term impacts to riparian and aquatic habitat along Los Gatos Creek and the Guadalupe River; these water bodies provide Essential Fish Habitat (EFH) and critical habitat for central California coast steelhead. As we note below, the Project's long-term impacts to riparian and aquatic habitat may be mitigated significantly if the Project fully implements the San José Riparian Policy by implementing a full 100-foot riparian setback. Since the majority of the existing buildings in the Project area will be demolished, the Project provides a unique opportunity to re-establish a significant riparian corridor within the urban core. Implementing the full 100-foot riparian setback in the Project area will also set aside land that that will be necessary for the successful implementation of adaptive management measures if long-term negative impacts to riparian and aquatic habitat are observed in post-construction monitoring for the Project. We are also concerned that proposals for Habitat Enhancement Plans or adaptive management measures are not presented in sufficient detail in the DEIR.

Response E.1

The City appreciates the summary of your comments, and we have responded to each of them under Responses E.2 through E.11, below.

Comment E.2

Comment 1. Project work to enhance flood conveyance in Los Gatos Creek will require a permit from the Water Board.

The discussion of flood control improvements in Section 2.11, *Flood Control Improvements*, includes discussion of a potential creek restoration program in Los Gatos Creek.

> In addition to the West San Fernando Street bridge replacement, the applicant proposes a creek restoration project with ongoing maintenance within Los Gatos

> Creek to remove the debris, logjams, invasive species, and dead trees in the channel to improve floodwater conveyance. Engineered log structures or other equivalent bioengineered features would be installed in the waterway for fish habitat enhancement to improve ecological function. Ongoing periodic stream maintenance activities would also occur as part of the proposed project, in conjunction with Valley Water, to maintain the creek's capacity for conveying floodwaters. These improvements would require collaboration with and approval by other landowners and regulatory agencies.

Please note that the proposed creek restoration program will require permits from the U.S. Army Corps of Engineers (Corps), the California Department of Fish and Wildlife (CDFW), and the Water Board, as well as consultation with the National Marine Fisheries Service (NMFS). Since the impacted reach of Los Gatos Creek contains Essential Fish Habitat (EFH) and is immediately upstream of critical habitat for the federally listed central California coast (CCC) steelhead, it is likely that the creek restoration program will require CEQA review before it can receive discretionary permits from State agencies.

Comment 2. Section 2.15.8 should include a reference to the State of California's Porter-Cologne Water Quality Act.

Section 2.15.8, *Other State, Regional, and Local Entities*, lists the Project activities that will require permits from the Water Board.

> **San Francisco Bay Regional Water Quality Control Board:** Clean Water Act Section 401 certification for work in Los Gatos Creek, including the proposed new footbridge, the West San Fernando Street bridge replacement, any work on other bridges, and potentially permit approval if any trails or pathways were to be developed within the riparian habitat of Los Gatos Creek. The district water reuse facility or facilities would require approval from the San Francisco Bay Regional Water Quality Control Board under current regulations for on-site treatment and use of non-potable water.

Please revise this text to note that work in waters of the State will also require the issuance of Waste Discharge Requirements (WDRs), pursuant to the State's Porter-Cologne Water Quality Act. The Project will require Clean Water Action Section 401 Certification and/or WDRs from the Water Board for the replacement of stormwater outfalls, removal or construction of bridges, any dewatering necessary for in-channel work, and the proposed creek restoration program in Los Gatos Creek. The Porter-Cologne Act is discussed in Section 3.8.2 of the DEIR (see page 3.8-10).

Response E.2

As acknowledged by the comment, the EIR includes discussion of anticipated permits for the creek restoration in Section 3.8.2, *Regulatory Framework*. As stated in the section, "the project's proposed channel maintenance activities would be within jurisdictional waterways and would be required to be performed in a manner consistent with the terms and conditions of this water quality certification, along with other permits for in-stream activities."

Concerning permits required from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and San Francisco Bay Regional Water Quality Control Board, as well as

consultation with the National Marine Fisheries Service (NMFS), each of these agencies is noted on Draft EIR pages 2-79 to 2-81 as having potential approval authority over aspects of the proposed project, including for work in Los Gatos Creek.

Regarding the specific language concerning San Francisco Bay Regional Water Quality Control Board approval actions, the third text bullet from the bottom of Draft EIR page 2-80 is revised as follows (new text is double-underlined):

- **San Francisco Bay Regional Water Quality Control Board:** Clean Water Act Section 401 certification and/or issuance of Waste Discharge Requirements pursuant to the state's Porter-Cologne Water Quality Act for work in Los Gatos Creek, including the proposed creek restoration program, proposed new footbridge, the West San Fernando Street bridge replacement, any work on other bridges, any dewatering necessary for in-channel work, replacement of stormwater outfalls, and potentially permit approval if any trails or pathways were to be developed within the riparian habitat of Los Gatos Creek. The district water reuse facility or facilities would require approval from the San Francisco Bay Regional Water Quality Control Board under current regulations for on-site treatment and use of non-potable water.

Comment E.3

Comment 3. Please revise text in Section 3.2 to note that Consultation with the National Marine Fisheries Service (NMFS) is necessary for Project impacts that may impact salmonids.

In Section 3.2, *Biological Resources*, *Impacts and Mitigation Measures*, Impact BI-1 is discussed:

> **Impact BI-1:** The proposed project could have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS (western pond turtle, central California coast steelhead distinct population segment, nesting birds, special-status bats). *(Less than Significant with Mitigation)*

Please note that NMFS is the federal agency that oversees projects that may impact CCC steelhead of EFH for Chinook salmon.

Response E.3

NMFS would be involved in permitting the project via formal or informal consultation to the U.S. Army Corps of Engineers, with ample opportunity to review and provide feedback on project impacts as well as proposed monitoring and mitigation approaches. This would include input on the proposed creek restoration design and implementation, fish relocation, and water temperature monitoring. Impact BI-1 of the Draft EIR (pg. 3.2-33) reflects that informal or formal consultation with NMFS would be needed for the project. The Draft EIR, in Chapter 2, Project Description, on page 2-81, acknowledges NMFS as an agency with potential approval authority over the proposed project with respect to "review of any work in Los Gatos Creek, including informal or formal consultation under Section 7(c) of the Federal Endangered Species Act."

Comment E.4

Comment 4. The DEIR should acknowledge that Project work in the riparian corridor may impact fish species.

Impacts to special status fish are discussed in Section 3.2, *Biological Resources*. Text on page 3.2-33 states:

> The potential for project construction to impact fish species is limited because most of the project site does not contain fish habitat. However, work in and adjacent to the Los Gatos Creek channel would be required to construct a new footbridge over Los Gatos Creek south of West Santa Clara Street; a pedestrian boardwalk within or adjacent to the creek's riparian corridor and a multi-use trail as close as 10 feet from the riparian corridor; and the West San Fernando Street replacement vehicle bridge over Los Gatos Creek.

Project work that impacts riparian vegetation will impact fish habitat. Loss of riparian vegetation may have long term impacts on special status fish, if the impacts result in increased in-stream temperatures. Also, as is noted on page 3.2-63, the shadowing effects of new buildings may have impacts on riparian habitat quality. To avoid impacts to special status fish species associated with both Project construction and the post-construction impacts of the Project, providing a full 100-foot riparian setback, as specified in the San José Riparian Policy; is likely to be the most effective way to protect special status fish species from impacts associated with implementation of the Project.

Response E.4

Compliance with the setback requirements of the Santa Clara Valley Habitat Plan (2012) and San José City Council Policy 6-34 is addressed in Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*.

With respect to specific concerns about indirect impacts on water temperature from changes in the riparian community and shadowing effects from building construction, Mitigation Measure BI-2c of the Draft EIR contains measures directed at quantifying changes in water temperature as a result of the project and provides means for addressing this impact should a harmful increase in water temperature occur. Implementation of Mitigation Measure BI-2c would result in the installation of ambient air and water temperature loggers at three locations (upstream, downstream, and within the project site). Care would be taken to insure loggers are installed in similar habitat types to control for localized temperature affects. Additionally, all loggers would be installed and monitored prior to project initiation to establish a baseline condition to which potential impacts of the project may be compared. In the unlikely event that water temperatures are demonstrably detrimentally impacted by the project, such that established biological thresholds for steelhead are exceeded (71.6 Fahrenheit), adaptive actions are included in the Draft EIR that shall be implemented. This may include, but is not limited to, increased riparian planting or treatment of runoff.

Refer to Response E.7 for specific responses regarding shadowing effects of new buildings.

Comment E.5

Comment 5. Impacts to riparian habitat are not fully evaluated or mitigated in the DEIR.

Impacts to riparian habitat are discussed under Impact BI-2.

> **Impact BI-2: The proposed project could have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS. *(Less than Significant with Mitigation)***
>
> This section addresses impacts on riparian habitat and sensitive natural communities, including EFH and designated critical habitat for project elements in Los Gatos Creek and its associated riparian corridor. As described in Section 3.2.1, *Environmental Setting*, the study area is composed primarily of developed urban land. Although no critical habitat is present, the study area does include EFH, riparian habitat, and a sensitive natural community of creeping wild rye (*Elymus triticoides*).
>
> As described under Impact BI-5, the project would conform to the City's Policy 6-34 (riparian corridor protection) (refer to Section 3.2.2, *Regulatory Framework*). In addition, the *Downtown West Design Standards and Guidelines* (Appendix M) include specific controls for protecting riparian habitat, such as riparian setbacks; additional plantings to extend the riparian corridor in select locations; a footbridge designed for minimal impacts on riparian habitat; replacement of chain-link fencing with wildlife-friendly fences; and control of the lighting adjacent to the riparian corridor.

As is noted below in Comment 9, the Project proposes to request exemptions from the San José Riparian Policy's 100-foot riparian setback. The Project site provides a unique opportunity to achieve a full 100-foot setback in the urban core of San José. A significantly restored, 100-foot riparian setback will benefit fish habitat in Los Gatos Creek, in particular by ameliorating Project impacts that raise the temperature of water in Los Gatos Creek. Moderating creek temperatures is essential to sustaining CCC steelhead in Los Gatos Creek and the Guadalupe River. Although the Project site does not contain critical habitat, critical habitat for CCC steelhead is located downstream of the Project site. Enhancement of riparian habitat at the Project site will benefit water quality for CCC steelhead downstream of the Project site.

As is discussed in Section 3.2.2, *Regulatory Framework*, the reaches of Los Gatos Creek and the Guadalupe River within the study area are designated as EFH. The DEIR discusses construction-related impacts to EFH at the Project site. The DEIR should be improved by discussing long-term impacts to EFH associated with impacts to riparian habitat. The DEIR acknowledges that the "project also has the potential to cause increases in water temperatures in Los Gatos Creek associated with the potential loss in riparian cover, which could directly impair EFH in the study area." The DEIR should discuss the ways in which such impacts may be ameliorated by observing the full 100-foot riparian setback in the San José Riparian Policy.

Response E.5

The topic of riparian setbacks relative to the requirements of City of San José Policy 6-34, Riparian Corridor Protection and Bird-Safe Design Policy, is discussed in Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*.[45] As explained on Draft EIR page 3.2-83, Policy 6-34 generally requires a setback of 100 feet from the outside dripline of the riparian corridor vegetation or top of bank, whichever is greater. However, as also stated on page 3.2-83, the policy expressly permits reduced setbacks in some circumstances, one of which is applicable to projects such as the proposed Downtown West project that are in the Downtown area. Section A.3 of the policy requires that the City, in granting reduced setback(s), make findings supported by substantial evidence that some or all of the following conditions apply:

a. There is no reasonable alternative for the proposed Riparian Project that avoids or reduces the encroachment into the Setback Area.

b. The reduced setback will not significantly reduce or adversely impact the Riparian Corridor.

c. The proposed uses are not fundamentally incompatible with riparian habitats …

d. There is no evidence of stream bank erosion or previous attempts to stabilize the stream banks that could be negatively affected by the proposed development within the Setback Area.

e. The granting of the exception will not be detrimental or injurious to adjacent and/or downstream properties.

Inasmuch as reduced setbacks are expressly permitted by Policy 6-34, the City may permit such a reduction in full compliance with Policy 6-34.

Refer to Response E.4 for a discussion of potential project impacts on water temperature and mitigation to prevent and address such an impact should it arise. Impacts to fish habitat are addressed in Impacts BI-1 and BI-2 of the Draft EIR.

The commenter is correct that a healthy riparian corridor adjacent to an active stream channel is essential for providing the necessary habitat requirements for many native aquatic species, including steelhead. Adjacent riparian habitat can often provide cover from terrestrial and aquatic predators, reduce water temperatures, and provide a source of food for foraging fish species. However, it is important to note that riparian habitat of most benefit to aquatic species is that habitat in closest proximity to the stream channel. In particular, riparian vegetation that overhangs or shades the channel is most beneficial. Thus, a setback of 100 feet would have limited benefit to aquatic species beyond that portion of riparian habitat immediately adjacent to the creek channel.

Pursuant to Mitigation Measure BI-2a, where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. Thus, the majority of impacts to the

[45] This master response also discusses riparian setback requirements of the Santa Clara Valley Habitat Plan, although those requirements are not at issue in this comment.

riparian condition adjacent to the stream channel would be temporary and have limited long-term effect on aquatic species and habitat, including EFH. Additionally, compensation for permanent impacts on riparian habitat shall be provided at a 1:1, or greater, ratio (refer to Response E.8, below).

Comment E.6

Comment 6. At locations where the Project will impact existing mitigation sites, additional mitigation will be required for impacting a mitigation site.

Text on page 3.2-59 discusses impacts associated with the replacement of a storm drain outfall at West Santa Clara Street:

> An existing 18-inch-diameter storm drain outfall into Los Gatos Creek, currently located under the West Santa Clara Street overcrossing, would be replaced with a 33-inch-diameter pipe, headwall and apron, or riprap, on the west bank of Los Gatos Creek south of the Santa Clara Street overcrossing. The new outfall would include a larger flap gate. From the top of bank to approximately 12 feet below the top of bank, this area is vegetated with creeping wild rye, a sensitive natural community. Impacts on creeping wild rye are analyzed in detail later in this impact discussion under *Creeping Wild Rye Sensitive Natural Community*. An additional 20 to 25 feet of riparian vegetation extends from the lower edge of the creeping wild rye down the bank to the channel. CDFW determines the limits of riparian vegetation on a case-by-case basis, but generally defines it as the entire area between the two top-of-bank areas; therefore, for this analysis, the area of the top of bank down to the channel in the immediate area of creeping wild rye is considered riparian habitat.

The work at the outfall at the Santa Clara Street Overcrossing appears likely to impact permit-required mitigation plantings for the Stabilization of the Left Bank of Los Gatos Creek at 450 West Santa Clara Street (CIWQS Place ID No. 838800; CIWQS Reg. Meas. No. 415739). Mitigation plantings that are required by permits issued by the Water Board are expected to remain undisturbed in perpetuity. If the Project will impact mitigation plantings, then additional mitigation will be required to compensate for impacts to permit-required mitigation plantings. The DEIR should acknowledge that additional mitigation will be required when a prior mitigation site is impacted.

Response E.6

Potential effects to the creeping wild rye sensitive natural community, which includes the mitigation plantings referenced by the commenter, are presented on Draft EIR page 3.2-73 et seq., and the mitigation approach is provided immediately thereafter. The Draft EIR conservatively assumes that the replacement stormwater outfall into Los Gatos Creek at West Santa Clara Street would result in both temporary construction-period impacts on, and permanent loss of, an area of the creeping wild rye sensitive natural community. As shown, in Draft EIR Figure 3.2-1, page 3.2-2, the creeping wild rye habitat is located on the west bank of Los Gatos Creek immediately south of the West Santa Clara Street bridge and extends to approximately 12 feet below the top of bank, as stated on Draft EIR page 3.2-59. The existing 18-inch stormwater outfall is located in the southwest abutment of the bridge, where it drains an existing storm drain that runs beneath the southern portion West Santa Clara Street. Accordingly, the outfall cannot be

removed and replaced in its current location without substantial structural disturbance to the bridge itself. As a result, the project applicant proposes to install the new 33-inch outfall in the west bank of Los Gatos Creek to the south of the bridge, potentially in the area where creeping wild rye exists, depending on the depth below top of bank at which the outfall is installed, and the Draft EIR conservatively assumes that creeping wild rye could be adversely affected and includes a mitigation measure to reduce this impact to a less-than-significant level. The project applicant has indicated that it might be possible to shift the location of the new outfall to the north side of the West Santa Clara Street bridge, thereby avoiding the creeping wild rye. The new outfall would drain a replacement storm drain in West Santa Clara Street. Relocation of the outfall to the north side of the bridge would entail constructing the new storm drain beneath the northern portion of West Santa Clara Street. Because there are other existing utilities in this area, the feasibility of this option is not currently known. Accordingly, the EIR conservatively assumes that the replacement storm drain and outfall would be to the south and that the construction of the outfall would adversely affect the creeping wild rye sensitive natural community.

As the comment identifies, the Draft EIR does not disclose the amount of creeping wild rye mitigation that would be needed, or discuss a mitigation ratio. Instead, the project relies upon the regulatory agencies to determine the compensation ratio for permanent impacts to creeping wild rye habitat. The first paragraph of Mitigation Measure BI-2d, Avoidance and Protection of Creeping Wild Rye Habitat, on Draft EIR page 3.2-74, is revised as follows (new text is double-underlined):

> **Mitigation Measure BI-2d: Avoidance and Protection of Creeping Wild Rye Habitat**
>
> Prior to the start of construction within 20 feet of retained areas of creeping wild rye, the project applicant shall ensure that all areas that contain or potentially contain creeping wild rye are clearly delineated, separated, and protected from the work area by environmentally sensitive area fencing, which shall be maintained throughout the construction period. A qualified biologist shall oversee the delineation and installation of fencing. Excavation, vehicular traffic, staging of materials, and all other project-related activity shall be located outside of the environmentally sensitive area.
>
> If creeping wild rye cannot be avoided, any temporarily affected areas shall be restored to pre-construction conditions or better at the end of construction that occurs within 20 feet of the retained area of creeping wild rye in accordance with CDFW and San Francisco Bay Regional Water Quality Control Board (RWQCB) permits. Compensation for permanent impacts on creeping wild rye habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, RWQCB, and CDFW. If impacts to prior mitigation sites occur, resource agencies may require a greater ratio (e.g., 2:1 or higher). Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. ~~At a minimum,~~ To that end, the restoration sites shall, at a minimum, meet the following performance standards by the fifth year after restoration:
>
> ~~(1) Temporarily affected areas shall be returned to pre-project conditions or better.~~

(~~2~~1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area.

(~~3~~2) No more cover by invasive species shall be present than in the baseline/impact area.

Comment E.7

Comment 7. More information is required to assess the Project's impacts on riparian habitat in Los Gatos Creek that will be associated with shade from taller buildings, and to sufficiently mitigate those impacts.

The discussion of *Operational Impacts* on page 3.2-63 of the DEIR includes a discussion of impacts associated with shading from new, tall buildings in the Project area:

> Under existing conditions, the Los Gatos Creek riparian corridor adjacent to the project site receives minimal shade from buildings. Relatively few existing buildings are adjacent to (or within 100 feet of) the creek, and those that do exist are generally no more than two stories in height. Many existing structures near Los Gatos Creek are single-story buildings. However, as shown in the analysis in Appendix L, development of the proposed project would substantially increase building shadow on the riparian corridor of Los Gatos Creek, particularly during the six months between the fall equinox and the spring equinox. It is important to note that, within the project area, the Los Gatos Creek riparian corridor is composed of a fairly dense riparian canopy of mature trees, which shades the creek; however, the seasonal extent has not been quantified.
>
> Increased water temperatures may result from a reduction in riparian cover due to the substantial increase in shading described above, which may increase the exposure of instream habitat to direct sunlight. In addition, increased water temperatures may result from heat radiation from the newly constructed buildings and hardscape environments. This increased exposure to direct sunlight and/or heat radiation from buildings, and the resulting potential increases in water temperature, could impair the riparian environment. Increased water temperatures may result in the exclusion of fish from this portion of Los Gatos Creek and may prevent steelhead from migrating upstream or dispersing throughout the Los Gatos Creek–Guadalupe River system.
>
> Additional impacts on instream habitat may result from a loss of riparian cover, such as decreased prey availability for fish and a lack of cover for holding fish. Some aquatic insects, the primary source of freshwater prey for steelhead, feed on leaves and woody material that fall in the water; terrestrial insects utilizing riparian vegetation occasionally fall into the waterway as well, providing another source of food for fish.
>
> For these reasons, the impact on riparian habitat from shading by adjacent buildings and from changes in water temperature caused by losses in riparian cover or heat island effects would be **potentially significant**.

To mitigation potential negative impacts on temperature in Los Gatos Creek, text on page 3.2-67 states that:

> … the proposed project would implement the following mitigation measures to reduce potentially significant operational impacts on riparian habitat to less than significant with mitigation incorporated. These measures would reduce the impacts because

they require monitoring water temperatures within Los Gatos Creek to ensure that steelhead are not exposed to harmful conditions (the threshold of concern is 71.6˚F); monitoring riparian vegetation before and after building construction adjacent to the riparian corridor; establishing performance criteria for existing riparian vegetation; and, if performance criteria are not met, implementing habitat enhancement.

Mitigation Measure BI-2c: Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature

To evaluate the effects of building shading on riparian vegetation and water temperature in Los Gatos Creek, the project applicant shall implement an annual monitoring program that includes a baseline assessment and continues annually for 15 years following construction. Two or more unshaded reference sites shall be included for comparison to shaded areas to account for vegetation effects that are unrelated to the project, such as from drought. The following performance standards shall be used to evaluate vegetation and water temperature changes over time, and determine whether project-related shading is negatively affecting the riparian corridor, or whether the increased urban footprint is negatively affecting water temperatures in Los Gatos Creek.

One year of pre-Project monitoring is not likely to be sufficient to establish baseline temperatures and vegetation conditions, prior to tracking post-Project impacts on habitat quality in Los Gatos Creek. In light of the high inter-annual variability in weather in the Bay Area, three to five years of baseline monitoring should be conducted prior to construction to establish baseline conditions for riparian habitat and water temperature in Los Gatos Creek at the Project site.

The DEIR states that the prosed monitoring would consist of:

Aquatic monitoring. The project applicant shall use the following methodology to study water temperature in Los Gatos Creek during the 15-year monitoring period. Prior to project construction, water and ambient air temperature loggers shall be installed at three locations within and adjacent to the project site. One logger shall be installed in upstream Los Gatos Creek, one within the affected reach adjacent to building construction, and one downstream of the project site. Care shall be taken to ensure that each of these temperature loggers is installed in similar habitat types (e.g., pool, riffle, run) within similar habitat conditions (e.g., amount of cover, depth, flow rate). Loggers at these three locations shall record hourly water temperature values before, during, and after project construction. If the difference in water temperature between the upstream and downstream monitoring locations increases substantially over time, particularly above the threshold of concern (71.6 degrees Fahrenheit), then additional adaptive actions shall be implemented (e.g., riparian planting, increase in urban tree canopy, treatment of runoff) to compensate for any increase in stream temperature. All actions shall be consistent with the approved Habitat Enhancement Plan, described below.

More detail should be provided to demonstrate that the proposed monitoring would establish an appropriate baseline for pre-Project riparian vegetation and water temperature. In addition, the DEIR should include a more detailed monitoring protocol so that stakeholders can review it to assess its sufficiency for characterizing creek temperatures.

In addition, the DEIR should provide more defined "adaptive actions" to ameliorate any detected increases in water temperature in Los Gatos Creek. The proposed adaptive measures include additional riparian plantings. But additional riparian plantings will not be feasible if the Project site is built out up to the edge of the Project's reduced 50-foot riparian buffer. The entire 100-foot buffer specified in the San José Riparian Policy should be preserved so that land is available for additional riparian plantings to mitigate any detected increase in water temperature in Los Gatos Creek. It is difficult to find land available for riparian plantings in urbanized San José, because of the high cost of land and the extent of existing development adjacent to Los Gatos Creek and the Guadalupe River. Mitigation for increased temperatures in Los Gatos Creek must be provided in a location that will mitigate the locally increased temperature. The most practical location for such riparian mitigation is in the full 100-foot setback specified in the San José Riparian Policy.

The DEIR proposes the following monitoring of post-Project riparian habitat:

> **Riparian monitoring.** At a minimum, riparian vegetation shaded by project buildings shall meet the following performance standards by the 15th year of post-project monitoring:
>
> (1) The loss of absolute cover of riparian canopy and understory cover relative to baseline conditions is less than or equal to 15 percent. (If the loss of cover exceeds this criterion, then the change shall be compared with changes measured in the reference site[s] to determine whether onsite shading is the causal factor as opposed to other external regional factors such as climate change, drought, and alterations to reservoir releases.)
>
> (2) There is no more than a 5 percent reduction in native species relative to non-native species for tree and woody shrub species, measured both as species richness and relative cover.

The mitigation measure includes a detailed study of riparian habitat that may be impacted by Project implementation, and specifies the conditions that would trigger the need for mitigation measures. However, mitigation measures cannot be implemented if near creek land is not set aside in which mitigation measures can be implemented. In addition, the DEIR calls for the preparation of a draft Habitat Enhancement Plan, but does not provide a sufficient description of the contents of an effective Habitat Restoration Plan. At this point in the CEQA review process, a draft Habitat Enhancement Plan should be available for review by the resource agencies and other stakeholders. Without a draft Habitat Enhancement Plan, the Project team cannot anticipate the necessary land area that will be necessary to implement a successful Habitat Enhancement Plan. In the absence of a draft Habitat Enhancement Plan, a full 100-foot riparian setback should be established so that land is available for enhancement of riparian habitat as a part of a Habitat Enhancement Plan. At this time, the DEIR does not yet demonstrate that the Project's shading impacts on riparian habitat can be mitigated to less than significant level.

Response E.7

Project construction adjacent to Los Gatos Creek is planned for Phase 1, conservatively estimated to occur between 2021 and 2027. Phase 1 would be composed of different individual

developments; therefore, it is assumed that not all development within Phase 1 would commence in the same year, and that buildout would also not occur all at once (i.e., the full extent of shading would not be present after the first year following construction). Therefore, baseline monitoring is expected to occur for multiple consecutive years between project approval and full buildout of project development adjacent to Los Gatos Creek, providing an extended assessment of baseline and near-baseline conditions over the course of multiple years prior to project completion. This has been clarified in the below edits (double-underlined text) to the first paragraph of Mitigation Measure BI-2c, Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature, Draft EIR page 3.2-67:

> **Mitigation Measure BI-2c: Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature**
>
> To evaluate the effects of building shading on riparian vegetation and water temperature in Los Gatos Creek, the project applicant shall implement an annual monitoring program that includes a baseline assessment and continues annually for 15 years following construction between Auzerais Avenue and West Santa Clara Street. The baseline assessment shall begin prior to the issuance of permits for ground-disturbing activity in the designated area. Post-construction monitoring shall begin following completion of each submitted phase that includes development between Auzerais Avenue and West Santa Clara Street and is adjacent to Los Gatos Creek and continue for 15 consecutive years thereafter for each submitted phase within these bounds. Two or more unshaded reference sites shall be included for comparison to shaded areas to account for vegetation effects that are unrelated to the project, such as from drought. The following performance standards shall be used to evaluate vegetation and water temperature changes over time, and determine whether project-related shading is negatively affecting the riparian corridor, or whether the increased urban footprint is negatively affecting water temperatures in Los Gatos Creek.

With regard to the Aquatic Monitoring proposed under Mitigation Measure BI-2c: Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature, the commenter states that more detail should be provided to demonstrate that the proposed monitoring would establish an appropriate baseline for pre-project riparian vegetation and water temperature, and that the DEIR should include a more detailed monitoring protocol so that stakeholders can review it to assess its sufficiency for characterizing creek temperatures. The comment does not indicate what additional detail could be needed for stakeholders to assess the sufficiency of the monitoring protocols. The comment also does not reflect an inadequacy of the analysis in the EIR or in the description of the Habitat Enhancement Plan in Mitigation Measure BI-2c, which calls for adherence to specific performance standards.

Concerning the land potentially necessary for implementation of a Habitat Enhancement Plan in the event that monitoring of riparian vegetation along and/or water temperature in Los Gatos Creek reveals the need for planting of new and/or replacement riparian vegetation, it is not possible at this time to know the extent of how much, or even if, such land would be necessary, as it would be speculative to assume that the project would adversely affect riparian vegetation and/or stream temperature such that a Habitat Enhancement Plan would need to be implemented. Likewise, the details of any potential Habitat Enhancement Plan cannot be formulated until the need for such a plan is established. The specific impacts, if any, that may occur in future years

would be the determinant as to what would be required in such a potential plan. The project applicant would be responsible for ensuring the development and implementation of a Habitat Enhancement Plan should monitoring reveal the need for such a plan. Failure to develop and implement a Habitat Enhancement Plan, including failure to acquire permission to use creek-adjacent land to implement the plan, should it occur, would be a violation of the proposed project's conditions of approval and could be a cause for enforcement action that could subject the applicant to penalties imposed by the City of San José and/or other permitting agencies. However, it would be speculative to assume at this time that such a Habitat Enhancement Plan, if required, could not be implemented. It can reasonably assumed that agencies that control land adjacent to Los Gatos Creek, such as Valley Water, would be interested in cooperating with the project applicant should the applicant propose enhancement of the riparian corridor through a potential future Habitat Enhancement Plan. Likewise, approval can be reasonably assumed to be forthcoming by other agencies with jurisdiction over Los Gatos Creek, including the commenting agency.

Concerning the statement that "additional riparian plantings will not be feasible if the project site is built out up to the edge of the Project's reduced 50-foot riparian buffer" and recommending a 100-foot riparian buffer to allow for additional riparian plantings, it is unlikely that planting of riparian vegetation farther than 50 feet from Los Gatos Creek (i.e., in the space between the project's proposed 50-foot riparian buffer and the commenter's recommended 100-foot buffer) would meaningfully increase shading on the creek. This is because newly planted vegetation at a distance of more than 50 feet would only have the potential to cast additional shadow on the creek when the sun is low enough in the sky, at which time existing vegetation would already cast substantial shadow on the creek, assuming that the 50-foot buffer is densely vegetated.

With regard to riparian setbacks generally, the City has received and considered the stated concerns to provide a larger riparian setback, which has been included in the record, where the City may further consider them in their deliberations concerning approval of the proposed project. However, this comment does not reflect an inadequacy of the analysis in the EIR; therefore, under CEQA, no response is required. Please refer also to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*, for additional detail concerning riparian setbacks.

Comment E.8

Comment 8. The DEIR only proposes mitigation for impacts to trees with diameters at breast height (DBH) of six inches or more, while regulatory agencies will require mitigation for all impacts to riparian habitat.

The Project's *Construction Impacts on creek habitat are described on page 3.2-70*:

> To facilitate water conveyance, decrease flooding, and enhance habitat, the project would remove an estimated 4 dead trees and 7 live trees (non-native and native) from the riparian corridor, as well as 13 individual in-channel logs, 3 logjams, 2 logs lodged on the creek bank, and 13 aerial logs within a highly constrained stream reach from West Santa Clara Street to San Carlos Street.

> Live trees larger than 6 inches diameter at breast height (dbh) removed by the project would be replaced at a minimum ratio of 3:1 (trees replaced: trees removed) for native species and 2:1 for non-native species. Removal of live trees with a dbh of 2 to 6 inches would be mitigated at a minimum of 1:1 for native trees, and no mitigation for non-native trees. No mitigation is proposed for the removal of invasive tree species regardless of dbh. Removal of dead trees would be mitigated at a ratio of 1:1 (refer to Appendix D2, the *Google Downtown San José Los Gatos Creek Enhancement Project Site Assessment Summary Report*). Replacement trees would consist of a combination of plantings of shade-tolerant riparian vegetation such as Oregon ash (*Fraxinus latifolia*), California buckeye (*Aesculus californica*), and other locally appropriate native species. With implementation of tree replacement at the ratios above, permanent impacts associated with tree removal would be less than significant.

The six-inch diameter threshold for requiring mitigation for removed riparian trees has no basis in regulations. The Water Board and CDFW usually require mitigation for all riparian trees removed by a Project.

Response E.8

As an initial matter, it is not accurate that the Draft EIR reflects a "six-inch diameter threshold for requiring mitigation for removed riparian trees," as stated by the comment; mitigation is also proposed for smaller live trees as described on page 3.2-70. However, because this detail was not explicitly listed in Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, the fourth paragraph of this measure, on Draft EIR page 3.2-51, is revised as follows (new text is double-underlined):

> Where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. Live trees larger than 6 inches diameter at breast height (dbh) removed by the project shall be replaced at a minimum ratio of 3:1 (trees replaced: trees removed) for native species and 2:1 for non-native species. Removal of live trees with a dbh of less than 6 inches shall be mitigated at a minimum of 1:1 on an acreage basis for native trees and not mitigated for non-native trees. Removal of dead native trees shall be mitigated at a ratio of 1:1. Replacement trees shall consist of a combination of plantings of shade-tolerant riparian vegetation and other locally appropriate native species. No mitigation is proposed for the removal of living or dead invasive tree species regardless of dbh.
>
> Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat, with the goal of returning temporarily affected areas to pre-project conditions or better. Mitigation for project impacts shall be undertaken within the City of San José and, to the extent practical, shall be adjacent to or in proximity to the project area (i.e., along the Guadalupe River, Los Gatos Creek, or other local waterway and in a location where, in the opinion of a qualified biologist, comparable riparian habitat exists or can successfully be created). To that end, the restoration or compensation sites shall, at a

minimum, meet the following performance standards by the fifth year after restoration or as otherwise required by resource agency permits:

~~(1) Temporarily affected areas are returned to pre-project conditions or better.~~

~~(2)~~ (1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area.

~~(3)~~ (2) No more cover by invasive species shall be present than in the baseline/impact area.

Comment E.9

Comment 9. To avoid impacts to Riparian habitat that includes EFH and is immediately tributary to critical habitat for CCC steelhead, the Project should implement the full 100-foot riparian setback specified in City Policy 6-34.

The discussion of Impact BI-6 on page 3.2-85 states that the Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

As set forth in the discussion in Section 3.2.2, *Regulatory Framework*, the City is a Permittee of the *Santa Clara Valley Habitat Plan* (Habitat Plan), and the proposed project is within the Habitat Plan Permit Area.

Any project requesting a riparian setback reduction from City Policy 6-34 and the Habitat Plan's Condition 11 must be reviewed and approved by the City. For exceptions to the Habitat Plan's Condition 11, the stream and riparian setback requirement, an exception request is submitted to the City. The City could work with the project applicant to make any adjustments, and the City would then provide the exception request to the Habitat Agency, CDFW, and USFWS for a 30-day period for review and comment. At the conclusion of the 30-day review period, the City would consider any comments received from these agencies and may then consider the stream and riparian setback exception request for approval.

The Habitat Plan defines the standard setback for Los Gatos Creek, a Category 1 stream inside the existing urban service area, and with a slope class of 0–30 percent, as 100 feet. As described under Impact BI-2, the project proposes 50-foot building setbacks from Los Gatos Creek, consistent with a setback reduction that may be permitted under Policy 6-34. The project would also retain certain existing buildings along South Autumn Street (Blocks D8, D9, D10, D11, D12, and D13) that are currently within 50 feet of the riparian corridor. One or more of these buildings could also be replaced within existing building footprints if retention is determined not reasonably feasible, subject to City confirmation of consistency with Policy 6-34; such replacement would be required under the Downtown West Design Standards and Guidelines to maintain or reduce the existing building footprint within the City-mandated minimum 50-foot riparian setback. The project would remove certain hardscape areas and areas of disturbed landscape behind (on the Los Gatos Creek side of) at least two of these buildings on Block D that are adjacent to the top of the stream bank, would revegetate the formerly hardscape/disturbed areas with riparian plant species, and would then install sections of a raised pedestrian boardwalk along the edge of, and in some cases within, the riparian corridor. This boardwalk would provide continuous pedestrian access along Los Gatos Creek from the VTA rail tracks north to West Santa Clara Street. Where it would be along the edge of, or intrude into, the riparian corridor, the pedestrian boardwalk would travel exclusively

> above the formerly paved or disturbed areas to be revegetated. Similarly, the project would develop a pedestrian boardwalk on the east side of Los Gatos Creek between the VTA tracks and West Santa Clara Street, on Block E. This boardwalk would remain outside the riparian corridor.
>
> With implementation of Mitigation Measure BI-2a, along with Mitigation Measures BI-1a, BI-1b, and BI-1c, the proposed project would have a less-than-significant impact on the riparian corridor and the riparian habitat that it provides. Because the identification of a significant impact under CEQA depends on the finding that a project would result in a physical change in the environment (CEQA Guidelines Section 15358(b), the fact that the project would provide less than the Habitat Plan's standard 100-foot riparian setback would not rise to the level of a significant unavoidable impact, given that mitigation for any adverse physical effects is feasible through implementation of Mitigation Measures BI-1a, BI-1b, BI-1c, and BI-2a and given that a reduced setback for any proposed construction would require approval by the City during Conformance Review to ensure conformance to the Habitat Plan's reduced setback provisions.

Requesting a riparian setback reduction is not completely compliant with the Habitat Plan, especially in a reach of Los Gatos Creek that contains EFH and is immediately upstream of a reach of the Guadalupe River that provides critical habitat for CCC steelhead. As we have noted above in Comments 5 and 7, mitigation measures in the DEIR are not yet sufficient to ensure that the Project would not have significant impacts to riparian habitat, EFH, and downstream critical habitat for CCC steelhead. It is also not clear in the DEIR why non-historic buildings are proposed to be retained within the reduced 50-foot riparian setback, when the Project description calls for the demolition of most buildings in the Project area. Please clarify the rationale for retaining these existing buildings, which compromise the integrity of even the proposed, reduced 50-foot riparian setback. The Project should prioritize enhancement of riparian habitat and remove existing non-historic buildings within the proposed riparian setback.

Variances from the 100-foot setback make sense in developed areas in which a one lot expansion of the riparian buffer has limited environmental benefit, when neighboring, existing structures are much closer to the top of bank. However, the DWMUP provides a unique opportunity to restore a full riparian setback within the urban core, since most of the existing buildings in the Project area will be demolished. Implementing the full 100-foot setback in the DWUMP redevelopment area will provide a significant enhancement of riparian habitat in the urban core; this full riparian corridor may prove especially beneficial to sustaining CCC steelhead in Los Gatos Creek and the Guadalupe River. Wider riparian corridors provide more robust insulation of creek water temperatures from the negative impacts of urban heat islands.

Implementing the full 100-foot riparian setback will also provide valuable opportunities for on-site riparian enhancement and/or mitigation. Onsite mitigation is especially valuable along salmonid streams, since off-site mitigation does not sufficiently mitigate onsite impacts to water temperature and water quality that may impair fish migration and fish spawning. To minimize impacts to riparian habitat, EFH, and critical habitat for CCC steelhead, we recommend using the full 100-foot riparian setback in City Policy 6-34. We also encourage

the Project to construct trails outside of the riparian buffer, since humans and domestic animals are likely to disturb wildlife in the riparian corridor.

Response E.9

Compliance with the riparian setback requirements of the Santa Clara Valley Habitat Plan (2012) and San José City Council Policy 6-34 is addressed in Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*.

Comment E.10

Comment 10. The Project appears to be likely to impact special status species.

The discussion of cumulative impacts on page 3.2-87 asserts that the Project's impacts on special-status fish (i.e., CCC steelhead) and western pond turtle are limited to impacts from construction activity in or adjacent to Los Gatos Creek and the Guadalupe River. We do not concur with this conclusion. As is discussed in Comments 4, 5, 7, and 9, above, long-term impacts associated with impacts to riparian habitat are likely to have potentially significant impacts to special status fish.

Response E.10

As discussed under Responses E.5 and E.8 it is not anticipated that alterations to the riparian condition would have long-term effects on aquatic habitat with Los Gatos Creek and the Guadalupe River. Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, contains language ensuring that any temporary impacts to riparian habitat from construction shall be restored to pre-construction conditions, or better, following the end of construction. Additionally, the few permanent riparian corridor impacts that could occur would be compensated for at a 1:1 or greater ratio. Further, as explained in Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34,* project revisions since publication of the Draft EIR have incrementally reduced the proposed project's impact on riparian habitat and thus its contribution to cumulative impacts. Finally, as explained on Draft EIR page 3.2-88, there are relatively minimal effects on riparian habitat anticipated from cumulative development. Thus, with mitigation identified in the Draft EIR (Mitigation Measures BI-1a, General Avoidance and Protection Measures; BI-1b, In-Water Construction Schedule; and BI-1c, Native Fish Capture and Relocation, in conjunction with Mitigation Measure BI-2a), no long-term impacts on aquatic habitat are expected to result from project implementation that would constitute a cumulatively considerable contribution to cumulative impacts to special status fish.

Comment E.11

Comment 11. The DEIR should document that the Project is dedicating sufficient surface for use in Low Impact Development (LID) stormwater treatment.

Text in Section 3.8, *Hydrology and Water Quality*, Section 3.8.2, *Regulatory Framework*, describes the regulation of stormwater runoff under National Pollutant Discharge Elimination System (NPDES) regulations.

> Discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES permit (MRP), under Order No. R2-2015-0049; NPDES Permit No. CAS612008, issued by the San Francisco Bay Regional Water Quality Control Board.
>
> Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area, or 5,000 square feet or more of impervious surface area for regulated projects involving special land use categories (i.e., auto service, retail gasoline station, restaurant, and/or uncovered parking), are required to implement site design, source control, and Low Impact Development–based stormwater treatment controls to treat post-construction stormwater runoff. Low Impact Development–based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and for using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained.
>
> Post-construction monitoring and treatment controls, as required by MRP Provision C.3 and the Construction General Permit and pursuant to City Policy 6-29, would be implemented to ensure that the proposed project would not have ongoing adverse residual impacts on receiving waters.

The Water Board will review the stormwater control plan as part of reviewing applications for Certifications and/or Waste Discharge Requirements for the Project. The successful implementation of bioretention areas and other Low Impact Development (LID) measures to treat stormwater runoff requires that land be set aside within the Project area for the construction of these treatment measures, which have surface areas on the order of three to four percent of the impervious surface area that drains to the LID treatment measure. The DEIR should include procedures for ensuring that sufficient land area is set aside for stormwater treatment measures that are compliant with the MRP.

Response E.11

As discussed in Section 3.8, *Hydrology and Water Quality*, and noted in the comment, the project would be required to comply with the City of San José requirements for post construction runoff and maintain consistency with the Municipal Regional Stormwater Permit (MRP). It is acknowledged that, as a permittee under the MRP, the City of San José is mandated to use its planning and development review authority to require that stormwater management measures (such as Site Design, Pollutant Source Control and Treatment measures) are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Consistent with City Policy 6-29 Post Construction Urban Runoff Management, a stormwater control plan has been developed for the project, and a stormwater evaluation form would be submitted to the City quantifying LID stormwater treatment in compliance with source control and LID requirements.

This documentation must be reviewed and approved by the City of San José prior to construction of the project. Beyond these standard measures, it is not clear what additional procedures the commenter believes may be warranted for the project, and as such no further response is possible.

Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area, or 5,000 square feet or more of impervious surface area for regulated projects involving special land use categories (i.e., auto service, retail gasoline station, restaurant, and/or uncovered parking), are required to implement site design, source control, and Low Impact Development–based stormwater treatment controls to treat post-construction stormwater runoff. For additional details pertaining to the project's proposed stormwater management and site design measures, refer to Section 10.3 of Draft EIR Appendix K, *Infrastructure Plan*.

3.3.2 Regional and Local Agencies

F. Bay Area Air Quality Management District (12/8/20)

Comment F.1

The Air District supports high-density mixed-use development projects near transit that have the potential to reduce air quality and greenhouse gas (GHG) emissions. Air District staff commends the City for incorporating several emissions and exposure reduction measures in the DEIR, including the installation of MERV 13 filtration in all new on-site buildings, the planting of vegetative buffers between sensitive receptors and sources of toxic air contaminants (TACs), and the requirement for electrification of all buildings, with the exception of commercial cooking. Even with the robust set of mitigation measures included in the DEIR, the Plan is expected to result in significant and unavoidable impacts to air quality. The Air District recommends the following measures that can further reduce air pollution emissions and limit exposure to pollutants.

Since the majority of operational criteria emissions are due to mobile sources, Air District staff have included here recommendations to add to and expand performance standards and proposed measures for the Enhanced Transportation Demand Management (TDM) Program, Mitigation Measure AQ-2h in the DEIR. The Plan proposes up to 4,800 commercial parking spaces and up to 2,360 residential parking spaces. Air District staff recommend that the City decrease the number of parking spaces available and implement best practice parking strategies to discourage single occupancy vehicle travel, such as parking cash-out, reduced parking requirements, shared parking, paid parking, and car-share parking. The Plan proposes sound measures to support transit use, but, given that the Plan is located in a transit-rich area, including Caltrain, ACE train, planned BART service, and proposed high-speed rail, we believe the Plan should be as ambitious as possible in encouraging the use of public transportation and active transportation. Additional TDM measures could include improvements to pedestrian and bicycle facilities on site, which could be expanded to specifically incorporate comprehensive and safe bicycle and pedestrian route and path connections with nearby activity centers and transit facilities, secure bicycle parking,

expanded bike share and bike share membership, bicycle repair station and maintenance services, a fleet of bicycles, and bicycle valet parking.

Response F.1

The first part of this comment summarizes BAAQMD's understanding of the project, and overall support for high-density mixed-use development projects near transit. The comment is noted and does not require a response. For comments related to the project's TDM Program, refer to Section 3.2.4, *Master Response 4: TDM Program*.

Comment F.2

In addition, the Plan proposes electric vehicle charging stations for 10 percent of the total number of parking spaces, with an increase to 15 percent with Mitigation Measure AQ-2g. Given the recent Executive Order N-79-20 to phase out gasoline cars and mandate 100 percent sales of new passenger vehicles to be zero-emission by 2035, as well as 100 percent of medium- and heavy-duty vehicles by 2045, it is critical that the Plan accommodate the electric vehicle charging infrastructure necessary to reduce emissions from the transportation sector and accelerate zero-emission technology. To align with this new Executive Order and to be able to support an influx of electric vehicles, Air District staff recommend increasing electric vehicle charging stations beyond 15 percent of the total number of parking spaces. In addition, Air District staff recommend that the Plan include additional requirements to increase EV ready spaces and EV capable spaces, as included in the City of San José Ordinance No. 30311.

Response F.2

As discussed on Draft EIR page 3.1-35, the proposed project would be compliant with San José Municipal Code Chapter 24 (Sections 24.10.200 and 24.10.300), which includes requirements for both residential and non-residential buildings.[46] For all non-residential buildings at the project site, 10 percent of total parking spaces shall be electric vehicle (EV) supply equipment spaces and an additional 40 percent shall be EV Capable spaces. As discussed on Draft EIR page 3.1-101, Mitigation Measure AQ-2g, Electric Vehicle Charging, would require that at least 15 percent of all parking spaces are equipped with EV charging equipment, going beyond the city's requirement of 10 percent. Inasmuch as it was San José Ordinance No. 30311 that added the above-noted sections to the Municipal Code, no additional action is needed to comply with Ordinance No. 30311.

With implementation of Mitigation Measure AQ-2g, the proposed project would support the goals of Executive Order N-79-20 by accommodating substantial EV charging infrastructure beyond the requirements of the City of San José. Specifically, Executive Order N-79-20 stipulates that 100 percent of new passenger vehicle sales must be zero-emission by 2035. According to the

[46] The code requires that for all new high-rise and low-rise multifamily buildings, 10 percent of the total number of parking spaces on a building site provided for all types of parking facilities shall be EV supply equipment spaces, 20 percent of the total number of parking spaces provided for all types of parking facilities shall be EV Ready spaces, and 70 percent of the total number of parking spaces for all types of parking facilities shall be EV Capable spaces

California Air Resources Board's (CARB's) EMission FACtors 2017 (EMFAC2017) model, which was used to estimate emissions from on-road vehicle travel associated with the proposed project, the percentage of vehicle miles traveled (VMT) by light-duty EVs in Santa Clara County would be 4.6 percent by 2032 (the full buildout date of the proposed project) and 4.9 percent by 2035. Through the installation of EV charging equipment on 15 percent of all parking spaces, the proposed project would support a total of 13.5 percent of light-duty EV VMT associated with the proposed project. This is almost three times the CARB projection for light-duty EV VMT in the County by 2032, per the EMFAC2017 model. Refer to Draft EIR Appendix C1, *Air Quality and Greenhouse Gas Calculations*, for additional information on this quantification method.

In addition, CARB's Vision for Clean Air Framework, which is an initiative developed to enhance CARB's ability to conduct transportation system-wide, multi-pollutant analysis to inform policy development, includes the VISION model to predict how the state will meet 2050 GHG targets in the transportation sector. The VISION Model Cleaner Technologies and Fuels (CTF) scenario for the Bay Area region incorporates adopted regulations and updates to reflect VMT consistent with adopted Sustainable Communities Strategies (SCSs), along with increases in EV penetration needed to achieve the state's mobile GHG reduction goals through 2050. According to the VISION CTF scenario, the projected light-duty EV VMT in Santa Clara County would be 15.7 percent by 2032 and 58 percent by 2050. As discussed above, the proposed project's EV stations would support 13.5 percent of light-duty EV VMT, which is 86 percent of CARB's VISION projection. Further, a larger percentage of spaces would be EV Ready and EV Capable, meaning that stalls would easily be converted to include the full EV supply equipment at the time the market has more fully developed. Therefore, it is reasonable to assume that the proposed project's EV charging station commitment adequately supports CARB's predicted EV fleet growth in the Bay Area.

Executive Order N-79-20 requires that CARB develop passenger vehicle and truck regulations to meet the goals of the executive order. These regulations have not yet been developed. Once CARB develops and adopts regulations pursuant to this executive order, the project applicant will comply with any and all regulations that apply to their operations, and any new or revised requirements by the City pursuant to future CARB regulations. Because CARB is the regulatory agency responsible for implementing Executive Order N-79-20, it is CARB's responsibility to ensure implementation of executive order, not the project applicant or the City. Therefore, until CARB develops such regulations, the proposed project is not required to go beyond the 15 percent EV charging equipment requirement of Mitigation Measure AQ-2g.

The installation of EV chargers is anticipated to result in reduced vehicle emissions because, as stated on Draft EIR page 3.1-56, "Convenient access to EV chargers is expected to encourage EV use, thereby replacing emissions of criteria pollutants from conventional fossil-fueled vehicles." However, the presence of EV charging stations at the project site would not *necessarily* result in increased demand for EVs and additional EV purchases and travel beyond what would already occur in the marketplace without the proposed project or its future charging stations. Therefore, constructing EV charging stations at more than 15 percent of the project's parking spaces would not necessarily cause further EV fleet penetration and associated additional emission reductions.

The project applicant could potentially construct additional EV charging stations as the demand increases over time because both employees and residents of the proposed project would likely demand such an increase. Because some early residents and employees of the project would own EVs, and because the EV market share will increase over time to meet mandated state goals and targets, the demand for EV charging spaces will likely increase in the future. The applicant would be expected to respond to this market demand by constructing more EV charging spaces over time as needed. Further, more than 15 percent of the spaces would be EV Ready and EV Capable, making it easier to respond to increased demand.

Comment F.3

The Plan proposes that new sensitive uses, including potentially a childcare center, be located on the south end of the Plan boundary, which is 200 feet north of Interstate 280. Air District staff recommend that the City consider moving any sensitive receptors at least 500 feet away from freeways and other sources of toxic air contaminants. In addition to the inclusion of MERV 13 filters and the planting of vegetated buffers, Air District staff recommend the following best practices to reduce health risk, which can be found in Appendix B of the Air District's Planning Healthy Places Guidance (https://www.baaqmd.gov/~/media/files/planning-and-research/ planning-healthy-places/php_may20_2016-pdf.pdf?la=en):

- Account for sensitive land uses when designing on-site housing, such as locating operable windows, balconies, and building air intakes as far away from any emission source as is feasible, and incorporating open space between buildings to improve air flow and pollution movement;
- Limit ground floor use of buildings, to reduce exposure to local pollutants from a nearby at-grade highway or busy roadway; and
- Phase the construction period to further reduce exposure to fine particulate matter and toxic air contaminants.

Response F.3

The proposed project may include a childcare center on Block H2 and/or Blocks H3, H5, or H6 (formerly Block H3) in the southern portion of the project site. While the southern boundary of the project site (Blocks H4 and H6, as the block configuration is revised herein) is within about 250 feet of an the Bird Avenue I-280 on-ramp, the southern boundary is between about 390 and 450 feet from the edge of I-280 freeway itself. More importantly, in response to this comment, Standard 3.2.5 in the Downtown West Standards and Guidelines has been revised to prohibit childcare uses within 500 feet of the I-280 freeway. This change to Draft EIR pages 2-13 (footnote 22) and 3.1-62 is shown in Chapter 4, *Revisions to the Draft EIR*. Consequently, the placement of the childcare center is consistent with Air District staff recommendation that all sensitive receptors are located at least 500 feet away from freeways.

It should also be noted that, as discussed on Draft EIR pages 3.1-134 to 3.1-138 and in Tables 3.1-19 and 3.1-20, the maximum health risks for new on-site childcare receptors with implementation of mitigation is 3.2 per million cancer risk, 0.02 chronic hazard index, and 0.14 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$ concentrations. These values are

all below the applicable BAAQMD significance thresholds of 10 cancer risk, 1.0 chronic hazard index, and 0.3 µg/m^3 annual average $PM_{2.5}$ concentrations. As such, additional mitigation to reduce the potential health risks for new on-site childcare receptors is not required by CEQA.

Regarding BAAQMD's recommendation for the proposed project to design on-site housing to locate operable windows, balconies, and building air intakes as far away from any TAC emission source as is feasible, and incorporate open space between buildings to improve air flow and pollution movement, Draft EIR pages 3.1-131 to 3.1-132 discuss the infeasibility of these requirements. Specifically, the project site is dense and located in a highly urban area with many surrounding existing off-site sensitive receptors. Thus, it is not feasible to require specific offset distances between sensitive receptors and new loading docks and other TAC sources.

Regarding BAAQMD's recommendation for limiting ground floor use of buildings, it is likely that at least some of the proposed project's residential buildings would have residential units on the ground floor. However, to provide a conservative assessment of health risks, the Draft EIR assumed that residential receptors would be located on the ground floor of each residential building. Additionally, as discussed below, health risks for all new on-site sensitive receptors after implementation of mitigation measures were determined to be less than significant, so this limitation is not required under CEQA.

Regarding BAAQMD's recommendation to adjust the construction phasing to further reduce exposure to TACs, Draft EIR page 3.1-111 discusses the infeasibility of adjusting the construction schedule to reduce the intensity of construction activity and associated emissions. Further adjusting construction phasing would not meet the project's buildout schedule, and would not support the City and Google Memorandum of Understanding goal of supporting the timely delivery of substantial jobs and housing in the area surrounding Diridon Station to maximize integration with planned transit projects and successful implementation of the Diridon Station Area Plan. Moreover, as stated on Draft EIR page 2-66, the EIR's analysis is conservative "because it compresses construction activities that might otherwise occur sequentially, and because near-term construction activities would not benefit from changes in technology and/or lower emissions standards that will reduce emissions over time."

Finally, as discussed on Draft EIR pages 3.1-134 to 3.1-138 and in Tables 3.1-19 and 3.1-20, the maximum health risks for new on-site sensitive receptors with implementation of mitigation is 6.5 per million cancer risk, 0.03 chronic hazard index, and 0.27 µg/m^3 annual average $PM_{2.5}$ concentrations (all for a child resident). These values are all below the applicable BAAQMD significance thresholds of 10 cancer risk, 1.0 chronic hazard index, and 0.3 µg/m^3 annual average $PM_{2.5}$ concentrations. As such, additional mitigation to reduce the potential health risks for new on-site sensitive receptors is not required by CEQA.

Comment F.4

The Plan proposes 47 diesel backup generators on the project site which will require Air District permits. Diesel combustion can cause local health impacts and contributes to GHG emissions. To meet State and regional climate goals, the Air District encourages projects go above and beyond current permitting requirements. In September 2018, the Air District

launched the Diesel Free by ’33 initiative to eliminate diesel emissions from Bay Area communities. Mayor Sam Liccardo of the City of San José signed Diesel Free by ’33 to pledge the City’s commitment to cut diesel use to zero by the end of 2033. To this end, the Air District recommends that the City compel the Project applicant to use the cleanest available technologies such as solar battery power, fuel cells, natural gas engines, or Tier 4 diesel generators. For more information on backup generator alternatives, please see CARB’s web page for Emergency Backup Power Options: https://ww2.arb.ca.gov/our-work/programs/public-safety-power-shutoff-pspsevents/emergency-backup-power-options-commercial.

Response F.4

Air District staff highlight the District’s Diesel Free by 33 initiative, which aims to eliminate diesel fuel usage by 2033. While we commend the Air District in their efforts to eliminate diesel fuel usage, the Diesel Free by 33 initiative is not regulation or statute, and there are no legal requirements for the proposed project to phase out all diesel fuel usage by 2033.

In support of the Diesel Free by 33 initiative, the Air District has prepared the *Zero-Emission Technologies and Funding Opportunities* assessment report.[47] This report does not identify alternative fuel sources for large stationary emergency backup generators. According to BAAQMD, hydrogen fuel cells are only cost-competitive for engines in the 5–10 kilowatt (kW) range, and battery power is appropriate for smaller or portable applications with lower power draws in the 0–5 kW range. The EIR, therefore, conservatively assumed diesel generators would be used. The maximum size generators installed at the proposed project are anticipated to be 650 kW each, which is beyond the power range of available zero emission technologies identified by BAAQMD. By 2032 when the proposed project is finished, there are likely to be many more alternatives to diesel fuel for large emergency backup generators. But based on current regulatory requirements, there are no feasible zero emission options.

Regarding fuel cells and natural gas engines, Air District staff point to CARB’s webpage for Emergency Backup Power Options. This database identifies zero-emission, near-zero-emission, and advanced conventional technologies for backup power generation at commercial sites. For California, there are a number of natural gas fuel cell and micro turbine engines that have been installed. However, the largest power rating for any natural gas engine installed in California is 460 kW, or 617 horsepower. The 47 generators proposed to be used at the proposed project site were conservatively assumed to each be 650 kW, or 872 horsepower, which is 40 percent larger than those listed in the CARB database. Therefore, it does not appear that any natural gas backup engines large enough to provide the maximum anticipated emergency power needs to the proposed project have been installed in California.

Mitigation Measure AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators, requires that all stationary emergency generators installed on-site shall have engines that meet or exceed CARB Tier 4 Off-Road Compression Ignition Engine Standards. As

[47] Bay Area Air Quality Management District, *Summary of Available Zero-Emission Technologies and Funding Opportunities*, June 2018. Available at https://dieselfree33.baaqmd.gov/~/media/dieselfree/files/funding-and-financing-opportunities-pdf.pdf?la=en. Accessed December 2020.

discussed on Draft EIR page 3.1-108, this measure would substantially reduce emissions of ROG, NO_X, PM_{10}, and a$PM_{2.5}$ from emergency diesel backup generators. As discussed on Draft EIR page 3.1-130, this measure would reduce DPM and $PM_{2.5}$ emissions by approximately 87 percent, thereby substantially reducing the incremental increase in lifetime cancer risk, non-cancer chronic risk, and annual average $PM_{2.5}$ concentrations.

Additionally, Mitigation Measure AQ-2e requires the project applicant to use alternative fuels if such technology becomes available and is approved by the San José Fire Department. Specifically, the mitigation measure says, "As non-diesel-fueled emergency generator technology becomes readily available and cost effective in the future, and subject to the review and approval of the City fire department for safety purposes, non-diesel-fueled generators shall be installed in new buildings, provided that alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, are demonstrated to reduce ROG, NO_X, and PM emissions compared to diesel fuel." Therefore, the Draft EIR does recognize the rapidly changing technological landscape for stationary diesel engines and allows for alternative fuel sources in the future. As discussed on Draft EIR pages 3.1-107 and 3.1-109, because there is uncertainty regarding the feasibility of alternative-fueled emergency backup generators, and because of the unknown effects of alternative fuels such as renewable diesel on emissions from emergency backup generators, the use of alternative fuels was not quantified in the Draft EIR.

The project applicant is actively investigating the use of alternative fuel backup generators, including battery technology. Mitigation Measure AQ-2e was developed based on discussions with City staff and reflects staff's interest in using alternative fuel generators when they become available. The project applicant is working closely with the City's Fire Department and the Building Division of the City's Planning, Building, and Code Enforcement Department to address existing safety concerns around alternative-fueled emergency backup generators to allow implementation in line with Mitigation Measure AQ-2e.

BAAQMD requests that the project applicant use the cleanest available technologies such as solar battery power, fuel cells, natural gas engines, or Tier 4 diesel generators. With implementation of Mitigation Measure AQ-2e, and given the current state of emergency generator fuels technology, this request has been met.

Finally, as discussed on Draft EIR page 3.1-108, diesel generator emissions would make up only a small portion of the project's operational emissions (approximately 2 percent of NO_X emissions); thus, even with implementation of Mitigation Measure AQ-2e, total operational emissions still exceed the significance thresholds. In addition, health risks from diesel generators would make up only a small portion of the project's operational health risks after the implementation of all mitigation measures: generators represent 2-3 percent of total cancer risk at the off-site and on-site MEIR locations, with a maximum contribution of 0.41 per million for the off-site resident child MEIR. Therefore, even the complete removal of all diesel generators or the use of alternative fuels for all generators would not substantially reduce the health risk impacts for the project.

Comment F.5

To further reduce significant and unavoidable impacts, Air District staff recommend the following:

- Increase the percentage of electric off-road equipment where feasible;
- Source 100 percent renewable energy, whether from San José Clean Energy, PG&E, or on-site renewable, as mentioned in the Plan;
- Wire buildings for electrical hook-ups to accommodate plug-in electric trucks and transportation refrigeration units; and
- Provide for electric commercial cooking equipment, in addition to the rest of the buildings on site that will operate with 100 percent electric energy.

Response F.5

The proposed project would use a large amount of electric off-road equipment during construction, through both project design features and through Mitigation Measure AQ-2a, Construction Emissions Minimization Plan. Electric equipment includes all concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, and cement and mortar mixers, along with 90 percent of pressure washers and 70 percent of pumps. Mitigation Measure AQ-2a also requires that portable equipment be powered by grid electricity or alternative fuels (i.e., not diesel) instead of by diesel generators. This list includes all feasible electric off-road construction equipment used at the site. Larger electric equipment, such as excavators, graders, and loaders, are not commercially available. This is supported by BAAQMD in its *Zero-Emission Technologies and Funding Opportunities* report.[48]

In addition, Mitigation Measure AQ-2a requires that the project applicant use alternative fuels as commercially available, such as renewable diesel, biodiesel, natural gas, propane, and electric equipment, as long as such fuels reduce ROG, NO_X, and PM emissions compared to traditional diesel fuel. Based on the entire construction schedule and equipment fleet for the project, approximately 65 percent of the total equipment hours would be associated with electric equipment, and 44 percent of the total horsepower-hours would be associated with electric equipment. This is a far greater use of electric construction equipment than the vast majority of land use development projects anywhere in the state.

As presented on Draft EIR page 3.6-35, the proposed project's electricity would be supplied by PG&E, San José Clean Energy, or on-site renewables. Demand for grid-supplied electricity would be minimized with the inclusion of a 7.8-megawatt (MW) on-site solar photovoltaic (PV) system. The analysis conservatively assumed that electricity would be supplied by the grid by PG&E, and accounts for the requirements of 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). At full buildout in 2032, the estimated electricity CO_2 intensity factor

[48] "Zero-emission technologies are in the early commercialization stage for smaller construction equipment. The technology for providing full battery electric heavy-duty machinery will require further technological improvements as it has yet to meet parity with conventional powertrains." Bay Area Air Quality Management District, *Summary of Available Zero-Emission Technologies and Funding Opportunities*, June 2018, https://dieselfree33.baaqmd.gov/~/media/dieselfree/files/funding-and-financing-opportunities-pdf.pdf?la=en. Accessed December 2020.

would be 155 pounds CO_2e per megawatt hour delivered. As discussed on Draft EIR page 3.6-34, the central utility plants, which provide thermal heating and cooling energy through an on-site district systems approach, would draw electricity from the grid or from on-site renewable energy sources and would be considered an indirect source of GHG emissions.

With regard to using 100 percent renewable electricity for all project electricity demands, it should be noted that the only impact related to electricity use is on GHG emissions as discussed in Section 3.6, *Greenhouse Gas Emissions*. There would be no air quality impacts associated with electricity consumption because electricity use does not generate on-site emissions (emissions are generated at power plants throughout the state and country). Per Impact GR-1, the project's GHG emissions would have a less-than-significant impact on the environment by meeting the substantial progress efficiency threshold of 2.6 by 2032 metric tons of carbon dioxide equivalent ($MTCO_2e$) per service population (SP) and 1.7 $MTCO_2e$/SP by 2040 after implementation of mitigation measures (refer to Draft EIR pages 3.6-38 through 3.6-43 and Table 3.6-11). Consequently, additional mitigation to reduce this impact is not required by CEQA. Further, as discussed under Impact GR-2, the project would mitigate 100 percent of its GHG emissions to net zero through implementation of Assembly Bill (AB) 900 and Mitigation Measure GR-2 (Compliance with AB 900), and this impact would also be less than significant (refer to Draft EIR pages 3.6-43 through 3.6-70). Through AB 900, CARB has required the project applicant to purchase GHG offset credits to fully offset the projected net increase in GHG emissions and achieve the "no net additional" performance standard requirement of Public Resources Code Section 21183(c). Mitigation Measure GR-2 requires compliance with AB 900 to ensure that the project would meet the "no net additional" requirement. While using 100 percent renewable electricity could be a strategy used to comply with the no net additional requirement of Mitigation Measure GR-2, it is not required as a strategy to meet the no net additional performance standard, and thus is not a commitment of the project. Through implementation of Mitigation Measure GR-2, the net effect of the project on climate change and associated increases in average surface air temperatures would be zero. This includes all emission associated with the project's electricity consumption. Further, CEQA does not require GHG mitigation to be local, since the impact of GHG emissions on the environment through climate change is a global phenomenon.

The proposed project would require the use of electrical hook-ups to accommodate plug-in electric trucks and transportation refrigeration units, pursuant to Mitigation Measure AQ-2f, Operational Diesel Truck Emissions Reduction, which requires that all truck delivery bays must be equipped with electrical hook-ups for diesel trucks at loading docks to accommodate plug-in electric truck TRUs during project operations. This mitigation measure also requires that intra-campus delivery vehicles traveling within the project site to serve the project applicant are all electric or natural gas. Therefore, the Air District's request regarding electric TRU hookups has been met.

The project applicant has now committed to using electricity for all project operational needs, including cooking equipment. Therefore, no natural gas cooking equipment would be installed on-site, and the project would not consume or combust natural gas for any operational use. Refer to Chapter 4, *Revisions to the Draft EIR*, of this First Amendment for text changes on Draft EIR pages 3.1-46 and 3.1-48 related to this update.

Comment F.6

Given the significant, unmitigated impact due to this Plan's potential to exacerbate the jobs/housing imbalance identified in the 2040 General Plan, Air District staff is concerned about the associated increase in vehicle miles traveled (VMT), which may further exacerbate air quality in San José, which is disproportionately impacted by air pollution and as identified by the Air District's Community Health Protection Program and Community Air Risk Evaluation (CARE) Program. We strongly recommend that the Plan include more residential units, at all income levels, in order to help address current and future jobs/housing imbalances and associated vehicle use and emissions.

Response F.6

The Draft EIR fully evaluated six alternatives to the proposed project and briefly examined another five alternatives that were ultimately rejected from detailed consideration. This constitutes a reasonable range of alternatives. With respect to the specific alternative requested for analysis—an increase in the number of on-site housing units, it cannot simply be concluded that increasing the residential density of the project site would decrease VMT. This is because a substantial increase in residential density would require a concomitant decrease in the floor area available for office space on the project site, given that the project proposes to essentially build out to the proposed height limits, subject to massing limitations in the Downtown West Design Standards and Guidelines. That is, there is no substantial remaining uncommitted program space in the proposed project, meaning an increase in one proposed land use would require a decrease in one or more other proposed uses. Accordingly, while increasing residential density in the proposed project could reduce residential VMT, it would increase office VMT by displacing some portion of the proposed project's office use to areas less accessible by transit. Moreover, such an alternative would fail to meet one of the proposed project's key objectives, including "to provide sufficient high-quality office space to accommodate the long-term expansion of its workforce and business operations in a Bay Area location that is anchored by public transportation." This alternative would also be less successful than the proposed project in establishing Diridon Station as a new regional job center and would not do as much as the proposed project to help the City of San José meet its goal of managing land uses to enhance employment lands to improve the balance between jobs and workers residing in San José.

G. Caltrain (12/8/20)

Comment G.1

In general, Caltrain supports and recognizes the benefits of the proposed development, but respectfully requests consideration of the comments below:

Existing and Planned Transportation Facilities (Chapter 2)

As the City knows, a future reconstruction and expansion of Diridon Station is being planned as the Diridon Integrated Station Concept Plan (DISC Concept Plan) through the joint efforts of Caltrain, the City of San José, the Santa Clara Valley Transportation Authority (VTA), the California High-Speed Rail Authority (CHSRA), and the Metropolitan Transportation

Commission (MTC). These "Partner Agencies" (except for MTC, who joined the Partnership in 2020) formed a public agency partnership via a Cooperative Agreement to develop the DISC Concept Plan in July 2018.

The Partner Agencies that entered into the partnership via the 2018 Cooperative Agreement (the City of San José, Caltrain, VTA, and CHSRA) mutually accepted a Concept Layout for the future Diridon Station in 2020 that defines a conceptual spatial layout for Diridon Station. The Concept Layout defines three guiding principles for the future Diridon Station:

- The station should be elevated.
- There should be station entrances at Santa Clara and San Fernando streets.
- Track approaches should generally stay within the existing northern and southern rail corridors.

Caltrain views Downtown West as integral to realizing the Partner Agencies' shared goals around the DISC program and greatly appreciates the ongoing coordination with the Downtown West development team.

Response G.1

The comment is appreciated. The first portion of the comment presents introductory remarks for which no response is required. The remainder of the comment expresses an opinion about the project's relationship to shared goals for the DISC program and also does not require a response. For more information relating to the relationship between the proposed project and the DISC program, refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment G.2

Clarifications

In reviewing the Draft Environmental Impact Report (EIR) for Downtown West, Caltrain requests that the documents be updated to accurately represent the DISC effort and partnership:

The Project Description states that "the preferred Concept Layout is still preliminary" and "no dedicated funding is currently in place to construct the improvements." (p. 2-11). As stated above, the Partner Agencies mutually accepted the Concept Layout in 2020, and 100 million dollars of dedicated funding is included in Regional Measure 3's Expenditure Plan for Corridor-Specific Capital Projects for Diridon Station.[1] The Partner Agencies request that the Downtown West EIR documents account for this information.

The Project Description lists BART as a DISC Partner Agency (p. 2-10); however, VTA represents BART in the DISC process. Also, MTC is not listed as a DISC Partner Agency (p. 2-10), but MTC joined the Partnership in 2020. The Partner Agencies request that the

[1] https://mtc.ca.gov/sites/default/files/Final_RM3_Expenditure_Plan.pdf (accessed December 2nd, 2020)

Downtown West EIR documents are updated to describe the partnership correctly throughout.

Response G.2

The comments regarding the Draft EIR's discussion of the Diridon Integrated Concept Plan (DISC) are acknowledged. For clarification, the last paragraph on Draft EIR page 2-10 (continuing to page 2-11) and the first full paragraph on page 2-11 are revised as follows (new text is double underlined; deleted text is shown in ~~strikethrough~~):

> In conjunction with planning for the BART extension and potential future high-speed rail service, the City of San José, along with the Caltrain, ~~BART,~~ VTA (which also represents the BART Silicon Valley Phase II Extension Project), and the California High-Speed Rail Authority, has initiated the DISC process, as noted above. (The Metropolitan Transportation Commission joined the DISC process as a partner agency in 2020.) The DISC planning process is evaluating how to expand and redesign Diridon Station as a world-class transit center that provides intermodal connections and integration with the surrounding neighborhoods. The DISC Plan process does not propose any land use changes, but focuses on station design, including the spatial configuration determining how the various track and station elements will fit together and relate to the surrounding neighborhood.
>
> The DISC process initially identified three conceptual layouts for the future Diridon Station: an at-grade station on West San Fernando Street, an elevated station on West Santa Clara Street, and an elevated station near West Stover Street. Through a community input process and ongoing technical work with the partner agencies, a fourth alternative was identified as the preferred "Concept Layout" for the DISC Plan, a preliminary alignment for elevated heavy rail tracks through Diridon Station. The preferred Concept Layout incorporates three guiding principles for the future Diridon Station:
>
> - The station should be elevated;
> - There should be station entrances at Santa Clara and San Fernando streets; and
> - Track approaches should generally stay within the existing northern and southern rail corridors.
>
> In February 2020, the San José City Council and the Caltrain board endorsed the preferred Concept Layout, including the three design principles above, and the VTA board did so in June 2020.

Additionally, the first sentence of the fourth full paragraph on Draft EIR page 2-11 is revised as follows (new text is double underlined; deleted text is shown in ~~strikethrough~~):

> The preferred Concept Layout ~~is still preliminary:~~, although approved by the partner agencies, does not include detailed plans. Moreover, the plans have yet to be ~~finalized or~~ reconciled with the Preferred Alternative for High-Speed Rail, as described above;

environmental review (which will include analysis under both CEQA and the National Environmental Policy Act) has not been initiated; ~~and~~ no clear timeline exists for construction, although it is anticipated to occur before 2040~~; and no dedicated funding is currently in place to construct the improvements~~. The expenditure plan for Regional Measure 3, approved by Bay Area voters in 2018, includes $100 million to "[e]xpand Diridon Station to more efficiently and effectively accommodate existing rail service, future BART and high-speed rail service, and Santa Clara Valley Transportation Authority (VTA) light rail and buses"; however, the full cost of implementing the preferred Concept Layout is not yet known. …

Comment G.3

The future Diridon Station will offer unparalleled regional access because of the convergence of multiple high-capacity transit modes, which, in turn, makes the surrounding area uniquely attractive for development. Accordingly, Caltrain requests that the Downtown West EIR documents more directly address transit generally and DISC specifically. Please update the Downtown West documents to support transit and DISC better per the recommendations below.

Response G.3

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment G.4

Downtown West should comply with the transit-supportive Goals and Policies of the Envision San José 2040 General Plan. For example, the following goal included in *Table 3.13-2 Land Use and Transportation Goals and Policies in the Envision San José 2040 General Plan* in section 3.13.2 Regulatory Framework of Downtown West's EIR (p. 3.13-21):

- 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.

Downtown West should also comply with the transit-supportive policies of the Envision San José 2040 General Plan,[2] that are not included in *Table 3.13-2 Land Use and Transportation Goals and Policies in the Envision San José 2040 General Plan* in section 3.13.2 Regulatory Framework of Downtown West's EIR (p. 3.13-21):, including:

- Policy 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.
- Policy TR-4.2 – Work collaboratively with the California High-Speed Rail Authority to bring high-speed rail to San José in a timely manner.

[2] https://www.sanjoseca.gov/home/showpublisheddocument?id=22359 (accessed December 2nd, 2020)

In the Downtown West Design Standards and Guidelines (DWDSG), there are Mobility Objectives focused on creating walkable urban environments that encourage slow vehicle speeds (p. 237). Caltrain strongly supports walkable urban settings throughout the project site and designs that encourage slow vehicle speeds in most areas of the Project Site. Furthermore, Caltrain requests that the Downtown West project also encourage improved access, reliability, and speeds for transit – including transit-supportive design and by reserving space needed for transit. Accordingly, the Partner Agencies request that the Transportation Policies of the City of San José's General Plan[3] (Chapter 6 - Land Use and Transportation, p. 37) mentioned above and the following Transportation Policies be included in *Table 3.13-2 Land Use and Transportation Goals and Policies in the Envision San José 2040 General Plan* in section 3.13.2 Regulatory Framework of Downtown West's EIR:

- Policy 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.
- Policy TR-1.5 – Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Caltrain also requests that to be consistent with these General Plan Goals and Policies, a Mobility Objective be added in the DWDSGs to improve transit access, reliability, and speed and that Downtown West's EIR documents be updated to reflect this added Mobility Objective.

Response G.4

The proposed project would not conflict with General Plan Goal TR-4, Policy TR-3.5, or Policy TR-4.2, nor is it necessary to amend the Downtown West Design Standards and Guidelines (Draft EIR Appendix M) in response to this comment because it already includes mobility objectives intended to support public transit ridership (refer to Downtown West Design Standards and Guidelines page 237).[49] To address this comment as it pertains to amending Table 3.13-2, Table 3.13-2 on Draft EIR page 3.13-21 is revised as follows (new text is <u>double underlined</u>; deleted text is shown in ~~strikethrough~~):

Transportation	
Goal TR-1	**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.**
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 VMT.
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

[3] https://www.sanjoseca.gov/home/showpublisheddocument?id=22359 (accessed December 2nd, 2020)

[49] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

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.

TR-1.5 Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

TR-1.6 Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

TR-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.

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

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 and pedestrian connections in existing cul-de-sac areas where feasible.

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

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.

Goal TR-4 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.

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.

TR-4.2 Work collaboratively with the California High-Speed Rail Authority to bring high-speed rail to San José in a timely manner.

TR-4.3 Support the development of amenities and land use and development types and intensities that contribute to increased ridership on the potential high-speed rail system, and also provide positive benefits to the community.

…

As the comment does not raise concerns about the adequacy or accuracy of the EIR, no further response is required.

Comment G.5

Account for the DISC Rail Alignment

While the Downtown West's development application, submitted in October 2019, accounted for space for the DISC rail alignment (represented by the hatching and notes included on *Figure 2.09 Illustrative Framework* of the development application4), Caltrain notes that Figure 2.2: *Downtown West Mixed-Use Plan* in the DWDSGs, which are part of Downtown West's Draft EIR, does not similarly account for space needed for DISC rail alignment. Caltrain requests that the City of San José and Downtown West continue to collaborate with the Partner Agencies to update the documents to account for the future DISC rail alignment by reserving adequate space for DISC rail alignment. This supports our shared goals for effective rail operations and feasible and high-quality station and development projects. It is critically important to reserve space for DISC rail alignment because heavy rail tracks are the least flexible element in a station design effort. Heavy rail lines can be brought to and through an urban environment in limited ways.

Caltrain supports the City's development goals and recognizes the City must make development decisions in the near term. Caltrain is also satisfied that an acceptable future rail envelope can be defined to allow for the advancement of near-term land-use decisions while also preserving the ability to deliver the DISC program in the future. However, without appropriate acknowledgment of, and accounting for, future rail needs, Caltrain is concerned that we cannot adequately assess the following:

- The DTW project's potential to prohibit Caltrain's Business Plan from being realized due to the build-out of the DTW project in conjunction with all adopted rail agency documents.
- The potential for future rail service disruption due to DTW construction.
- The potential for significant rail agency cost escalation due to the DTW build-out, which may jeopardize or delay the realization of DISC and adopted agency planning documents.
- The potential delay or down scoping of expanded rail facilities and services contemplated in DISC or other adopted rail plans. The potential for future community and land impacts as design and construction approaches are revised to address new space constraints. In other words, the construction of transit facility improvements contemplated in adopted documents may become much more difficult when proposed in a constrained space, resulting in additional impacts.

Account for the Plazas included in the DISC Concept Layout

The DISC Concept Layout mutually accepted by Partner Agencies in 2020 also includes plazas that extend across Cahill Street. While the exact placement and size of the plazas are not finalized, they are intended to welcome people to Diridon Station and San José by being wayfinding gateways, right-sized stages for public life, and transition zones between travel and city life. *Figure 6.3: Street hierarchy by General Plan street typology* in the DWDSG (p. 245) proposes Cahill Street as a Local Connector, which prioritizes all modes equally and, accordingly, does not prioritize pedestrians. The Partner Agencies request that the typology for Cahill Street be updated in *Figure 6.3: Street hierarchy by General Plan street typology* in the DWDSG (p. 245) to a typology that reflects pedestrian priority to better phase for the plazas envisioned in the DISC Concept Layout. The Partner Agencies also request that the City of San José and Downtown West continue to collaborate with the Partner Agencies regarding Cahill Street's future, including decisions regarding typology assignment that reflects pedestrian priority and subsequent decisions regarding design and function of the street and adjacent development.

Account for DISC by accounting for Connections Across Tracks

Figure 2.8 Enhanced Connectivity Network in the DWDSG (p. 37) does not show all connections to adjacent neighborhoods that exist today and will be enhanced by DISC. The Partner Agencies request that all connections across the tracks that connect the Downtown West development to surrounding neighborhoods be shown in this diagram. Additionally, the documents should be accordingly updated to account for this change. The documents should show connections that exist today (e.g., San Fernando, San Carlos, and Julian streets) and the proposed enhancements when DISC is implemented, and the tracks are elevated.

Response G.5

Figure 2.8 of the Downtown West Design Standards and Guidelines has been updated to show existing connections to adjacent neighborhoods but not the proposed enhancements that would result from the DISC process. Regarding Cahill Street, as explained in Chapter 1, *Introduction*, of this First Amendment, the portion of Cahill Street between West Santa Clara and West San Fernando Streets—between the project site and Diridon Station—is no longer part of the project site. Also refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*. It is noted that, under CEQA, project impacts are analyzed in comparison to the existing setting. Because the DISC process has neither been approved nor implemented, the project could have no adverse effect, for CEQA purposes, on the DISC plan. As noted in Master Response 1, design for the new Diridon Station is still in the preliminary stages, and changes to the tracks and the station are not part of the Downtown West Mixed Use Plan. However, long term plans—including Downtown West and DISC—are represented in the amended Diridon Station Area Plan (DSAP).[50] This includes connections that exist today and how they would be enhanced when the tracks are elevated, as well as potential new connections.

Comment G.6

Project Description (Chapter 2)

CEQA requires that an EIR describe the project's technical, economic, and environmental characteristics (Guidelines § 15124(c).) Although this EIR provides a conceptual land use plan that shows the general location of planned development (see Figure 2-3), the EIR provides no details about the specific orientation, location, size, or layout of physical structures proposed for construction. In other words, the EIR essentially provides an impacts envelope and worst-case-scenario environmental effects but does not provide specific details about the project description.

Unfortunately, without these details, Caltrain and other members of the public cannot fully understand the project's potential environmental effects. There is no way for Caltrain to determine whether structures will be oriented or clustered in a manner that will exacerbate effects on traffic, circulation, hydrology, utilities, or other aspects of the physical environment on Caltrain property or rail right-of-way. Without any specific information about those activities' location and scope, it is difficult to determine the extent and severity of potential impacts to public transit infrastructure. It is also impossible to formulate realistic mitigation measures (e.g., tiebacks) to prevent or minimize potentially significant impacts from grading, excavation, shoring, or other subsurface construction activities.

According to the DEIR and process laid out by the City, further discretionary review is not required to construct buildings consistent with the plan and EIR. Consequently, there will be no additional opportunities for the public to review and understand potential impacts. Therefore, Caltrain respectfully requests that project-level details be added to the project

[50] See the City's Diridon Station Area Plan webpage for additional information concerning the DSAP amendment process, including the draft DSAP Amendment and the Initial Study/Addendum to the Downtown Strategy 2040 EIR: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/area-plans/diridon-station-area-plan.

description. This addition will allow Caltrain to comprehensively analyze potential impacts on Caltrain property, public transit infrastructure, and current and future rail operations.

Chapter 3: Land-Use

Caltrain requests responses to the following sections, most of which relate to the lack of a detailed project description and/or the need to address transit capacity.

3.0 – Land Use

CEQA guidelines state that an "EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." The project description does not show setbacks or the precise location of the proposed residential development. It is therefore challenging to determine consistency with General Plan Policy CD-5.9, which requires the City to work with developers to "design development that is proposed adjacent to railroad lines to provide the maximum separation feasible between the rail line and dwelling units …" (See EIR at p. 3.9-38). The EIR should be revised to provide a more detailed and informative project description.

Response G.6

Refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description,* and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*.

Regarding placement of residential units proximate to railroad tracks, as explained on Draft EIR page 3.1-1, an EIR "is generally not required to consider potential effects of the environment on a project's future users or residents." This is because CEQA does not generally require analysis of the "effects of the environment on a project." Nevertheless, the San José General Plan and City codes include policy direction to minimize the effects on new residents of existing noise, such as railroad noise. The Draft EIR includes air pollutant emissions resulting from rail operations in its analysis of cumulative health risks (Impact C-AQ-2, page 3.1-46); the effect was determined to be significant and unavoidable for off-site child receptors from exposure to fine particulate matter ($PM_{2.5}$), an impact to which rail operations make a minimal contribution. The Draft EIR also includes rail noise in a non-CEQA analysis in Impact NO-4 (page 3.10-54) as well as in cumulative impacts C-NO-1 (page 3.10-57) and C-NO-4 (added in this First Amendment to page 3.10-66). All of these impacts were found to be less than significant. Moreover, as stated on Draft EIR page 3.10-17, Building Code requirements establish residential interior noise levels; these noise standards, enforced by the City of San José, would ensure that residents of new dwelling units on the project site, including proximate to the rail tracks, would not be subject to adverse noise levels. Accordingly, development of residential units on the project site close to existing rail tracks would not result in any adverse physical effects under CEQA, and the effect would be less than significant, regardless of conformity with specific General Plan policies.

Refer also to Response FF-2 regarding the Draft EIR's cumulative health risk analysis.

Comment G.7

3.5 – Geology and Soils

The EIR concludes that "impacts of the proposed project related to unstable soils and their associated hazards would be less than significant" with the implementation of Mitigation Measure GE-3 ("Geotechnical Report"). (EIR at p. 3.5-24.) That report measures the preparation of grading and drainage plans for each proposed building or other improvements and is reviewed and approved by the City of San José's Director of Public Works. As noted above, this is a ministerial review, not a discretionary or public review process. Therefore, this future review does not allow neighboring property owners to review the grading or drainage plans. Also, there does not appear to be a process in place if an adjacent property owner determines the grading and drainage plans do not effectively mitigate potential impacts.

Response G.7

Inclusion of Mitigation Measure GE-3 in the Draft EIR emphasizes a process that is already a requirement of the California Building Code, namely the requirement for construction methods and foundation designs to be based on recommendations of a geotechnical report prepared by a qualified engineer. As a code requirement, the process of receipt and review of the geotechnical report and its recommendations are appropriately ministerial, and its inclusion in the EIR and the Mitigation Monitoring and Reporting Program (MMRP) provides for an added level of oversight by City reviewers. Site-specific geotechnical and liquefaction reports would be reviewed as part of the San José Public Works Department's grading and drainage plan review and approval, prior to the issuance of a Grading and Drainage Permit. The City Geologist would include any conditions and requirements based on the findings of the report(s). Because Grading and Drainage Permits allow for the imposition of conditions of approval, these permits are considered discretionary, not ministerial. Moreover, given the scope of this project, City staff would forward Grading and Drainage Permit Applications to public agencies with adjoining properties, such as Caltrain, for review prior to City approval.

Additionally, as explained in Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, the subsequent approval process for individual developments on the project site would include a public hearing process.

Comment G.8

3.8 – Hydrology and Water Quality

The EIR concludes that the project will not substantially increase the rate or amount of surface runoff in a manner which would result in on-site or off-site flooding because "Mitigation Measures HY-1 and BI-1a [will] protect waterways and limit or minimize erosion, runoff, and/or siltation on-site or off-site." (*See the* analysis of Impact HY-3 at pp. 3.8-32 through 3.8-33.) These mitigation measures will undoubtedly help reduce the significance of impacts associated with pollutant discharges. Still, they do not provide specific design standards that mitigate incidental stormwater runoff or flooding at off-site locations (including the Caltrain right of way). We respectfully request that the EIR be revised to include additional mitigation measures that ensure all on-site stormwater runoff is channelized and directed away from sensitive infrastructure adjacent to the Project site.

Response G.8

As required by the City of San José and Santa Clara County (i.e., permittees for the Municipal Regional Permit [MRP]) the project has developed design standards that are part of the stormwater control plan to limit runoff, which will be implemented for the project. As the project is required to comply with the conditions in the MRP and will implement low impact development standards and demonstrate run off control, reduce turbidity, and protect waterways, no additional mitigation, or change to the mitigation identified in the EIR, is required. The design standards to mitigate incidental runoff are incorporated into the project's design (refer to Section 10.3, *Stormwater Management*, within Draft EIR Appendix K, *Infrastructure Plan*). The project, including proposed design measures for stormwater management and the project's stormwater control plan, will be reviewed and considered for approval by the City as part of its discretionary review of the project. Additionally, as stated in Response G.7, the San José Public Works Department would conduct site-specific Grading and Drainage review for subsequent development on the project site and would include any appropriate conditions and requirements to avoid stormwater runoff affecting sensitive infrastructure. Also refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*.

Comment G.9

3.10 – Noise and Vibration

General Plan Policy EC-2.1 requires noise impacts to be mitigated when new development is close to rail lines: "Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration-sensitive uses would not exceed these guidelines." (EIR p. 3.10-22.) Here, because the project description does not reveal the precise location of new buildings, it is impossible to determine the full severity of noise impacts and the full extent of mitigation required to address these impacts.

Response G.9

Although the potential effects of the environment on a proposed project are not required to be analyzed or mitigated under CEQA based on a California Supreme Court ruling,[51] an analysis of existing noise and vibration effects on the project is included to provide information to the public and decision-makers and to comply with General Plan policies (Draft EIR Impacts NO-4 and NO-5, pages 3.10-54 through 3.10-57).

The commenter is correct that setbacks of residential land uses are not yet specified in the site plans for the proposed project; the EIR conservatively assumes development to the property lines for all new construction, which does not account for setbacks that would be required, pursuant to the Downtown West Design Standards and Guidelines, at upper levels of larger new buildings,

[51] *California Building Industry Association v. Bay Area Air Quality Management District* (December 17, 2015) 62 Cal.4th 369.

proximate to certain historical resources, and in other specified instances. As a Planned Development Condition of Approval, a Vibration Reduction Plan is identified to establish a performance standard by which the non-CEQA vibration impacts of the existing environment on the project may be avoided.

Comment G.10

The EIR characterizes the impacts of rail lines on proposed residential development as a "non-CEQA significant impact." Consequently, due to the assumed non-applicability of CEQA to receptors introduced by the project, the EIR does not include the typical cumulative noise impact analysis. The noise technical report states: "cumulative non- CEQA noise and vibration impacts of future rail operations are speculative." We respectfully disagree that the impacts are too speculative to analyze. The EIR should use reasonable assumptions based on the DISC recommended concept layout to disclose the range of potential noise impacts on proposed developments and parks. This disclosure of the anticipated future noise environment adjacent to rail lines is integral to the appropriate local review of a project that will add 5,900 residential units to the study area. Relying on the City's interior noise standard for residential development to address the issue after the CEQA process is complete is not appropriate since the analysis at the final building permit review stage will not be subject to a public review process. The DEIR also does not address the issue of noise exposure outdoors in open space areas, parks, and balconies associated with the proposed development.

Response G.10

The commenter is correct that the cumulative noise analysis in the Draft EIR does not address the Diridon Integrated Station Concept (DISC) Plan, as specific details of this plan necessary for a cumulative noise analysis are not presently available. As stated in Section 2.1.8, *Planning Context*, on Draft EIR page 2-4, the City's participation—along with Caltrain, the California High-Speed Rail Authority, and the Santa Clara Valley Transportation Authority (VTA)—in the DISC Plan is an evolving process. This process will evaluate how to expand and redesign Diridon Station as a world-class center of transit and public life that provides intermodal connections and integration with the surrounding neighborhoods.[52]

As stated on Draft EIR page 3-11, there are two major projects relevant to the EIR that are not fully funded or approved—the DISC and the California High-Speed Rail projects—and the current status and planning of these projects are therefore discussed in the Draft EIR at a high level. Therefore, the following text addition is made to the end of Draft EIR page 3.10-66, following the last paragraph:

[52] The DISC Plan is not a land use plan. Instead, the plan will include a physical layout showing how the various track and station elements will fit together and relate to the surrounding neighborhood and a governing structure to implement the vision for the station and operate the station in the long term.

***Impact C-NO-4: The proposed project would make a less-than-significant considerable contribution to exposure of people to potential future increases in rail noise.* (Less than Significant)**

As explained on page 3-11, there are two major projects relevant to this EIR that are not fully designed, funded, or approved and do not yet provide sufficient detail to be included in a quantitative cumulative noise analysis: the California High-Speed Rail Project and the Diridon Integrated Station Concept (DISC) Plan, the current status and planning of which are therefore discussed at a high level.

As stated in Section 2.1.8, *Planning Context*, on page 2-4, the City's participation—along with Caltrain, the California High-Speed Rail Authority, and the Santa Clara VTA and the Metropolitan Transportation Commission—in the DISC Plan is an evolving process that will evaluate how to expand and redesign Diridon Station as a world-class center of transit and public life that provides intermodal connections and integration with the surrounding neighborhoods. Available data consist of a Conceptual Layout Figure presented to the San José City Council in 2020. This option would elevate the entire (new) Diridon Station and the track approaches both north and south of the station, as opposed to the High-Speed Rail preferred alternative, which would keep tracks at grade. Elevating train operations would result in a greater distance to ground-level receivers, but elevated receivers (i.e., multistory residential structures) would be exposed to essentially the same rail noise levels that ground-level receivers currently experience. As a practical matter, the modest changes in diagonal distance provided by the elevated structure under the DISC proposal are not anticipated to meaningfully increase noise levels for new proposed receptors of the proposed project. Therefore, the cumulative exposure of people to potential future increases in rail noise would be **less than significant**.

Mitigation: None required.

With respect to the commenter's concerns regarding exterior noise assessment, the analysis of the Draft EIR addresses noise impacts from stationary sources on pages 3.10-29 through 3.10-44 using exterior noise standards that would apply to residential balconies and assesses the potential noise impacts from increases in traffic on pages 3.10-55 through 3.10-40, which are considered in terms of increases in exterior noise level, which would also apply to residential balconies. As stated on page 3.10-12, residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, and auditoriums generally are more sensitive to noise and are the receptors of concern for the noise analysis. Although parks and public open spaces are not considered noise-sensitive land uses by the City, potential project-related noise and vibration effects on biological resources in open space adjacent to the Los Gatos Creek are discussed in Section 3.2, *Biological Resources of the Draft EIR.*

Comment G.11

Chapter 3: Transit Capacity & Transportation Demand Management

3.1 – Air Quality

The project will implement Mitigation Measure AQ-2h: Enhanced Transportation Demand

Management (TDM) Program to mitigate air quality impacts. (See also analysis of Impact AQ-2.) This mitigation measure will encourage individuals working and living at the Project site to utilize public transportation, including Caltrain's system. The EIR ultimately concludes that projected future Caltrain capacity will be sufficient to accommodate future Project users because increased ridership will not exceed Caltrain's comfortable crowding level of 135 percent of maximum capacity. Specifically, cumulative build-out levels, Caltrain's maximum will be 132 percent. (See Appendix J2 at pp. 139-140; see also EIR at pp. 3-13.33 through 3-13.35.).

The EIR must address the following two issues related to the 135% "comfortable crowding" level:

First, and most importantly, the 135% threshold is not an adopted Caltrain threshold or standard. While it has been used for certain illustrative planning purposes, it is not an appropriate measure in the context of an EIR. We request that City transportation staff and your consultant team work closely with Caltrain staff to determine the appropriate threshold to use within the EIR. When the appropriate threshold is selected, the TDM analysis should be revised to determine if Caltrain will have the capacity to support this development. Also, the Air Quality analysis, and any other technical analysis that relied on the TDM Program and 135% threshold, must be revised.

Secondly, historically, Caltrain ridership is not evenly distributed throughout the day or across all trains. The EIR analysis assumes the perfect spreading of demand across all peak trains. This spreading is an unrealistic assumption in practice, and Caltrain has documented that demand is typically not spread evenly. For example, in its March 2019 Business Plan, Caltrain showed that "Baby Bullet trains are usually beyond their seated capacities (averaging 115%), while Limited trains are typically near capacity (averaging 92%)." (Business Plan at p. 52.). As with the point above, we request that City Transportation staff and your consultant team work closely with Caltrain staff on this issue. The EIR's analysis should be refined to determine whether express trains can accommodate increased ridership after the cumulative Project build-out. This refined analysis will allow decision-makers and the general public to determine whether Mitigation Measure AQ-2h is feasible and whether additional mitigation is needed.

Response G.11

Refer to Section 3.2.7, *Master Response 7: Non-CEQA Issue—Transit Demand*.

Comment G.12

3.6 – Greenhouse Gas Emissions

To mitigate impacts associated with greenhouse gas emissions, the project will implement Mitigation Measure AQ-2h: Enhanced Transportation Demand Management Program. (EIR at p. 3.6-66.) As noted above in our comments regarding air quality impacts, it is unclear whether Caltrain will have sufficient capacity to accommodate anticipated future ridership on express trains. Additional research is needed to determine the feasibility of this mitigation measure.

3.13 – Transportation

As noted above in our comments regarding air quality impacts and Greenhouse Gas Impacts, it is unclear whether Caltrain will have sufficient capacity to accommodate anticipated future ridership. Additional research is needed to determine the feasibility of this mitigation measure. (See EIR at pp. 3-13.33 through 3-13.35.)

Response G.12

Refer to Section 3.2.7, *Master Response 7: Non-CEQA Issue—Transit Demand*.

Comment G.13

Los Gatos Creek Bridge Replacement Mitigation Area

Caltrain's NOP comments noted that a compensatory mitigation site is located within the JPB right-of-way at the Los Gatos Creek Railroad Bridges. Residential development on Block H3 proposes buildings of up to 290 feet tall on this site, which may result in adverse impacts relating to shading of riparian vegetation. DEIR Appendix L: Shadows Analysis is focused on major parks and does not disclose the extent of shading on JPB's mitigation site or the Los Gatos riparian corridor. Section 3.2 of the DEIR identifies a significant adverse impact on riparian vegetation related to shading from new buildings. However, the discussion is very general, and the degree of impact to specific areas of the Los Gatos Creek riparian corridor cannot be ascertained. We request that the Appendix L shadow analysis be expanded to include a quantitative assessment of the extent of shadows on the JPB mitigation area during each analysis time period and how the shading would affect the riparian vegetation success. JPB is legally required by permit conditions to ensure the mitigation plantings remain successful.

Figure 2-7 of the DEIR shows parkland described as the "Los Gatos Creek Connector," and the text describes this as the location for a multi-use trail. However, no trail is shown in this location in Figure 2-7 adjacent to Block H3. Please clarify the intended use of the Los Gatos Creek Connector adjacent to Blocks H3 and H2 and whether a trail would be located in this area.

Response G.13

The comment refers to Caltrain's planting of riparian vegetation on both the east and west banks of Los Gatos Creek to the north and south of a replacement rail bridge that Caltrain constructed over Los Gatos Creek, just south of West San Carlos Street, in 2017. The planting was required as mitigation for that bridge project. In particular, the mitigation planting area on the east bank of Los Gatos Creek north of the bridge is immediately adjacent to Blocks H3 and H5 (as revised herein) of the proposed project, where the height limit is proposed to be increased to 290 feet. The Caltrain mitigation planting areas extend north to approximately West San Carlos Street and south to approximately Font Terrace (located west of the creek).

Shadow on the Caltrain mitigation planting areas is depicted in the project shadow analysis (Draft EIR Appendix L, in Sheets 15 and 16 (March, 10:00 a.m. and 12:00 noon), 25 and 26 (June, 10:00 a.m. and 12:00 noon), and 35 (December 10:00 a.m.). As explained on Draft EIR

page 3.9-29, the City considers shadow impacts to be significant if a project would add new shadow to 10 percent or more of the area of one of six major Downtown parks (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park). (It should be noted that shadow is not included in CEQA Guidelines Appendix G as a topic that is normally considered as part of a CEQA analysis. Instead, the City has independently added shadow on Downtown parks to its CEQA analysis topics.) The Caltrain mitigation planting area is not depicted on the figures in the project shadow analysis in Appendix L because it is not within the boundaries of the six major parks requiring analysis under the significance criterion. For clarification, the figure below depicts the general location of the mitigation planting area on an enlarged portion of Sheet 15 of Appendix L. As can be seen in the figure, the proposed project would cast shadow on mitigation planting areas on both the east and west banks of Los Gatos Creek at 10:00 a.m. on the spring equinox in March. The mitigation planting area on the east bank of the creek northeast of the Caltrain tracks would be fully shaded, but much lesser areas would be shaded on the west bank and project shadow would not fall southwest of the Caltrain tracks. (Conditions at the fall equinox would be similar.) Shadow effects on the mitigation planting area at 10:00 a.m. on the summer solstice in June would likewise be similar because, while the shadow would fall in a more westerly direction, the sun would be higher in the sky and therefore the shadows would be shorter. At the winter solstice in December, shadow at 10:00 a.m. would be essentially parallel to the Caltrain tracks and therefore would fall on only about half of the mitigation planting area on the east back and on the small area of mitigation planting on the west bank northeast of the Caltrain tracks.

Throughout the course of the year, the project would cast new shadow on portions of the Caltrain mitigation planting area before about 12:00 noon in December, before about 1:00 p.m. in March and September, and before about 2:00 p.m. in June. Thus, no project shadow would fall on the mitigation planting area during approximately half the day, year-round. The greatest project shadow coverage on the mitigation planting area on the west bank of Los Gatos Creek would occur around the

General Location of Caltrain Mitigation Planting Area;
Shadow Depicted at 10:00 a.m. on Spring Equinox (March)

summer solstice, when the sun rises in the east-northeast and therefore shadow would be cast south-southwest, towards the west bank mitigation area. Immediately after sunrise, most of this area would be shaded, although the sun moves quickly to the south and shadows therefore would move to the north.

As stated on Draft EIR page 3.2-64, the impact on riparian habitat from shading by adjacent buildings would be potentially significant. Mitigation Measure BI-2c, Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature, would require monitoring of riparian vegetation shaded by the project for 15 years. The measure includes a performance standard that establishes limits for loss of riparian vegetation and native species and would require habitat enhancement measures if monitoring detects a loss of vegetation beyond the permissible limit(s). This measure would apply to the Caltrain mitigation planting area.

This comment requests clarification on the use of the Los Gatos Creek Connector and whether a trail would be included. As shown in Section 4.12 of the Downtown West Design Standards and Guidelines (Draft EIR Appendix M), the Los Gatos Creek Connector would include a walking path to provide access to and from neighborhood amenities, adjacent streets, and mid-block passages.[53] The walking path would not be part of the Los Gatos Creek trail, but would provide an additional path that connects to the creek trail. It would be adjacent to Blocks H3, H5, and H6 (as revised herein) and would not be within the riparian corridor.

Comment G.14

New Section 4(f) Parkland Properties

The Proposed Project includes creating several new public parks and recreational facilities adjacent to Caltrain property: Los Gatos Creek Park, St. John Triangle, and Northend Park (DEIR Figure 2-7). The presence of such parkland presents a potential barrier to potential future track capacity expansion or realignment because of the protections afforded such properties under Section 4(f) of the Department of Transportation Act. Most Caltrain capital projects include U.S. DOT funding sources triggering substantive requirements in Section 4(f), which prohibit parkland use unless there is a feasible and prudent avoidance alternative or certain limited exemptions can be found to apply. Even if no permanent acquisition is required from the parks, minor temporary access through the parks for constructing a capital project within the right-of-way triggers Section 4(f) coordination and cost burdens to JPB. The new parks could also be an obstacle to implementing the Diridon Integrated Station Concept Plan (the EIR acknowledges consistency with the DISC plan has not been assessed). To address this issue, JPB recommends that the City coordinate with the DISC partner agencies to estimate the potential footprint of future rail improvements and to reserve land in each park to account for these requirements, including possible temporary construction access requirements. This approach would satisfy the "joint planning" exemption from Section 4(f) and allow critical infrastructure investments to proceed unimpeded (see 23 CFR 774.11(h)). The

[53] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

coordination must occur before the parkland is formally dedicated, and the details of the reserved land must be documented in a written agreement as a public record.

Response G.14

The commenter's request that the City coordinate with the DISC partner agencies to reserve land on portions of the project site that are proposed as open space for permanent transportation improvements and temporary construction access is acknowledged. The commenter refers to Section 4(f) of the Department of Transportation Act as the basis for the request. Under Section 4(f), in order to obtain funding from or an approval by an agency of the U.S. Department of Transportation, it must be determined that there is no feasible and prudent alternative that avoids using certain types of protected properties, including publicly owned parks. There is an exemption to Section 4(f) if the protected land (here, parks) is reserved for a future transportation facility. The commenter's request is to identify the location of future rail improvements and temporary construction areas so they can be reserved and thus exempt from Section 4(f). According to the comment, the reservation must occur before the parkland is formally dedicated. Because this comment addresses potential issues relating to the funding and approval of a different adjacent project, it is not a comment on the adequacy of the EIR and no further response is needed.

The commenter requests that the City coordinate with the DISC partner agencies to reserve land on portions of the project site that are proposed as open space for permanent transportation improvements and temporary construction access. The commenter refers to Section 4(f) of the Department of Transportation Act as the basis for the request. Under Section 4(f), in order to obtain funding from or an approval by an agency of the U.S. Department of Transportation, it must be determined that there is no feasible and prudent alternative that avoids using certain types of protected properties, including publicly owned parks. There is an exemption to Section 4(f) if the protected land (here, parks) is reserved for a future transportation facility. The commenter's request is to identify the location of future rail improvements and temporary construction areas so they can be reserved and thus exempt from Section 4(f). According to the comment, the reservation must occur before the parkland is formally dedicated. Because this comment addresses potential issues relating to the funding and approval of a different adjacent project, it is not a comment on the adequacy of the EIR and no further response is needed.

Although not a CEQA issue, for disclosure purposes, additional information is provided. The proposed project includes approximately 15 acres of open spaces (parks, plazas, trails, mid-block passages, semi-public spaces, and riparian buffers and corridors). Approximately 4.8 acres of the total space would be dedicated to the City for public parks and trails, and approximately 10.2 acres would be owned by Google and managed by a third party. The 4.8 acres of City-dedicated parkland and trails would include about 0.5 acres of land for the Los Gatos Creek Multi-Use Trail within the project's Los Gatos Creek East and Los Gatos Creek Park, while the remaining 4.3 acres would be located in Northend Park (approximately 0.9 acres, or just under half of this open space); St. John Triangle (about 1.5 acres, or 80 percent of this open space); the Social Heart (about 0.6 acres, or 80 percent of this open space); Los Gatos Creek Park (about 0.4 acres, or 15 percent of this open space); and the Los Gatos Creek Connector (about 0.9 acres, or 65 percent of this open space). Of the 10.2 acres of project applicant-owned open space,

approximately 4.2 acres would be designated as permanent parkland with a public access agreement (restrictive covenant) in perpetuity. Also permanently publicly accessible would be about 2.5 acres of riparian setback and about 0.4 acres of riparian corridor within the project site. In total, approximately 7 acres of the 10.2 acres of applicant-owned open space would be subject to these covenants to ensure permanent public access. The remainder of the open space would consist of semi-public open space (1.8 acres) and mid-block passages (1.4 acres).

As explained in Chapter 3, *Environmental Setting, Impacts, and Mitigation*, the Draft EIR analyzes the proposed project's potential impacts on the existing environment as of the time the NOP was issued, and it considers potential impacts of the project in isolation and in combination with cumulative projects. At this time, the DISC planning process remains at an early, conceptual stage and future track alignments have not been determined, so the relationship of parks to the future rail alignment is not known. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, for more discussion of the DISC process and coordinated planning around Diridon Station. The commenter acknowledges that the rail footprint has not yet been identified and requests that the City coordinate with the DISC partner agencies on this parkland issue. As stated in Master Response 1 and in the Draft EIR, the project applicant has been coordinating with the DISC partner agencies, including Caltrain and the City of San José. Going forward, this coordination will continue, including with respect to any land acquisition—whether temporary or permanent—that may be required to facilitate implementation of the DISC plan. This issue can continue to be reviewed in that ongoing dialogue, but it does not relate to environmental impacts, so nothing further is required for CEQA purposes. Outside of the environmental process, the City, Caltrain, and the project applicant would continue to work to avoid or minimize future Section 4(f) issues, as recommended by Caltrain.

H. City of Santa Clara (12/8/20)

Comment H.1

The following comments are provided following our review of the DEIR.

Inaccuracies in Appendix J1, Table 2

Existing uses in Table 2 in Appendix J1 differ significantly from information provided elsewhere in the DEIR. It shows 2,436 existing residents and 4,078 existing jobs. However, the rest of the DEIR states that there is only one occupied residence and approximately 650 jobs on the Project site currently. This should be revised to be consistent with the rest of the DEIR, and the FEIR should clarify whether these corrections alter other transportation related analyses.

Response H.1

As explained on page 38 of the Transportation Analysis (Draft EIR Appendix J1), the City's Travel Demand Forecasting Model uses inputs at the traffic analysis zone (TAZ) level. Because the boundaries of the TAZs that encompass the project site do not match the boundaries of the project site, they also include areas outside of the project site itself. This is the reason that the existing conditions analysis includes some parcels that are located outside of the project boundary. However, the difference between the Existing and Existing plus Project scenarios

shown in Table 2 on page 39 of the Transportation Analysis represents the net change resulting from project development and, therefore, accurately captures the increase in residents and jobs that would result from implementation of the proposed project as compared with existing conditions at the TAZ level.

Comment H.2

Project Trip Generation Analysis

Appendix J2 incorrectly and inconsistently characterizes Project growth under LTA Phase 1. Tables 5 and 10 both provide the Land Use Summary for LTA Phase 1 and Buildout. Table 11 then provides the LTA Phase 1 Person Trip Generation figures based on the amount of development assumed for LTA Phase 1 under Table 5. LTA Phase 1 corresponds with Scenario 2b which includes "traffic generated by the level of development constructed prior to the completion of BART to Diridon." (Appx. J2, pp. 39, 50, 95.) As more explicitly explained on page 96: "The LTA analysis phases differ from the Project phases. LTA Phase 1 includes Project phases 1 and 2." Therefore, for LTA Phase 1, Tables 5, 10, and 11 should reflect the amount of development associated with Project Phase 1 and Phase 2, but they do not. Table 10 only reflects Project Phase 1 growth; it includes no portion of Project Phase 2 growth although much of Project Phase 2 will be completed prior to completion of the BART extension. Table 5 (and thus Table 11) appears to include a portion, but not all, of the corporate accommodations and commercial space to be constructed during Project Phase 2. However, the number of residential units shown is less than those that will be completed during Project Phase 1. By underrepresenting Project development that will occur prior to completion of BART Phase 2, the analysis underestimates the number of gross person trips generated by the Project under Scenario 2b. As a result of this underestimation, the Scenario 2b analyses do not represent the full impact of Project growth on transit and congestion. Thus, these tables and related analyses must be corrected. If the updated analyses demonstrate there will be significant impacts to transit, the DEIR must be recirculated.

Response H.2

The Local Transportation Analysis (LTA) (Draft EIR Appendix J2) evaluates intersection operations for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). Table 10 on page 96 of the LTA includes the correct land use information reflective of Phase 1 of the LTA. Footnote 1 in Table 10, along with the text on page 96 is revised to clarify that the Phase 1 land uses evaluated in the LTA are consistent with Phase 1 of the project, as shown in Table 2-3 on Draft EIR page 2-67, and the Buildout scenario includes all three project phases.

As discussed in Chapter 2.3 of the LTA, Scenario 2b (Background Plus Phase 1 Project Conditions), includes traffic generated by the level of development constructed prior to completion of the BART extension to Diridon Station, which is expected to be operational in 2030. Draft EIR pages 2-66 to 2-71, Chapter 2, *Project Description*, identifies the horizon years for the project phases. For Phase 1 it is 2021 through 2027, for Phase 2 it is 2025 through 2031, and Phase 3 it is 2029 through 2031. Phase 1 of the project is most closely aligned with the

horizon year of 2030 and was selected for the analysis of Scenario 2b. In addition, Phase 1 represents just over half of the project's development potential, and therefore provides useful information on the incremental effects of the proposed project on the transportation system. The Phase 1 analysis was conducted for informational purposes and is not required for purposes of CEQA based on guidance provided by the City's Transportation Analysis Handbook.[54]

The land use information in Table 5 of the LTA has been updated to reflect the correct land use information for Phase 1. For Table 11, the person trip information presented for Phase 1 is correct, but text changes have been made to the table to reflect the correct land use information. These updates do not affect the analysis or conclusions provided in the LTA.

Comment H.3

Regional VMT: The DEIR determined employment VMT significance based off a 15 percent reduction in regional per employee VMT. The City of Santa Clara maintains that for projects of this size, the City of San José (San José) should consider whether a more stringent threshold should be applied given the fact that 15 percent VMT reductions may prove inadequate for the State to achieve its climate goals. However, the City of Santa Clara recognizes that the Google Project's per employee VMT is projected to be approximately 32 percent lower than the regional average and thus would adequately contribute to the State's ability to meet its climate goals.

Response H.3

The City's VMT thresholds, as established by City Council Policy 5-1,[55] are consistent with statewide guidance[56] as well as thresholds selected by other urban Bay Area jurisdictions (i.e., San Francisco, Oakland). As noted by the commenter, the proposed project's VMT would be far lower than the City's threshold.

Comment H.4

Limited-term corporate accommodations VMT: The VMT analysis is unclear with respect to the limited-term corporate accommodations. Please clarify whether this use was included in the Project VMT analysis and the Cumulative VMT analysis. Additionally, please clarify whether it was evaluated as a residential use. It is likely this use would result in a lower per capita VMT than a permanent resident. Persons staying in the corporate accommodations would most likely only need to commute to a workspace on the Project site, allowing them to commute by foot. Further, they would be more likely to rely on transit or services like Lyft or Uber—which were not analyzed in the transportation analyses—than by personal vehicle like a permanent resident. Factors such as these would result in a low VMT and, if wrapped into the residential per capita VMT calculations, would improperly skew the residential VMT

54 City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.
55 https://www.sanjoseca.gov/home/showpublisheddocument?id=28459.
56 Governor's Office of Planning and Research, *Technical Advisory on Evaluation Transportation Impacts in CEQA*, December 2018. Available at: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

projections downward. Accordingly, if they were included in the residential VMT, the City of Santa Clara requests that analysis be rerun to only include permanent residents.

Response H.4

Limited-term corporate accommodations would provide short-term lodging for Google employees, consultants, vendors, contractors, or sponsored guests for no more than 60 consecutive days per individual; accordingly, this use is generally considered a non-residential use. However, since limited-term corporate accommodations are not a typical land use within the City's transportation model, these accommodations were treated in the VMT analysis as residential units with standard residential trip assumptions, based on the anticipated typical length of stay and type of stay (i.e., out-of-town employees would leave the corporate unit in the morning, go to a worksite on the project site, and return to the unit in the evening). This represents a conservative approach since, as noted by the commenter, the characteristics of limited-term corporate accommodations would generate a lower per capita VMT than permanent residences, because residents of the limited-term accommodations would be living and working at the project site and not traveling by vehicle for commuting purposes.[57]

As presented on Draft EIR page 3.13-39, the residential VMT for the project, which includes the limited-term corporate accommodations, is 7.93 miles, which is nearly 25 percent below the City's residential VMT per capita threshold of 10.12 miles. The unique characteristics of limited-term corporate accommodations would result in a lower number of vehicle trips than were accounted for in the VMT estimates; for this reason, the residential VMT per capita results are not improperly skewed downward but, rather, provide more-conservative (i.e., higher) estimates than are projected to occur (refer to Table 6 of Draft EIR Appendix J1).

Discussion of why the project would not result in an impact to transit service can be found in Section 3.2.7, *Master Response 7: Non-CEQA Issue – Transit Demand*.

Comment H.5

Event Space VMT: Appendix J1 concludes without analysis that the event space would have less than significant VMT. Analysis must be provided. The space will accommodate up to 2,000 people. Appendix J1 claims that most events would be targeted to onsite employees, meaning about 70 percent of attendees would already be in the Project area. However, that means as many as 600 people per event will be traveling from outside the Project area. VMT related to these attendees must be analyzed.

Response H.5

The two event centers, each with a capacity of 1,000 people, are proposed as an accessory land use to the office land use that would be primarily used by the project applicant's employees in

[57] As explained in Draft Chapter 2, *Project Description*, as revised herein in this First Amendment (see Chapter 4. *Revisions to the Draft EIR*). limited-term corporate accommodations would be used for lodging of company workforce, consultants, vendors, contractors, or sponsored guests for not more than 60 consecutive days and, unlike a hotel, would not be open to the public. Because of the short-term nature of employee occupancy, this would generally be considered a non-residential use.

day-to-day operations. Therefore, the event center is not anticipated to generate a substantial number of trips or VMT that are not already accounted for in the office VMT generation. Nonetheless, a qualitative VMT analysis was conducted for the event center uses and quantitative analysis is provided below. As discussed on Draft EIR pages 3.13-38 to 3.13-40, the tool used to perform the quantitative evaluation of project VMT is the City's Travel Demand Forecasting Model. However, due to limitations with that model, it could only be used to estimate the project's residential, office, and retail/hotel uses. For this reason, a qualitative analysis of project VMT generated by the proposed event centers, as described on Draft EIR page 2-20, was conducted based on the characteristics of their anticipated usage. External trips to the project site would vary based on the type of the event, though most events would be targeted towards on-site employees, and as a result most attendees (at least 70 percent) would already be at the project site and would not generate additional vehicle trips. The 70 percent assumption for on-site employees represents a conservative estimate when compared to a similar existing Google facility in Sunnyvale that, on average, attracts 89 percent of attendees from surrounding office buildings (i.e., on-site employees). Based on Google's existing facility, average event attendance is typically 50 percent of maximum facility capacity with roughly two events per week.

The 70 percent assumption means that 30 percent, or a maximum of 600 attendees, would travel to the event center from outside of the project site, conservatively assuming concurrent, maximum capacity events at both event centers. Conservatively assuming that all 600 off-site attendees would drive to the project site (i.e., not accounting for carpool, transit, walk, or bike trips) and that attendees would have similar travel characteristics as employees in San José (i.e., an average trip length of 14.37 miles per capita as stated in Table 2 of the City's Transportation Analysis Handbook),[58] then the 600 attendees would generate approximately 8,600 net new VMT (600 attendees multiplied by 14.37 miles). Accounting for the already on-site attendees, the event center would be expected to generate 4.3 VMT per attendee (8,600 net new VMT divided by 2,000 attendees). As noted above, the event center is considered to be an accessory use to the office development, and a VMT of 4.3 miles per employee is well below the City's threshold of 12.24 VMT per employee for office uses. Applying the same existing travel patterns observed from Google's campus in Sunnyvale, where, on average, 89 percent of event center attendees come from surrounding buildings, only 220 attendees (not 600) would travel to the event center from outside the project site. Applying the same methodology as outlined above for the 600 attendees, the VMT would be 1.6 miles per attendee if 89 percent of attendees were from surrounding office buildings (220 outside attendees x 14.37 miles / 2,000 total attendees = 1.6 miles).

With the conservative assumption that all 600 attendees that travel from outside the project site would drive alone, each attendee would need to travel at least 45 miles round-trip for the event centers' VMT per attendee to come close to the City's VMT threshold for office uses (600 outside attendees x 45 miles / 2,000 total attendees = 13.5 VMT per attendee). Thus, while the VMT for the event center was evaluated qualitatively in the Draft EIR, the approximate VMT per attendee, as demonstrated herein, would be low due to the tempering effect of a large number of

[58] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

attendees not generating net new VMT. Therefore, the Draft EIR's characterization of the event center impact on VMT (less than significant) is appropriate.

Comment H.6

Roadway Expansion VMT: The project is proposing new street connections and SB 743 clearly states the requirements for disclosing induced VMT, impacts to multimodal transportation networks, and impacts to potential mixed-use developments. The Transportation section 3.13 within the CEQA document discusses the VMT due to the project roadway modifications and states the impact to be less-than-significant based on a qualitative discussion without any analysis. The CEQA document should include a discussion that quantitatively discloses what the VMT impact of the proposed project would be related to the roadway network changes. The travel demand model used for the transportation analysis can also be used to quantify these impacts.

Response H.6

The project is proposing new street connections and street closures, all of which are intended to provide better internal circulation and not to increase vehicle throughput capacity or induce travel. The proposed new street connections would be constructed consistent with the Downtown West Design Standards and Guidelines (refer to Draft EIR Appendix M) and the City's Complete Streets Design Standards and Guidelines, which include street design principles to prioritize space for pedestrians and cyclists that support walking, biking, and public transit ridership with amenities to support non-vehicular choices to and from the project site, as well as limited right-of-way width to calm traffic.[59]

Adding a roadway link that greatly improves connectivity by providing drivers a shorter route in exchange for a longer one may, in select cases, reduce total VMT. However, because the project site and vicinity generally consist of smaller blocks, there are easily accessible alternate routes for vehicle travel. The project would both add and eliminate street segments, but they would represent relatively short segments and the basic street network would not differ substantially from existing conditions. Therefore, on balance, the roadway network changes (including new streets and removal of streets) would not be expected to meaningfully increase (or decrease) VMT, compared to conditions with the existing street network.

For example, the proposed two-way extension of Cahill Street between San Fernando Street and Park Avenue would be partially off-set by the proposed removal of the one-way segment of South Montgomery Street between San Fernando Street and Park Avenue. The proposed extension of Cahill Street from Santa Clara Street to Montgomery Street would allow for more direct access from the north at Julian Street to Diridon Station. All other proposed street modifications are relatively short and would not substantially affect circulation.

[59] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

The City's Travel Demand Forecasting Model was developed to evaluate travel demand citywide. The roadway network within the model generally only includes General Plan-designated roadways (those with a designated street typology [e.g., Grand Boulevard, On-Street Primary Bicycle Facility, Local Collector Street] in the *Envision San José 2040 General Plan*); other than the proposed Cahill Street extensions, the project's proposed street network changes would not directly affect General Plan roadways. Furthermore, the City's model is not sensitive enough to capture small roadway network changes. For this reason, the proposed roadway changes were evaluated qualitatively due to the model's input limitations. The internal circulation network would be further analyzed in the future focused LTAs (refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*). Nevertheless, it is reasonable to conclude, for the reasons described above, that these localized roadway changes would have minimal effect on VMT, and that the project's contribution to citywide and regional VMT has been adequately analyzed through the City's model.

Comment H.7

The DEIR states that the Google Project "would conflict with a transit-related program plan or policy if it would conflict with existing or planned transit services, or services or would decrease the performance or safety of such services." However, the DEIR fails to adequately analyze whether the Google Project would degrade the performance of transit services, which could in turn induce an increase in vehicle trips and related impacts.

Transit Supply and Demand: The Google Project is anticipated to lead to the direct generation of 31,198 jobs at full buildout, up to 5,900 residential units, and indirectly lead to the generation of another 80,000 jobs. However, the DEIR only provides a conclusory determination as to whether transit demand generated by the Project would exceed each transit provider's capacity and thereby avoids addressing whether mitigation is required. If the Project causes capacity to be exceeded, it may induce travelers to travel by vehicle including by services such as Uber or Lyft.

Rather than evaluate the impact of the Project on each route or transit provider, the DEIR aggregates Project demand for all VTA bus lines as well as the Monterey-Salinas Transit and Amtrak 17 Express by cardinal direction. Aggregating the demand obscures the extent of Project demand on each service and each individual line or route—minimal impacts on some routes would effectively cancel out significant impacts on other routes. Thus, each line and route should be analyzed separately to transparently reflect the Project's demand.

Further, the DEIR only provides a single analysis of the potential for the Project to exceed transit capacity—this is with respect to crowding on Caltrain. (Appendix J2, p. 140 [providing maximum load with and without the Google Project and analysis whether it exceeds the comfortable crowding level].)[1] For each other type of transit (VTA bus lines, VTA Light Rail,

[1] Additionally, this analysis appears inconsistent with the text of the DEIR. The DEIR states that the threshold for exceeding peak passenger loads is "120 percent of seated capacity for all transit modes except Express Bus, which is 100 percent of seated capacity." (DEIR, p. 3.13-34.) However, Appendix J2 inconsistently asserts crowding on Caltrain is acceptable up to 135 percent of capacity and thus finds 132% crowding is not excessive. (Appendix J2, pp. 139-140.)

Capitol Corridor, and Altamont Corridor Express), the Project's demand is only given in the number of riders or the percent of capacity that the Project will use. This information gives no indication whether the Project will contribute to capacity being exceeded on any route or line. For instance, while Appendix J2 admits that the Project may lead to mild to moderate crowding on VTA services during peak hours, it is not clear what level of crowding will exist or what the Project's contribution will be. As with Caltrain, the "Maximum Load Without the Project" and the "Maximum Load with the Project" must be provided to determine how severely the maximum load may be exceeded and to what extent the Project contributes to the exceedance. Additionally, where the Google Project contributes to an exceedance, it must identify feasible mitigation to reduce the impact.

Regarding Project demand on the Altamont Corridor Express, we further note that Table 36 does not match the text in section 5.2.6.5, which states that the Project is expected to generate around 350 new trips, representing approximately half of peak hour capacity. The corresponding column for buildout in Table 36 shows 254 trips and 39 percent of peak hour capacity.

The analysis of the Project's impact on BART notes that BART reaches its max load point in the Transbay Tube. First, this ignores that excessive crowding already exists on BART during peak hours many stops before the Transbay Tube and thus the Project will likely contribute to excessive crowding even if, as Appendix J2 asserts, most Project riders will alight prior to reaching the West Oakland Station. Additionally, by focusing on the Transbay Tube, it fails to analyze whether excessive crowding conditions may exist near the Diridon Station stop during peak hours. It is likely that a significant number of riders will pass through Diridon Station in either direction after BART Phase 2 is completed. If crowding conditions exist in either direction, it is unquestionable that the Project would contribute to those conditions.

Response H.7

Refer to Section 3.2.7, *Master Response 7: Non-CEQA Issue—Transit Demand*.

Concerning the discrepancy noted by the commenter in the LTA with respect to project demand on the Altamont Corridor Express, the second sentence of the paragraph beneath the heading, "5.2.6.5, Altamont Corridor Express" on LTA page 142 is revised as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

> At buildout, the Project is expected to generate around ~~350~~ 250 new trips in the peak hour and peak direction, representing around ~~half~~ 40 percent of peak hour capacity.

Comment H.8

Transit Delay (LTA): The Transit Vehicle Delay analysis only looked at intersection LOS impacts and excluded other impacts to transit delay such as dwell time. Because the Project will add a significant number of new passengers, it is likely to contribute to boarding delays which can create further system delays.

Further, there is no commitment to mitigate the impacts to transit delay. Appendix J2 states that transit signal priority and/or dedicated public service lanes have been identified as potential improvements to address transit delays. While Appendix J2 states that "the Project applicant will fund a study to evaluate the feasibility of a dedicated public service lane along Santa Clara Street/The Alameda between 17th Street and I-880," the DEIR states that the conditions of approval may require the Project applicant to provide "funding for the study of a dedicated bus lane and/or other transit speed improvements (queue jumps, signalization, etc.) within existing right-of-way from 17th Street to I-880 along Santa Clara Street–The Alameda as part of the Development Agreement." Thus, it is not definitive whether the Project applicant will fund the necessary study to determine the feasibility of the identified transit improvements. The Project applicant must be required to fund these studies and contribute its fair share of funding for feasible improvements.

Response H.8

The methodology used to evaluate transit delay, which is described on pages 143 and 144 of the LTA (Draft EIR Appendix J2) and is based on intersection operations analysis, is consistent with the requirements stated in the City of San José Transportation Analysis Handbook[60] and VTA's Transportation Impact Analysis Guidelines.[61] Boarding delay is not a metric that was identified in either of these guidance documents, or otherwise identified under CEQA, as requiring evaluation.

Draft EIR Section 3.13, *Transportation,* concludes that the proposed project would result in less-than-significant transportation impacts, with the exception of Impact TR-7. The Draft EIR discusses the potentially significant impact determination for Impact TR-7, which relates to travel speeds in transit corridors, on pages 3.13-52 through 3.13-54, and concludes that this impact would be reduced to a less-than-significant level with implementation of Mitigation Measure AQ-2h (Enhanced Transportation Demand Management Program).

Since no additional mitigation is required to further reduce this impact, the project's commitment to fund a study to evaluate the feasibility of transit improvements on West Santa Clara Street/The Alameda and along the VTA light rail line at the Delmas Avenue crossing is not included as part of the project's CEQA analysis. Also, since the funding of this study is not required to mitigate a project impact, as defined by CEQA, the requirement to fund such a study is not included in the Draft EIR but, rather, would be included as a condition of approval for the proposed project.

Comment H.9

Buildout assumptions: The scope of the LTA analysis for City of Santa Clara intersections is incomplete as it only analyzed LOS impacts under Baseline Plus Project buildout conditions. The LOS analysis should also address Santa Clara intersections under Cumulative Plus Project buildout conditions as well. The Santa Clara intersections should be analyzed under the Cumulative Plus Project buildout scenario as this is the most conservative analysis versus analyzing under the Cumulative Plus Goal-Based Project buildout scenario.

[60] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.
[61] https://www.vta.org/sites/default/files/documents/VTA_TIA_Guidelines_2014_Full_FINAL.pdf.

Additionally, the "Plus Project Buildout" analyses for City of Santa Clara intersections as well as Congestion Management Program (CMP) facilities assumes that BART service at Diridon Station will be operational. Given the scope of the BART extension project, it is quite possible that it will not be timely completed in 2030, meaning the Google Project will be built out before the BART extension is completed. If the BART extension is not operational, it is likely there will be greater vehicle congestion, which should be reflected in the LOS analyses.

Response H.9

The methodology, scope, and analysis of level of service (LOS) provided in the LTA (Draft EIR Appendix J2) was developed consistent with the City of San José's Transportation Analysis Handbook;[62] the LOS analysis was conducted for City development application purposes and not for CEQA purposes. As stated on pages 39 and 40 of the LTA, the LOS analysis was conducted for the Existing, Background No Project, and Background plus Project scenarios for San José and Santa Clara intersections. The "plus project" scenarios were evaluated under Phase 1, Project Buildout, and Goal-Based Project Buildout conditions to present a comprehensive analysis of the proposed project's effect on the transportation system. As stated on pages 25, 36, and 37 of the LTA, eight study intersections were selected and analyzed within the city of Santa Clara per the City of Santa Clara's guidance.

Consistent with San José's Transportation Analysis Handbook for General Plan Amendments, cumulative (Year 2040) roadway capacity for adjacent jurisdictions, including the City of Santa Clara, is evaluated in Chapter 6 of the Transportation Analysis (Draft EIR Appendix J1). While the percent of deficient lane miles attributed to San José does not result in a significant impact on the roadway segments in the adjacent jurisdiction of Santa Clara, implementation of Mitigation Measure AQ-2h (Enhanced Transportation Demand Management Program) would decrease the total deficient lane miles in the City of Santa Clara as compared to the Year 2040 No Project scenario. With respect to BART extension construction, the LTA used the most current, publicly available information regarding that project's construction timeline. Additionally, it is noted that the timeline for construction of the proposed Downtown West project itself is conservative, in that it is assumed to occur as quickly as reasonably possible (with full buildout by 2031), but as explained on Draft EIR page 2-66, could build out over a longer period of time.

Comment H.10

City of Santa Clara Intersections: The City of Santa Clara appreciates that several intersections located in the City of Santa Clara were included in the LOS analysis. Based on the trip assignment figures contained within the Local Transportation Analysis (LTA) and the City using VTA's 10-trip rule, the following intersections need to be analyzed in the LTA:

- El Camino/Lafayette St.
- El Camino/Monroe St.
- Stevens Creek/Winchester Blvd.

[62] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

- Stevens Creek/Cypress Ave. and,
- Stevens Creek/Henry Ave.

Response H.10

The LTA (Draft EIR Appendix J2) evaluates intersection operations to support the City's review of the development application and not for CEQA purposes (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). As shown on page 25 of the LTA, an LOS analysis was conducted for eight intersections in the city of Santa Clara. The intersection of El Camino Real/Benton Street (study intersection 17) is the intersection closest to the El Camino Real/Lafayette Street and El Camino Real/Monroe Street intersections referenced by the commenter. Based on the trip assignments presented in Figures 27, 28, and 29 of the LTA, a maximum of 30 project-generated vehicle trips are estimated to arrive at and/or depart from the El Camino Real/Benton Street intersection per the Project Buildout scenario. Benton Street is located approximately 0.5 miles to the southeast of the Lafayette Street and 0.75 miles to the southeast of Monroe Street, with access to De La Cruz Boulevard provided between Benton Street and Lafayette Street. Due to the distance of Lafayette and Monroe streets on El Camino Real further from the project site than Benton Street, the presence of De La Cruz Boulevard, which provides access to U.S. 101, would therefore attract some project trips away from El Camino Real. For these reasons, it is reasonable to assume that the project would add fewer than 30 trips per approach on El Camino Real, which has three lanes in each travel direction, at Lafayette and Monroe streets and, therefore, would not meet the 10-trip-per-lane criterion applied by the City of Santa Clara for selection of study intersections.

Per the City's Transportation Analysis Handbook, the purpose of the LTA is to evaluate transportation effects within the proximate area of the project. Where a project adds 10 trips or more per lane, the City generally evaluates signalized intersections that are within a half-mile of the project boundary or those that operate at LOS D or worse that are between a half-mile and a mile of the project site. The requested intersections on Stevens Creek Boulevard are more than 2.5 miles from the project boundary. Project trips from that distance would most likely use regional facilities, such as expressways or freeways, to access the project site. This is especially true for trips originating to the north and west of the project site (i.e., the direction of the requested Stevens Creek Boulevard intersections). Using the trip generation estimates presented in Chapter 4 of the LTA, the City's Travel Demand Forecasting Model assigned project trips to the roadway system, based on the locations of complementary land uses, prevailing travel patterns, and population densities in nearby neighborhoods and communities. Based on the trip generation estimates the primary direction of project trips would be inbound in the morning and outbound in the evening. For trips originating to the north and west of the project site, this is the off-peak direction of travel and regional facilities, such as I-280 and SR 87 generally have excess capacity to accommodate the project trips, thus reducing the likelihood that vehicles would travel on slower local facilities, such as Steven Creek Boulevard to the west of I-880.

The LTA (Draft EIR Appendix J2) has been revised to include a new LTA Appendix G, *Synchro/SimTraffic Calculations,* which provides additional detail of the LOS analysis summarized above. All analysis was conducted consistent with the methodology and assumptions outlined in the LTA.

Comment H.11

Congestion Management Plan Intersections and Freeway Segments: The LOS analysis determined there would be impacts to a number of CMP intersections and freeway segments. For most of the CMP intersections, the LTA analysis determined that improvements were infeasible. Pursuant to the VTA Guidelines, San José is obligated to develop or implement a Multimodal Improvement Plan for impacts for which improvements are infeasible such as at the Central Expressway and De La Cruz intersection.

The LTA identified the following highway projects as relevant to (1) the Project's adverse freeway segment effects and (2) the exacerbated unacceptable operations at the intersection of De La Cruz Boulevard and Central Expressway:

- VTP ID H4: SR 87 Express Lanes (SR 85 to U.S. 101)
- VTP ID Hit: I-280 Express Lanes (Leland Avenue to Magdalena Avenue)
- VTP ID H15:1-880 Express Lanes (U.S. 101 to I-280)
- VTP ID H25: U.S. 101 Southbound/Trimble Road/De La Cruz Boulevard/Central Expressway Interchange Improvements.

While these improvements may be beyond the scope of an individual development project to fund independently, the Project should contribute its fair share towards these improvements since it will contribute to the adverse effects.

Response H.11

The LTA (Draft EIR Appendix J2) evaluates intersection operations for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). Based on the LOS analysis conducted for the LTA, under the Goal-Based Project Buildout scenario the unacceptable intersection operations at De La Cruz Boulevard/Central Expressway (Intersection 13) would worsen and would meet the County's adverse effect threshold during the AM peak hour. As discussed on page 184 of the LTA, VTA's Valley Transportation Plan 2040 identifies a highway project that is relevant to the identified intersection adverse effects: VTP ID H25: U.S. 101 Southbound/Trimble Road/De La Cruz Boulevard/Central Expressway Interchange Improvements. The interchange improvement project includes specific capacity enhancements at the De La Cruz Boulevard/Central Expressway intersection that were not known at the time of the Draft EIR. Improvements include the provision of:

- A second right-turn lane on southbound Trimble Road and eastbound Central Expressway;
- A third through lane on southbound Trimble Road;
- A third left-turn lane on northbound De La Cruz Boulevard; and
- Two northbound through lanes (reduced from three through lanes) on northbound De La Cruz Boulevard.

The U.S. 101 Southbound/Trimble Road/De La Cruz Boulevard/Central Expressway Interchange Improvement project is a fully funded project currently in the final design stages and is anticipated to start construction in 2021 and be completed in 2023. With these identified interchange improvements, the De La Cruz Boulevard/Central Expressway intersection would operate at LOS D+ under the Goal-Based Project Buildout scenario and would no longer result in an adverse effect; therefore, a Multimodal Improvement Plan is not required.

As stated in Response H.8, Draft EIR Section 3.13, *Transportation*, concludes that the one potentially significant transportation impact identified for the proposed project would be mitigated to a less-than-significant level with implementation of Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program. Since no additional mitigation is required to further reduce this impact, fair-share contributions to the regional highway projects identified by the commenter are not required and, therefore, are not included as part of the project. As noted on Draft EIR page 3.13-59, the localized access and queuing analysis conducted as part of the Non-CEQA LTA (Draft EIR Appendix J2) indicates that the proposed project would contribute to the Bird Avenue/I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community. Since this analysis is not required by CEQA and the anticipated contribution is not intended to mitigate an impact under CEQA, the terms of the proposed project's financial contribution are not discussed in the Draft EIR but, rather, would be included as a condition of approval, if applicable.

Comment H.12

Event Center: More information should be provided with respect to the proposed event center. Although 70 percent of attendees are assumed to already be onsite, up to 600 attendees per event are projected to travel from out of the Project area as discussed above. It is not clear whether the DEIR analyzed their impacts on traffic and transit. This should be clarified, and the analyses of their impacts on traffic congestion and transit must be undertaken if not already included.

Response H.12

The LTA (Draft EIR Appendix J2) evaluates intersection operations for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). Also refer to Response H.5 for additional detail on operational assumptions related to the proposed event centers. As noted in Response H.5, the assumption that 30 percent, or a maximum of 600 attendees, would travel to the event center from outside the project site is a conservative one when compared to a similar existing Google facility in Sunnyvale. Based on Google's existing facility, average event attendance would be 50 percent of maximum facility capacity with roughly two events per week. In addition, events at the event center are not anticipated to generate vehicle trips during peak commute periods; therefore, the event centers were not included in the LOS analysis of the LTA.

Comment H.13

Growth reallocation inconsistencies: Page 42 of Appendix J2 states that, in addition to the 5,575 housing units and 6.3 million square feet of commercial/office uses to be reallocated for the Project, there would also be 469,000 gross square feet of retail uses and 1,100 hotel rooms from other General Plan growth areas outside of Downtown reallocated to the Diridon Station Area Plan (DSAP). Elsewhere the DEIR states that there is already sufficient retail and hotel use availability for the Project such that reallocation of retail and hotel uses is not necessary. Thus, the statement that 469,000 gross square feet of retail uses and 1,100 hotel rooms will be reallocated to the DSAP is inconsistent with the rest of the DEIR. The FEIR must resolve this internal inconsistency.

Response H.13

The commenter identified an inconsistency on page 42 of the LTA (Draft EIR Appendix J2) with respect to land uses proposed to be reallocated in the General Plan Amendment. This inconsistency in the LTA has been corrected by modifying the second sentence of the first full paragraph on page 42 as follows (deleted text is shown in ~~strikethrough~~):

> "Specifically, the General Plan amendment proposed for the project would reallocate 5,575 housing units and 6,306,000 gross square feet of commercial/office uses~~, 469,000 gross square feet of retail uses, and 1,100 hotel rooms~~ from other General Plan growth areas outside of Downtown to the DSAP."

This change does not alter the analysis or conclusions of the EIR.

Comment H.14

The DEIR does not address the need for the Google Project to comply with the Santana West Settlement Agreement (Settlement Agreement). Per the terms of the Settlement Agreement, any impacts found at protected intersections, including Winchester Boulevard/Stevens Creek Boulevard, which will impact traffic in the City of Santa Clara, will require payment of fees to be used for transportation system improvements to alleviate the increased traffic congestion in the City of Santa Clara. San José must analyze impacts to the protected intersections and provide a clear explanation of how such impacts are analyzed and how traffic fees are calculated. Additionally, any offsetting improvements should be identified with specificity and be coordinated with the City of Santa Clara. Further, the secondary impacts of implementing these improvements should be identified. Due the magnitude of the Google Project, please indicate whether the project complies with the Santana West Settlement Agreement.

Response H.14

Chapter 8 of the LTA (Draft EIR Appendix J2) provides an evaluation of intersection operations for City development application purposes and not to determine the significance of a CEQA transportation impact (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). As stated on LTA pages 25, 36, and 37, eight study intersections were

selected and analyzed within the city of Santa Clara per the City of Santa Clara's guidance. Per the City's Transportation Analysis Handbook, the purpose of the LTA is to evaluate transportation effects within the proximate area of the project. Where a project adds 10 trips or more per lane, the City generally evaluates study intersections that are within a half-mile of the project boundary or those that operate at LOS D or worse that are between a half-mile and a mile of the project site. The intersections identified in the Santana Row Settlement Agreement were outside of the one-mile buffer measured from the project boundary and therefore not considered in the LTA. As noted in Response H.10, the Stevens Creek Boulevard/Winchester Avenue intersection is located more than 2.5 miles from the project boundary. Project trips from that distance would most likely use regional facilities, such as expressways or freeways, to access the project site. Off-site improvements identified to address identified deficiencies are discussed in Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*. Moreover, because intersection level of service is no longer a CEQA significance criterion, the comment does not address a CEQA concern.

Comment H.15

With respect to affordable housing, the Notice of Preparation stated "[t]he project sponsor intends to meet the project's affordable housing obligations as set forth in the Memorandum of Understanding and through compliance with the city's Inclusionary Housing ordinance." The DEIR also states: "As part of the project's residential uses, affordable housing is planned to be delivered consistent with the MOU, which states that the Project applicant and the City of San José 'as a goal but not a requirement, strive for 25 percent of the housing developed in the Diridon Station Area to be affordable housing with a mix of affordability levels …"' (DEIR, p. 2-14.) However, neither provides any clarity regarding whether any affordable housing will definitively be included as part of the Project. The MOU is non-binding and, as stated, only provides a goal with respect to affordable housing. The City of Santa Clara reiterates its request that the Google Project meet its affordable housing requirement fully and that this be included as an enforceable requirement in the FEIR.

Response H.15

The Draft EIR makes it clear that the proposed project, if approved, would include up to 5,900 dwelling units, a portion of which would be affordable. The precise number of units and the percentage of them that would be deed restricted as affordable is subject to negotiations between the project applicant and the City of San José, and will be memorialized in the Development Agreement, which sets forth the project's affordable housing commitments. Housing affordability is a socioeconomic issue that is outside the realm of CEQA, and an EIR is therefore not the appropriate venue for consideration of an agreement concerning affordable housing. However, for information, the following is provided.

The Draft EIR references the Memorandum of Understanding executed by both parties in December of 2018 to disclose the parties' shared goal for 25 percent of the units in the Diridon Station Area to be affordable at a mix of affordability levels (Draft EIR page 2-14). As stated in EIR Section 2.14, Development Agreement, added herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*), the draft Development Agreement for the proposed

project sets forth a combination of mechanisms, such as land dedication, moderate-income inclusionary housing units, development fees, and other funding sources for affordable housing production and preservation within the boundaries of the Diridon Station Area Plan, as well as voluntary contributions by the project applicant to benefit affordable housing.[63] Concurrent with issuance of the Draft EIR, the project applicant provided a proposed Planned Development Zoning General Development Plan (GDP) and other application materials to the City of San José for review. The GDP would allow up to 5,900 units, as analyzed in the Draft EIR.

If more or fewer than 25 percent of the units are ultimately deed restricted as affordable, no changes to the analysis would be needed because market rate and affordable dwelling units would have similar environmental impacts. Potential variations between the size of households occupying market rate and affordable dwelling units are captured within the average persons-per-household assumed in the analysis as the average is based on Census data from Downtown San José (Draft EIR page 3.11-17). In addition, the Draft EIR's analysis appropriately uses the maximum possible number of dwelling units proposed by the applicant as its basis and therefore may overstate the project's impacts if fewer units are ultimately constructed.

Comment H.16

Our NOP letter asked that "the EIR include robust discussion and analysis of the Google Project's impacts on the assumptions made in other planning documents, including the Downtown Strategy and the North San José Development Policy." The DEIR shows that with the General Plan amendment, the growth will fit within the Downtown Strategy, but it does not discuss impacts, if any, to the North San José Development Policy. Please address whether the North San José Development Policy will be affected by the Google Project.

Response H.16

As explained on Draft EIR page 3.11-15, the proposed General Plan amendment being considered as part of the project (and analyzed in the Draft EIR) would increase the total amounts of residential and commercial growth anticipated in Downtown San José under the City's General Plan by shifting growth assumed in other areas by 2040 to Downtown. This General Plan amendment would affect Appendix 5 of the General Plan, and shift residential growth to downtown from Horizon 2 and 3 Urban Village and Neighborhood Village growth areas. Commercial growth would be shifted to Downtown from other General Plan-designated employment areas such as the North Coyote Valley Growth Area. No planned growth would be shifted to Downtown from portions of the City governed by the North San José Area Development Policy. As noted in the Draft EIR, "the final growth allocation, including the precise numbers of dwelling units and jobs transferred from each growth area, will be determined by the San José City Council via adoption of a General Plan amendment following a public planning process and a public hearing." Also, "the total amount of growth anticipated under the General Plan would not change, but instead would shift to the more transit-rich Downtown area."

[63] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

As noted above, the proposed project would not affect the General Plan growth anticipated under North San José Area Development Policy.

Comment H.17

Based on the draft MOU between San José and the Project applicant, it appears that San José represents it will require Google to fully pay all applicable fees, charges, and taxes in accordance with standard payment requirements and that no city funds are to be expended on the Google Project. However, the MOU is nonbinding, and the DEIR does not confirm that San José is not providing direct or indirect incentives. This should either be confirmed in the FEIR, or the FEIR should include a transparent discussion regarding the scope of any direct or indirect incentives provided to the Project applicant by San José.

Response H.17

The basic purposes of CEQA can be found in CEQA Guidelines Section 15002(a) and relate to disclosure of potential significant environmental impacts, their mitigation, potential alternatives, and the basis for related decision making. CEQA, and thus the EIR, is not the forum for a discussion of the financial aspects of a development agreement or "incentives provided to the Project applicant by the City of San José."

The project's draft Development Agreement will be publicly available prior to the project approval hearings.[64] The City Council will consider approval of the project's Development Agreement concurrent with consideration of certification of the Final EIR.

I. Santa Clara County Roads and Airports (12/7/20)

Comment I.1

1. This project has a regional impact therefore traffic circulation study should also analyze major gateways in/out of the County and to the project site. Gateways to include freeway corridors such as
   - US-101,
   - SR-87,
   - I-880,
   - I-680,
   - I-280.

   During peak times the freeways are very congested and many project trips would not use the freeways but more of the local streets. Therefore the Project Study should identify these routes and include them in the impact analysis.

[64] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Response I.1

The Local Transportation Analysis (LTA) (Draft EIR Appendix J2) evaluates freeway segments for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). The scope of the LTA is consistent with the guidance provided in the City of San José's Transportation Analysis Handbook and VTA's Transportation Impact Analysis Guidelines.[65,66] On pages 207 to 217, the LTA evaluates over 70 freeway segments where the Project is anticipated to add more than one percent of the segment's capacity on SR 87, U.S. 101, I-280, I-680, and I-880—all of the freeways listed by the commenter.

The location of the project site in downtown San José would result in the generation and assignment of most freeway vehicle trips to non-peak directions for origins (AM) and destinations (PM) in the north, particularly on I-280, SR 87, and U.S. 101. For peak directions of travel, while some vehicle trips may divert to local streets, most vehicles are expected to remain on major freeways; therefore, vehicle diversion is not included in the LTA.

Comment I.2

2. Please consider additional queueing analysis at freeway on/off-ramps near County facilities, such as
    - Capitol/680,
    - Almaden/87,
    - San Tomas/Montague/101, and
    - Montague/880.

Response I.2

The LTA (Draft EIR Appendix J2) evaluates freeway on- and off-ramps for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). The scope of the LTA is consistent with the guidance provided in the City of San José's Transportation Analysis Handbook and VTA's Transportation Impact Analysis Guidelines.[67,68] The analysis of left-turn and right-turn queuing, and off-ramp queuing, is provided in the LTA on pages 190 to 194 at 12 intersections where the project would add 50 or more right-turns and/or 30 or more left-turns, and at seven off-ramps that provide direct access to the project site from I-280 and SR 87. The additional interchanges where the commenter requests ramp queuing analysis do not provide direct access to the project site, and are between two and five miles from the project site boundaries. While the City acknowledges that such an analysis may be of use to VTA's Congestion Management Agency, which is responsible for freeway and interchange monitoring

65 City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.
66 https://www.vta.org/sites/default/files/documents/VTA_TIA_Guidelines_2014_MainDocumentOnly_FINAL.pdf.
67 City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.
68 https://www.vta.org/sites/default/files/documents/VTA_TIA_Guidelines_2014_MainDocumentOnly_FINAL.pdf.

within the County, neither the LTA nor the Draft EIR needs to evaluate facilities that do not meet the City or VTA's criteria for evaluation.

Comment I.3

3. The TDM specifically mentions and relies on several transit projects being completed to achieve projected VMT reduction thresholds (VTA LRT, Caltrain electrification, BART to Diridon). The initial five-year period for the TDM annual report shall begin after these transit projects have completed.
4. In the TDM analysis - "The Project would be required to achieve the 27 percent effectiveness of a TDM program that incorporates all reasonably available CAPCOA TDM measures.": Please submit annual TDM effectiveness report to assure the project is consistent with the 27% effectiveness goal. Include and propose changes to the TDM if necessary, to meet the stated goal.

Response I.3

Mitigation Measure AQ-2h, described in detail on Draft EIR pages 3.1-101 to 3.1-105, and is revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*), includes the full details of the Enhanced Transportation Demand Management Program. The Draft EIR describes the tiered non-SOV commitments relative to available transit system improvements, frequency of monitoring, and reporting requirements. Refer to Section 3.2.4, *Master Response 4: TDM Program,* for additional detail.

Comment I.4

5. With VTA's newly proposed Transit Service Plan (TSP) with as much as 30% service reduction, the Study should revise transit reduction credits to match VTA's TSP.

Response I.4

Existing conditions, including transit service, as characterized in the Draft EIR are based on information available at the time of the Notice of Project (October 2019). Draft EIR page 3.13-5 acknowledges that:

> Existing transit service and ridership as described in this EIR have been temporarily disrupted as a result of the COVID-19 pandemic, resulting in reduced service by all transit operators and fewer transit riders. Nevertheless, the existing transit service and ridership described in this EIR reflect those at the time the Notice of Preparation was issued and are indicative of the typical service that would otherwise be available under normal circumstances.

VTA's newly proposed Transit Service Plan (TSP), which is due to be implemented in February 2021, includes transit service reductions that reflect changes in travel behavior due to the COVID-19 pandemic. The proposed TSP is not reflective of normal day-to-day operations, which would resume once shelter-in-place orders have been lifted and pre-COVID-19 levels of economic activity resume. By evaluating post-COVID conditions, the Draft EIR appropriately addresses potential project impacts to transit service. Refer to Section 3.2.5, *Master Response 5: COVID-19,* for additional detail.

Comment I.5

6. The LTA identified the study intersection at De La Cruz/Central Expwy would operate at an unacceptable LOS. VTA's U.S. 101 Southbound/Trimble Road/De La Cruz Boulevard/Central Expressway Interchange Improvements project was identified as the possible mitigation measure. Will city agree to be subject to any cost share? Propose a different mitigation measure if City is not planning on cost sharing.

Response I.5

The LTA (Draft EIR Appendix J2) evaluates intersection operations for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). Based on the LOS analysis conducted for the LTA, under the Goal-Based Project Buildout scenario, the unacceptable intersection operations at De La Cruz Boulevard/Central Expressway (Intersection 13) would worsen and would meet the County's adverse effect threshold during the AM peak hour. As discussed on LTA page 184, VTA's Valley Transportation Plan 2040 identifies a highway project that is relevant to the identified intersection adverse effects: VTP ID H25: U.S. 101 Southbound/Trimble Road/De La Cruz Boulevard/Central Expressway Interchange Improvements. The interchange improvement project includes specific capacity enhancements at the De La Cruz Boulevard/Central Expressway intersection that were not known at the time of the Draft EIR. Improvements include the provision of:

- A second right-turn lane on southbound Trimble Road and eastbound Central Expressway;
- A third through lane on southbound Trimble Road;
- A third left-turn lane on northbound De La Cruz Boulevard; and
- Two northbound through lanes (reduced from three through lanes) on northbound De La Cruz Boulevard.

The U.S. 101 Southbound/Trimble Road/De La Cruz Boulevard/Central Expressway Interchange Improvement project is a fully funded project currently in the final design stages and is anticipated to start construction in 2021 and be completed in 2023. With these identified interchange improvements, the De La Cruz Boulevard/Central Expressway intersection would operate at LOS D+ under the Goal-Based Project Buildout scenario and would no longer result in an adverse effect. Since the U.S. 101 Southbound/Trimble Road/De La Cruz Boulevard/Central Expressway Interchange Improvement project is already a fully funded project, no cost sharing is needed.

Comment I.6

7. Neighborhood Traffic and Parking Intrusion Analysis: submit initial monitoring report for review of the potential neighborhood cut-through traffic, speeding concerns, and parking intrusions generated by the proposed project. The final Neighborhood Traffic Intrusion Plan should be flexible and should be adjusted to reflect observed travel patterns in surrounding neighborhoods to include the Burbank community and other County pocket facilities. Include parking plan or revise current proposed TDM to address these concerns if demand exceeds cut-through traffic threshold.

Response I.6

Consistent with Council Policy 5-6, Traffic Calming Policy for Residential Neighborhoods, and the City of San José's Transportation Analysis Handbook,[69,70] page 225 of the LTA (Draft EIR Appendix J2) contains an evaluation of the potential for cut-through traffic on eligible roadways (i.e., General Plan-designated Neighborhood Collectors or Local Streets) located within one-half mile of the project site. As stated on page 239 of the LTA, the project would be required to adopt a Neighborhood Traffic Intrusion Monitoring Plan and a Parking Intrusion Monitoring Plan to manage local effects on traffic and parking. The requirements for these plans are set forth in Sections 4.18 and 4.16, respectively, of the Transportation Analysis Handbook. For the proposed project, the plans have been prepared as part of a single Neighborhood Traffic and Parking Intrusion Monitoring Plan that would be reviewed and approved by the City.

The Burbank community is located northeast of the I-280/I-880 interchange, and is generally bounded by I-880 to the west, Forest Avenue to the north, Leigh Avenue to the east, and I-280 to the north. The Burbank neighborhood is located more than one mile from the southern border of the project site and, therefore, would not be included in the Neighborhood Traffic and Parking Intrusion Monitoring Plan. However, both the TDM program, as set forth in Mitigation Measure AQ-2h, as revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*), and the Neighborhood Traffic and Parking Intrusion Monitoring Plan would allow for flexibility within a specified framework to address observed conditions and changed circumstances, as indicated by the commenter.

J. Santa Clara Valley Transportation Authority (12/8/20)

Comment J.1

Public Service Lanes

VTA applauds the City's efforts to make San José and especially the downtown area a transit-rich community. This is evident through the applicant's funding of a Public Service Lane Feasibility Study for Santa Clara Street, in which public service lanes are defined as travel lanes to be used by public transit and emergency vehicles only. VTA recommends that the funding for the study be put into the earliest phase of the community benefits package and that the Development Agreement memorialize the Public Service Lanes Feasibility Study as an early deliverable. VTA believes that the implementation of this project is critical to the success of the Downtown West area and would like it implemented as soon as possible. Completing the study early provides the City and VTA time and opportunity to identify a larger variety of funding sources including developer contributions and grants such as the Affordable Housing and Sustainable Communities (AHSC) grant funding in association with the Affordable Housing Implementation Policy. VTA looks forward to working with the City through this process.

[69] City of San José, *Council Policy 5-6, Traffic Calming Policy for Residential Neighborhoods*, revised 2008. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=12825. Accessed March 30, 2021.
[70] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

VTA accepts the invitation from City of San José to lead the feasibility study for public service lanes along Santa Clara Street with San José serving as an equal partner. From the City's perspective, this partnership could include coordinating with other interested parties; equally writing the RFP, selecting consultant(s), and deciding the final design; presenting at public meetings, and serving as co-author for the final report, among others.

Response J.1

The comment does not address the adequacy or accuracy of the Draft EIR and, therefore, no response is required. However, for information, the following is provided.

The Local Transportation Analysis (LTA) lists the Public Service Lanes Feasibility Study as a project requirement. Accordingly, it will be reflected in the conditions of approval and/or the Development Agreement. The City considers funding for this study a "project requirement," not a "community benefit," based on the framework established in the Memorandum of Understanding (MOU) with Google. The Development Agreement will establish vested project approvals and include a community benefits plan.[71] To clarify the requirement for funding this study, the last paragraph on Draft EIR page 3.13-63 is revised as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

> The analysis of transit vehicle delay found that the proposed project would result in additional delay to transit service in the area. The added traffic on San Carlos Street, The Alameda/Santa Clara Street, and First Street would cause increases in delays for all 10 study routes (routes located within 1 mile of the project site with full-day service and frequencies of 30 minutes or less). Delay increases are generally three minutes or more on San Carlos Street and The Alameda/Santa Clara Street, and two minutes or less on First Street, which is largely a function of the cumulative growth and congestion estimated by the year 2040. The City does not currently have established policies or significance criteria related to transit vehicle delay. However, the City ~~and~~ will require the project applicant ~~may include as part of the conditions of approval applicant-provided~~ to provide funding for a Public Service Lanes Feasibility and Design Study to analyze the ~~study of~~ potential for a dedicated bus and emergency vehicle lane and/or other transit speed improvements (queue jumps, signalization, etc.) within existing right-of-way from 17th Street to I-880 along Santa Clara Street–The Alameda. This requirement will be reflected in the project's conditions of approval. ~~as part of the Development Agreement.~~

The City agrees that completing this study early on will be important, and although the specific timing is still to be determined, intends to make this funding contribution part of an early phase of transportation improvements and contributions. The City looks forward to partnering with VTA on the public service lane study.

[71] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment J.2

Congestion Management Program Consistency

The DEIR identifies one Congestion Management Program (CMP) facility (First Street/Alma Avenue) that would be impacted by this development. The California Congestion Management Program (CMP) statute requires Member Agencies to prepare a Multimodal Improvement Plan (MIP) for CMP facilities that exceed the CMP traffic Level of Service (LOS) Standard. MIPs must include a set of improvements, programs, and actions that measurably improve multimodal performance and contribute to a significant improvement in air quality around the CMP facility as a way of offsetting the LOS vehicular impact. As such, the City will be required to develop an MIP for the First Street/Alma Avenue CMP facility. VTA looks forward to working with City staff to identify the multimodal improvements that will address the CMP impacts so that new development can begin to contribute to those projects.

Response J.2

Chapter 10.1 of the LTA (Draft EIR Appendix J2) evaluates intersection level of service analysis for Congestion Management Program (CMP) purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). As noted on LTA page 197, the addition of project traffic would cause a degradation of intersection operations from LOS E without the project to LOS F with the project during the AM peak hour under Background Plus Project Buildout conditions at the First Street/Alma Avenue intersection. As stated on LTA page 9, the intersection operations analysis conservatively assumes an approximately 18 percent project trip reduction due to a set of standard Transportation Demand Management (TDM) measures, and does not include the additional 9 percent project trip reduction (for a total of 27 percent) required by Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program. Additional intersection operations analysis was conducted for this response, which found that even with incorporation of Mitigation Measure AQ-2h and its 27 percent project trip reduction, the First Street/Alma Avenue intersection would still operate at LOS F conditions during the AM peak hour under the Background Plus Project Buildout traffic scenario. Accordingly, the project applicant would provide funding for a Multimodal Improvement Plan to implement multi-modal transportation improvements at First and Alma Streets. City staff indicates that the applicant's financial contribution would be directed towards future implementation of Class IV protected bike lanes along the Alma and First/Monterey corridors that was included in the recently council adopted San Jose Better Bike Plan 2025. As noted in Section 3.2.4, *Master Response 4: TDM Program*, the project applicant would also provide funding for a Multimodal Improvement Program at the intersection of First and Goodyear Streets.

Comment J.3

DISC Integration

The Diridon Integrated Station Concept (DISC) Program is a joint effort of the City of San José, the Peninsula Corridor Joint Powers Board (PCJPB, also known as Caltrain), VTA, the California High-Speed Rail Authority (CHSRA), and the Metropolitan Transportation Commission (MTC) (the "Partner Agencies") to redesign the Diridon Station area. The

redevelopment of Diridon Station is an ongoing, long-term project that will take many years to plan, design, and build and the Partner Agencies will work together with the Downtown West team over many years throughout the process.

In 2020, the Boards and Councils of the Partner Agencies accepted the Concept Layout for the Station that reflects the guiding principles of maintaining the track approaches generally within the northern and southern rail corridor, advancing an elevated station concept, and designing for one station concourse near Santa Clara Street and one station concourse near San Fernando Street. The Partner Agencies envision a highly-visible main entrance, iconic station hall, and active public space in front of the station. To achieve this, the Concept Layout envisioned that Cahill Street will be open to only bicycle and pedestrian traffic between Santa Clara and San Fernando Streets. While Appendix M, Page 263, mentions Cahill Street has been identified by the DISC project as a potential pedestrian only transit plaza, the First Amendment to the DEIR should update the circulation and transportation analysis to reflect how Cahill Street will be closed to vehicle traffic. Cahill Street is also designated as a "local connector" in the design guidelines and VTA recommends that that be changed to a more appropriate designation.

The Project Description states that "the preferred Concept Layout is still preliminary" and "no dedicated funding is currently in place to construct the improvements." (Page 2-11). As stated above, the Partner Agencies mutually accepted the Concept Layout in 2020 and $100 million of dedicated funding is included in Regional Measure 3. The First Amendment of the DEIR should be updated to reflect this.

Response J.3

The comments regarding the Draft EIR's discussion of the Diridon Integrated Concept Plan (DISC) are acknowledged. Refer to the Response G.2 for revisions to the Draft EIR text concerning the DISC.

Also refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment J.4

Conformance Review Process

As a land use-transportation integration partner, VTA engages in the review of public and private developments that are adjacent to transit to facilitate coordination, synergy, and an overall successful transit-supportive/oriented environment. This enables both VTA and the City to meet shared goals for city livability, support for transit and multimodal transportation, reduction vehicles miles traveled and greenhouse gas emissions, safer travel, and increase physical activity and public health as outlined in the City's General Plan (*Envision 2040*) and the *Diridon Station Area Plan* (DSAP), both of which are currently being updated. VTA's comments on the draft DSAP update are forthcoming and VTA looks forward to ongoing partnership and review of future conformance plans to assist the City's review.

The Downtown West Design Standards and Guidelines (DWDSG) describes the conformance review process for future Horizontal Improvements, Final Mapping, and Improvement Plans (Page 17). VTA looks forward to participating in the conformance review process at the earliest stage possible to facilitate sustainable development and protect transit investments.

Response J.4

The comment refers to the Downtown West Design Standards and Guidelines and does not address the adequacy or accuracy of the Draft EIR and therefore no response is required pursuant to CEQA. Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*. Concerning future consultation with VTA, the City's Director of Planning, Building and Code Enforcement or Director's designee would consult as needed during the Conformance Review process with other agencies, potentially including VTA, to confirm conformance of each subsequent improvement.

Among the building development standards with which subsequent development must comply would be those requiring active uses and active building frontages near street intersections, paseo intersections, parks, plazas and transit stops; requiring active building frontages (particularly retail) and amenities such as Privately-Owned Public Open Spaces near rail transit stations and bus stops on the Frequent Network (VTA's core transit routes providing scheduled service every 15 or fewer minutes all day on weekdays, includes all light rail lines, Rapid lines, and some bus routes); and mandating pedestrian-scale lighting at transit gateways. Additionally, compliance would be encouraged with guidelines calling for the highest densities to be near frequent transit, promoting safety and integrating transit into development, locating commercial building lobbies near transit stops, providing benches and landscaping to benefit transit riders, and designing building facades near transit stops and stations to reinforce pedestrian orientation. The Department of Public Works and Transportation would engage VTA during the Conformance Review process to review the proposed project's street network, including those requiring provision of minimum lane widths on transit streets; requiring mobility hubs on the same block as high-capacity transit stops; and design of streets and sidewalks to be safely and comfortably used by multiple travel modes including transit; as well as guidelines related to transit lanes and stops, traffic signals, and wayfinding. Additionally, as explained in Master Response 3, the subsequent approval process for individual developments on the project site would include a public hearing process.

Comment J.5

DISC Partners

BART should be removed from the list of DISC Partner Agencies. VTA is the representative of VTA's BART Silicon Valley Extension project, in collaboration with the BART organization, in the DISC effort. (Page 3-12). Additionally, the Metropolitan Transportation Commission (MTC) joined the DISC partnership in 2020. VTA recommends that the Downtown West documents be updated to describe the partnership correctly throughout.

Response J.5

The comment is acknowledged. Refer to Response G.2 for revisions to the Draft EIR text concerning BART's lack of direct involvement in the DISC process.

Comment J.6

DISC Rail Alignment

While the development application for Downtown West, submitted in October 2019, accounted for space for the DISC rail alignment (represented by the hatching and notes included on *Figure 2.09 Illustrative Framework* of the development application[1]), VTA notes that *Figure 2.2: Downtown West Mixed-Use Plan* in the DWDSG does not similarly account for space needed for DISC rail alignment.

Response J.6

Draft EIR page 2-11 acknowledges that "because the DISC Concept Layout was selected after development of the project plan and release of the NOP for this EIR, the proposed project as currently envisioned is not entirely consistent with the Concept Layout." As further explained, on page 2-11:

> The project applicant would work with the City and the DISC partner agencies to address the final selected layout, while still meeting the objectives of the proposed project. Standards S4.9.2 (Relationship to DISC and rail corridor), 5.5.5 (Relationship to DISC and rail corridor), and S6.3.4 (Relationship to DISC) of the project's proposed Downtown West Design Standards and Guidelines permit the project applicant to reconfigure development on the site in the event that a DISC partner agency begins proceedings to acquire land within the site boundary to expand the rail right-of-way.

Also refer to Response C.2 and Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment J.7

Pedestrian and Bicycle Accommodations

As bicycles are a primary mode of access for transit, VTA anticipates reviewing the bike parking numbers and locations that will be determined as the project progresses. Section 6.15 of the DWDSG mostly concurs with Chapter 10 of the VTA Bicycle Technical Guidelines (https://www.vta.org/sites/default/files/documents/vta_bicycle_technical_guidelines_complete.pdf), which provides guidance on bicycle parking types, locations, and the number of spaces that should be provided for a project by land use type. VTA has also begun to recommend projects also provide at least 30 square feet of designated micromobility parking (such as scooters). This square footage can be divided and arranged to fit the space but should be provided close to the building entrance(s). VTA recommends that this be required as part of building design for the Downtown West development with the understanding that if buildings

[1] https://www.sanJoséca.gov/home/showpublisheddocument?id=43691 (Accessed December 2nd, 2020).

are placed close enough, one micromobility parking area could serve for multiple buildings. This concurs with the "Scooter Corrals" guideline in Section 6.15 of DWDSG.

VTA appreciates the inclusion of Mobility Hubs in the DWDSG. VTA recommends language be added to promote short, well-lit, walking paths for users who transfer between rail, bus, bike, and scooter. VTA also recommends the list of Mobility Hubs amenities include transit system map cases/information signs for regional travelers. Lastly, VTA suggests the second amenity listed under Mobility Hubs be updated to say, "Transit shelters with seating and real-time arrival information."

While the DISC program is intended to have consolidated bicycle facilities for transit use, Downtown West should also provide bicycle facilities as DISC is not planned to open for eight to 10 years after the Downtown West development. It is understood that the DWDSG are not intended to outline exact locations at this stage of the project's design, but there does not appear to be consideration given to the need for bicycle facilities near the BART station mentioned in the guidelines. VTA recommends that a statement to this effect be added to the DWDSG. For the BART station specifically, the BART access design principles state that there should be a minimum number of bicycle parking spaces within proximity to the BART headhouse. While these bicycle facilities will not be limited to BART users only, Downtown West should also provide bicycle facilities in the vicinity of the BART station to ensure cumulative needs are met (Page S-21 TDM Program and Appendix J2 Section 6.4).

VTA supports the proposed widening of the sidewalk north of the light rail tracks to better accommodate more active transportation users. VTA expects that the linear open space will maintain its current distance from the trackway and that the level of separation (fencing and plantings) will be maintained or increased as required for safety. Construction Access Permits will be required for any construction that occurs within 10 feet of the light rail system and can be coordinated through permits@vta.org. VTA notes that Figure 4.42 Illustrative Plan of the Creekside Walk at South Autumn Street of the DWDSG depicts a section of light rail track at east of Autumn Street with a green, planted treatment. VTA currently does not have any portion of our light rail tracks with green, planted treatment. Such modifications may require CPUC review and approval as well as VTA concurrence. VTA looks forward to working with the City in reviewing the proposed plans for the area.

Response J.7

The comment refers to the Downtown West Design Standards and Guidelines and does not address the adequacy or accuracy of the Draft EIR and therefore no response is required pursuant to CEQA. For information, refer to the following Downtown West Design Standards and Guidelines updates (revisions to Draft EIR Appendix M) to account for these comments regarding treatment of bicycle and pedestrian improvements:[72]

[72] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

- Addition of Chapter 10 of the *VTA Bicycle Technical Guidelines* as a reference document to Chapter 6 of the Downtown West Design Standards and Guidelines.
- Guideline G6.15.2 title updated to read "micromobility corrals." Updated descriptive text to clarify "micromobility corrals, including scooters …" Also, added final sentence to guideline "corrals should be no less than 30 square feet."
- In the Downtown West Design Standards and Guidelines mobility hubs descriptions included for "seating," "wayfinding," "and travel maps." Include well lit pedestrian-scale lighting. Added reference to BART station as a prime location for mobility hub.

Comment J.8

The DWSDG notes that "bikeways should be designed based on Vision Zero design principles to eliminate conflicts between drivers of transit vehicles and people riding bicycles" (Page 254). The DEIR includes a potential for public service lanes on Santa Clara Street between I-880 and 17th Street. Concurrently, the San José Better Bike Plan includes recommendations to upgrade the existing bike lanes on Santa Clara Street to protected bike lanes between the City of Santa Clara border and Almaden Boulevard. VTA provides guidance on the design of protected bikeways adjacent to bus routes to eliminate such conflicts and safeguard bus travel times. For Santa Clara Street, protected bikeways paired with bus boarding islands and in-lane bus stops can accomplish the goals of traveler safety and support on-time performance for buses.

Response J.8

The project is not proposing improvements to bicycle lanes on Santa Clara Street. However, as stated in the Response J.1, the City will require the project applicant to provide funding for a Public Service Lanes Feasibility and Design Study to study dedicated lanes for transit and emergency vehicles along Santa Clara Street. This is a broader corridor study, and it will include an evaluation of the feasibility and/or design of improved bicycle facilities. The comment does not address the adequacy or accuracy of the Draft EIR and therefore no further response is required pursuant to CEQA.

Comment J.9

Transit Services

VTA is excited for the potential of Downtown West to both promote and increase transit use in the area, specifically for the VTA bus and light rail network and future BART service. While the DEIR notes that the transit service analyzed was in place at the time of the NOP, there have been several changes to VTA service in the area both related and unrelated to the COVID-19 pandemic. The routes currently serving Diridon Station include, 22, 64A, 64B, 68, 168, 500, 522, and the Green Line. Routes 23 and 523 also serve nearby San Carlos Street. The First Amendment to the DEIR should be updated to reflect this.

Response J.9

Existing conditions, including transit service, as characterized in the Draft EIR are based on information available at the time of the Notice of Preparation (October 2019), consistent with direction in the CEQA Guidelines. Draft EIR page 3.13-5 acknowledges that:

> Existing transit service and ridership as described in this EIR have been temporarily disrupted as a result of the COVID-19 pandemic, resulting in reduced service by all transit operators and fewer transit riders. Nevertheless, the existing transit service and ridership described in this EIR reflect those at the time the Notice of Preparation was issued and are indicative of the typical service that would otherwise be available under normal circumstances.

VTA's newly proposed Transit Service Plan (TSP), which is due to be implemented in February 2021, includes transit service reductions that reflect changes in travel behavior due to the COVID-19 pandemic. The proposed TSP is not reflective of normal day-to-day operations, which would resume once shelter-in-place orders have been lifted and pre-COVID-19 levels of economic activity resume. By evaluating post-COVID conditions, the Draft EIR appropriately addresses potential project impacts to transit service. Refer to Section 3.2.5, *Master Response 5: COVID-19*, for additional detail.

Comment J.10

Construction Impacts to Transit

The Diridon Station area is anticipated to see a significant level of construction for many years through VTA's BART Silicon Valley Phase II Extension Project, Downtown West, and work related to DISC. The DEIR does not address how project construction would impact transit. VTA expects the City to emphasize to all parties involved in the project construction that there should be minimal to no impacts to transit as projects are being built. If changes to bus routes are needed, the City shall coordinate with VTA by contacting bus.stop@vta.org at least two weeks prior to rerouting. If any construction occurs within 10 feet of the light rail system, Construction Access Permits will be required and can be coordinated through permits@vta.org.

Response J.10

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment J.11

Transit Analysis

VTA is very concerned about the anticipated impacts to travel speeds to both bus and light rail services in the project area. VTA's goal is to provide fast, frequent, and reliable transit for all riders, including the potential large influx of riders related to the proposed project. The environmental analysis estimates a large increase in ridership, with up to 39,500 daily boardings in the project area as part of the Goal-Based project Buildout scenario. This is a 20-time increase over existing ridership and it is critical that VTA is put in an advantageous position to best serve these new riders. The transit analysis included in Sections 3.13

Transportation, Appendix J1 Transportation Analysis, and Appendix J2 Local Transportation Analysis, all show some potential impacts to VTA bus and light rail travel speeds with the build out of the project. While VTA does not have an existing threshold to define significant impacts to transit speeds, VTA does have a number of policies including the Transit Speed Policy, Land Use Development and Review Policy, Parking and Transit Oriented Development (TOD) policy, and Station Access Policy that are all designed to give direction regarding the interface between new development and their potential impacts to transit. Furthermore, VTA does not agree with the significance criteria assumed in the DEIR (Page 3.13-26), specifically the impact threshold requiring transit speed to fall below 15 mph. VTA believes that any degradation in transit speeds, regardless of whether or not it falls below 15 mph, should be considered an impact to transit.

The transit analysis appears to analyze existing BART conditions and ultimately concludes that the project is unlikely to cause excessive crowding on BART. This analysis should be updated to include VTA's BART Silicon Valley Phase II Extension Project as it is an environmentally approved project that will be operational along with the development of this project (Appendix J2, Section 5.2.6.2).

Response J.11

Transit delay is evaluated under the Background and Cumulative scenarios in the LTA (Draft EIR Appendix J2). Transit travel speeds are evaluated under the Cumulative scenario in Draft EIR Section 3.13, *Transportation*, with additional detail provided in Chapter 6 of the Transportation Analysis (Draft EIR Appendix J1).

The methodology used to evaluate transit delay in the LTA is described on LTA pages 143 and 144 and is based on an analysis of intersection operations, consistent with the requirements stated in the City of San José Transportation Analysis Handbook[73] and VTA's Transportation Impact Analysis Guidelines.[74] As noted by the commenter, VTA does not have an established threshold to define adverse effects to transit travel delay or speeds. VTA's Transportation Analysis Guidelines, specifies that:

> … if increased transit vehicle delay is found in this analysis, the Lead Agency should work with VTA to identify feasible transit priority measures near the affected facility and include contributions to any applicable projects that improve transit speed and reliability in the TIA.

As discussed on LTA page 147, dedicated public service lanes are one of the most effective means by which to address increases in transit delays caused by added growth and congestion. To address increases in transit delay and to support the project's multimodal and TDM goals, as explained in Response J.1, the project applicant will be required to fund a study to evaluate the feasibility of a dedicated public service lane along Santa Clara Street/The Alameda between 17th

[73] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.
[74] https://www.vta.org/sites/default/files/documents/VTA_TIA_Guidelines_2014_Full_FINAL.pdf

Street and I-880. A public service lane along this segment of roadway, if implemented, would improve speed and reliability along one of VTA's key bus corridors.

Transit speeds are evaluated at a citywide level, as described in Draft EIR Section 3.13, *Transportation*, and the analysis is based on roadway segment travel speeds along Grand Boulevards (as defined by Envision 2040) within the city of San José. Consistent with the City of San José Transportation Analysis Handbook, the cumulative transit analysis is based on application of the City's Travel Demand Forecasting Model. Draft EIR Section 3.13, *Transportation*, concludes that the proposed project would result in less-than-significant transportation impacts, with the exception of Impact TR-7. The Draft EIR discusses the potentially significant impact determination for Impact TR-7, which relates to travel speeds in transit corridors, on pages 3.13-52 through 3.13-54, and concludes that this impact would be reduced to a less-than-significant level with implementation of Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program.

The potential for crowding on BART is addressed in Section 3.2.7, *Master Response 7: Non-CEQA Issue—Transit Demand*.

Comment J.12

Shuttles

When private commuter shuttles propose to use VTA bus stops, VTA and the City shall coordinate the responsible shared use of such facilities to ensure safe and efficient accommodations for passengers of both public transit and private commuter shuttles.

Response J.12

As currently envisioned, the applicant does not anticipate needing to use VTA bus stops for private commuter shuttles. If in the future the project proposes to use VTA bus stops for commuter shuttles, the project would secure an agreement with VTA and the City of San José as to the shared use of VTA bus stop facilities. Standard 6.6.4 in the Downtown West Design Standards and Guidelines requires that, where private shuttle stops are shared with VTA stops, the stops have a minimum curb length of 240 feet to avoid conflict between shuttles and transit buses and that, were the project to use VTA bus stops for commuter shuttles, the project applicant would secure an agreement with VTA and the City of San José as to the shared use of VTA bus stop facilities.[75] The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR.

Comment J.13

Utilidor and Infrastructure Analysis

VTA understands that there is no phasing plan for the construction of the proposed utility corridor, or "utilidor," and that the phasing plan is expected to be made available after the

[75] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

public comment period for this DEIR has ended. VTA looks forward to receiving this from the City as soon as it is available. This is especially important as the proposed layout for the utilidor shows is adjacent to the BART headhouse and timing for the construction of the utilidor and BART could overlap. The construction of the utilidor should not impact the BART headhouse or tunnel in any way. Therefore, construction mitigation will need to be implemented to ensure no impacts to these facilities.

Response J.13

As described on Draft EIR page 2-66 in Chapter 2, *Project Description*, phased implementation of the proposed project could be constrained by external factors such as construction staging for the BART Downtown extension, and thus could extend over a longer period. The proposed project would coordinate with the City, VTA, and BART to ensure that construction timing and the final design of the utilidor would be compatible with the proposed locations for the BART headhouse and tunnel structures. Mitigation measures that would reduce the physical environmental impacts of construction of the utilidor are listed on Draft EIR pages 3.14-12 and 3.14-13 of Section 3.14, *Utilities and Service Systems*. The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR.

The project applicant would work closely with VTA and the BART extension project to ensure that the construction of the utilidor does not adversely affect the BART headhouse or tunnel and avoids disturbance of BART facilities.

Comment J.14

Street Network: Use of Dynamic Lanes and Prohibited Curb Cuts

VTA would like to continue to discuss the use and location of dynamic lanes and prohibition of curb cuts for the street network with the City. It is understood that Cahill Street (west of the VTA parcel, which is bounded by Santa Clara Street, Cahill Street, Montgomery Street, and the new Post Street) and the new Post Street (south of the VTA parcel) are not a part of the DWDSG, but VTA would like to ensure considerations for the BART station are studied prior to finalization of the document. VTA recommends, at a minimum, that language be added to the DWDSG that the roadway network may have a different cross-section in the streets not currently included in the project but located within the core area.

Response J.14

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

The project applicant will coordinate with the City and VTA on the use and location of dynamic lanes and prohibition of curb cuts for the street network.

Comment J.15

Passenger pick up and drop off (PUDO) will continue to be a mode of access for BART patrons and should be accommodated in advance of a future consolidated PUDO through

the DISC program as BART is intended to be open well in advance of DISC. A review of the current plans for Montgomery Street between Santa Clara Street and the new Post Street and the new Post Street south of the VTA parcel should be reviewed for the higher volume of vehicle traffic expected in this segment and to support the BART station PUDO activities. Consideration should be given to which side of the street the dynamic lane is built along Montgomery Street. It is important to activate ground floor retail within the station area core, but pedestrian safety when crossing the street must also be a part of the decision. Montgomery Street from Santa Clara Street to the new Post Street may also benefit by allowing a standard curb separation between the active streetscape and the curb-to-curb zone and/or dynamic lanes. Future consideration may also be given for a dynamic lane along the north side of the new Post Street.

It appears that heavier uses such as loading is not an intended use within the dynamic lanes. VTA is concerned that if Montgomery Street and the new Post Street are also not intended for heavier uses either, then the VTA parcel development may have difficulties in the future when Cahill Street is no longer open to vehicle traffic. VTA would like to better understand how this area will be futureproofed for these types of needs and requests that the DWDSG modifies the designated permanent uses in dynamic lanes to allow for short-term parking for users such as PG&E and maintenance and freight vehicle activities adjacent to the BART headhouse.

VTA would like to note that it is currently intended for an underground parking garage access to take place along the new Post Street rather than Montgomery Street as noted in the DWDSG. VTA requests that future consideration be given to this use for the new Post Street (DWDSG Chapter 6).

Response J.15

Note that the street sections included in the Downtown West Design Standards and Guidelines are for illustrative purposes. The dynamic lane on South Montgomery Street may be located on either side of the street. Refer to the vesting tentative map (available on the City of San José's "Google Project" website[76]) for alternative cross sections for South Montgomery Street. Loading/unloading and on-street parking are already identified uses for dynamic lanes. The City and VTA, as the owner of the block bounded by Cahill, Santa Clara, the new Post, and Montgomery Streets, would collaborate on the design of the new Post Street. The project applicant would continue to coordinate with VTA and the City, and the City has identified additional pick-up and drop-off concepts as part of the Diridon Station Area Plan Update. Final design of these street sections and relative PUDO areas would be undertaken to appropriate engineering standards and, as such, would not introduce hazardous conditions for pedestrians in the area.

Also refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

[76] https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project

Comment J.16

Transportation Demand Management/Trip Reduction

The primary mitigation measures discussed in the document to address the overall project are enhanced transportation demand management (TDM) measures as well as a study of public service lanes on Santa Clara Street. The San José City Council Study session on November 16, 2020 also noted a contribution to studying potential improvements to light rail (slide 94). VTA would like additional details on these two mitigation measures as well as a stronger commitment on what aspects will be funded by the project. VTA also recommends the project contribute to transit signal priority improvements for any routes or transit corridors impacted by the project (Table 3.13-8, Table 37 and Table 38 in Appendix J2).

VTA appreciates the list of TDM measures that may be applied to each of the phases/buildings for this project that were included in the DEIR with the understanding that the final TDM measures will be decided as the development progresses through the entitlement process. VTA recommends the City also include projects that increase transit speed and reliability in the TDM list including public service lanes, transit signal priority, and contributions towards capital and operating improvements that would extend service spans and facilitate transfers between modes.

VTA would like clarification on language from Appendix J1, Page 79 that says, “After two years of not meeting monitoring requirements, the City may initiate enforcement action against the applicant and successors, including imposition of financial penalties to the owners and/or operators of the office and residential development that will support the funding and management of transportation improvements that would bring the non-SOV mode share to the targeted level.” Specifically, VTA would like to see “may” changed to “shall” as well as clarification on what “support funding and management of transportation improvements that would bring the non-SOV mode share to the targeted level,” would entail. For example, would the financial penalties be placed into the City’s General Fund or perhaps into a specific DSAP-area account? What is the list of projects that could be funded through those penalties?

Response J.16

Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, which is described in detail on Draft EIR pages 3.1-101 to 3.1-105 and amended as shown in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment, includes the full details of the Enhanced Transportation Demand Management Program. The Draft EIR describes the tiered non-SOV commitments relative to available transit system improvements, frequency of monitoring, and reporting requirements. Refer to Section 3.2.4, *Master Response 4: TDM Program*, for additional detail.

As shown on LTA page 259 (Draft EIR Appendix J2) and summarized on Draft EIR page 3.13-63 (as revised in Response J.1 herein), the project applicant would be required fund a study to evaluate the feasibility of a dedicated public service lane along Santa Clara Street/The Alameda between 17th Street and I-880 as well as contribute to studies to explore transit

improvements in the area, including exploring alignment and operational improvements along the light rail corridor in Downtown, and in particular, the evaluation of the light rail operations at Delmas Avenue, as well as new transit opportunities including a connector between the San José International Airport and Diridon Station that continues to Stevens Creek Boulevard. As noted by the commenter, the City has already begun to coordinate with VTA on the future study of the public service lane on Santa Clara Street and, based on preliminary discussions, VTA is anticipated to lead that study with the City serving as an equal partner. The City will coordinate with VTA on the potential studies to evaluate light rail transit and other transit improvements within the project area.

Refer to Response J.11 for detail on the transit delay analysis.

Comment J.17

Santa Clara Street Cross Section

VTA would like to note that the cross section of Santa Clara Street shown in the DWDSG incorrectly shows two left turning lanes from Santa Clara Street to Autumn Street. VTA requests this be updated to reflect the correct number of vehicle lanes.

Response J.17

The street section included in the Downtown West Design Standards and Guidelines (Draft EIR Appendix M) for Santa Clara Street has been updated to show one left-turn lane instead of two left-turn lanes.[77]

Comment J.18

VTA also recommends the First Amendment to the DEIR show a cross section of Santa Clara Street with the possible public service lanes as the outside lanes (adjacent to the curb) with bus boarding islands.

Response J.18

Draft EIR Section 3.13, *Transportation*, concludes that the proposed project would result in less-than-significant transportation impacts, with the exception of Impact TR-7. The Draft EIR discusses the potentially significant impact determination for Impact TR-7, which relates to travel speeds in transit corridors, on pages 3.13-52 through 3.13-54, and concludes that this impact would be reduced to a less-than-significant level with implementation of Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program (as revised in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment). In addition, as shown on LTA page 259 (Draft EIR Appendix J2) and summarized on Draft EIR page 3.13-63 (as revised in Response J.1 herein), the project applicant would be required, as a condition of approval, to fund a study to evaluate the feasibility of a dedicated public service lane along Santa Clara Street/The

[77] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Alameda between 17th Street and I-880. However, because no further mitigation is required for this impact, and because the study has not yet been initiated, a cross section showing the configuration of public service lanes on Santa Clara Street is not required for the EIR nor can it be provided at this time.

Comment J.19

Land Use

VTA agrees with the City that the land uses and building designs in Downtown West (and the larger Diridon Station area) should be as pedestrian-friendly and transit-supportive as possible. VTA recommends that the buildings/public realm immediately framing the station area within a one- to two-minute walking distance (approximately 220–440 feet) such as buildings along Cahill Street (north and south of the station) be oriented and designed for ease of movement and orientation of first- time visitors. While the presence of office buildings is welcome, this immediate area could become a desolate public realm after business hours. The project prescribes "active uses" along certain frontages but not along the ground floors of buildings immediately framing the station along Cahill Street. VTA notes that active uses are located approximately east of the station along Montgomery Street, providing visual cues east of the station but no visual cues are provided north or south. Providing active uses along Cahill Street (north and south of the station) will ensure a 24-hour character for a world-class transit hub and an increased sense of safety and comfort through "eyes on the street."

Furthermore, active use frontages reinforce pedestrian and transit walking routes to the station. Such transit walking routes are along all streets within the station area and should be complemented by some active uses along a portion of all block frontages. When active uses are visible along a street, it provides visual cues to encourage walking and increases the comfort and safety of the pedestrian. Cahill Street/North Montgomery Street and Santa Clara Street are key transit walking routes that do not have clearly designated active frontages. VTA recommends providing clearly designated active frontages along these streets.

The DWSDG includes a figure that delineates areas or block frontages that are appropriate for off-street parking and loading, in other words the allowance of curb cuts and loading activities which can be unwelcoming for pedestrians as these can be considered "back of house uses." These delineated areas for off-street parking and loading amount to 60 percent of Cahill Street within the project area (excluding the section between San Fernando and Santa Clara Streets). While the project provides for 'Logistics Hubs' which could consolidate loading activities in fewer locations throughout the project area, VTA recommends special attention to the pedestrianization of Cahill Street and requests relocating off-street parking and loading to another location.

Response J.19

The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no response is required. However, for information, the following is provided. VTA's interest in creating a welcoming and activated pedestrian environment surrounding the station is acknowledged.

The parcels located directly across from the station, between the proposed new Post Street extension and West San Fernando Street, are owned by Caltrain and not included within the project boundary. Active use standards along this frontage are not included in the Downtown West Design Standards and Guidelines. Active use standards for VTA's parcel (sub-area 2) are included in the proposed project's General Development Plan, available for review on the City's "Google Project" website.[78] Refer to the following General Development Plan standards:

- Active uses—including uses denoted in Table 4.01.1—shall be required, at minimum, along 30 percent of the ground floor frontage facing South Montgomery Street and 30 percent of the cumulative frontage facing Cahill Street and West Santa Clara Street, with a prioritization for active uses on Cahill."
- Loading and service access. Off-street building loading or parking access shall be prohibited from Cahill Street, South Montgomery Street, and West Santa Clara Street.

The project applicant agrees with VTA's comment that active use frontages on these parcels will improve the pedestrian environment.

To increase the active use frontage requirements in this area, active use entry requirements (orange line) have been added to Downtown West Design Standards and Guidelines Figure 3.5 along north Cahill extension on C2 (east frontage) and facing San Fernando on F1 (north frontage).

Also note that while Figure 3.5 indicates requirements for active frontages, active frontages are permitted anywhere within building parcels and may ultimately cover more frontages than the base requirements included in the Downtown West Design Standards and Guidelines.

Within Downtown West Design Standards and Guidelines Figure 6.55, the San Fernando facade of F1 (north) and Santa Clara facade of C2 (south) will be added as facades along which curb cuts may not be located to enhance the pedestrian environment. However, others may require loading access due to limited options for access.

Comment J.20

Project Name

The name of the project should be consistent throughout the document and should be called "VTA's BART Silicon Valley Phase II Extension Project." It is called several different names, such as "BART Downtown" and "BART Silicon Valley Phase II," throughout the document.

Response J.20

At the commenter's request, the name of VTA's BART Silicon Valley Phase II Extension Project has been corrected throughout the document, replacing references to the project as "BART Downtown" and "BART Silicon Valley Phase II." This editorial change, on Draft EIR pages 2-10 (footnote 17), 2-48, 2-66, 3.4-17, and 3.10-41, does not alter the analysis or conclusions of the EIR.

[78] The General Development Plan is available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment J.21

Construction Transportation Management Plan (CTMP)
Continued access to the Diridon Transit Center during the construction period is of the utmost importance to VTA. We understand that significant work needs to take place regarding the coordination and development of the Construction Transportation Management Plans (CTMP) for both projects. VTA requests that language be added to the DEIR related to direct coordination with VTA regarding coordination of any Downtown West construction plans in addition to the City of San José as VTA's BART Silicon Valley Phase II Extension Project schedules and areas overlap (Appendix J2, Chapter 12).

VTA would also like to suggest a formalized coordination and review process for the CTMPs for the Diridon Station area. We are aware that there are several topics that will need to be discussed as the projects progress in design such as road closures, truck haul routes, stormwater, security, outreach and messaging, and vibration monitoring plans. VTA is also looking forward to receiving more information about the utilidor and the use of a tunnel boring machine (TBM) as it becomes available to the City. It is understood that depending on the schedules, the vibration and noise monitoring plans required for both projects due to the use of a TBM will need to be coordinated (Section 2.8.9 and Impact NO-2).

The document notes that the 2017 Infrastructure Analysis would need to be reevaluated once more information was known about VTA's BART Silicon Valley Phase II Extension Project (stated as the BART Downtown extension). VTA understands that this document will be updated following the approval of the DSAP in 2021. VTA suggests that this statement be revised if it is not going to be updated for this environmental document (Section 2.8.7).

Construction vehicles, equipment, and other facilities should be clearly marked with project identification/branding in a manner that is distinguishable from other nearby projects. This will ensure community outreach, stakeholder communications, and issues management are streamlined.

Response J.21

Draft EIR pages 3.13-28–3.13-30 discuss potential impacts that would result from construction of the project and specific measures that would be taken by the project applicant to minimize any such impacts. This includes a discussion of the plans and best practices that the project applicant would follow to develop the construction management plan for the project, which are required as part of the City's Recommended Temporary Traffic Control Plan (RTTCP). The RTTCP is further detailed in Chapter 13 of the LTA. For information regarding the coordination of project construction activities with other projects being constructed in the project vicinity, please refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*. Also see the Construction Impact Mitigation Plan (CIMP) proposed for review by City decision makers in conjunction with project entitlements[79] and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for information regarding the preparation of project-

[79] As of publication of this First Amendment, the applicant's proposed CIMP and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

specific RTTCPs as part of Subsequent CIMPs that would be prepared for each building or group of buildings consistent with Municipal Code Section 13.36.

Comment J.22

Parking Assessment

VTA understands that the Downtown West project will ultimately replace any loss of parking due to the development of the project. VTA would like the second paragraph of [Section 11.5 of the Local Transportation Analysis] to be revised as written below to the following to better represent the end state of VTA's BART Silicon Valley Phase II Extension Project. VTA's BART Silicon Valley Phase II Extension Project has its own set of mitigation measures for temporary replacement parking during construction that are not referenced in this document and all construction vehicles and equipment will be staged within the project's construction staging areas.

"During BART construction at Diridon Station, portions of the parking lots within their construction staging area (CSA) will be reserved for storage of construction vehicles and equipment. The Phase II Project's environmental mitigation requires the temporary replacement of 450 parking spaces during construction, which is not included as part of the Downtown West Project. When construction is complete of VTA's BART Silicon Valley Phase II Extension Project, the property within the construction staging areas will be returned to the property owner. As such, some, but not all the reserved parking lots may be reopened, at the property owner's discretion." (Appendix J2, Section 10.5).

Response J.22

The comment is noted. Section 11.5 of the LTA (Draft EIR Appendix J2) has been updated to reflect the requested text changes.

Comment J.23

Security

VTA noted that the Downtown West project plans to develop its own on-site security plan. VTA would like to discuss security as a future coordination topic closer to Opening Day of VTA's BART Silicon Valley Phase II Extension Project. With the multiple police and security jurisdictions in the area, it is important to VTA that protocols and procedures are coordinated to ensure proper responses (Page 2-60).

Response J.23

As noted in the Project Description, Section 2.8.16, *Project Site Security*, the project would include an on-site security plan. As the security plan for the area is developed, the project applicant would be happy to share and discuss the security plan for construction and operation with VTA's BART Silicon Valley Phase II team as well as with the San José Police Department.

Comment J.24

Construction Schedules
VTA recommends that the dates for VTA's BART Silicon Valley Phase II Extension project be updated throughout the document to be "2022 through 2030, with substantial completion anticipated in 2028."

Response J.24

At the request of the commenter, the dates for construction of VTA's BART Silicon Valley Phase II Extension project have been updated to read, "2022 through 2030, with substantial completion anticipated in 2028." This editorial change, on Draft EIR pages 3-10, 3.5-28, and 3.10-58, does not alter the analysis or conclusions of the EIR.

Comment J.25

VTA would like a better understanding of the constraints that VTA's BART Silicon Valley Phase II Extension Project construction places on the Downtown West project that will lead to the extension of phasing of the project to the extent that necessitates calling it out in the document as such (Appendix J2, Chapter 12, Page 240).

Response J.25

The BART Silicon Valley Phase II Extension to and through the project area would include a new subgrade station immediately south of West Santa Clara Street, beneath Block D4 of the proposed project. Construction will involve excavation and staging on that block and surrounding blocks, thereby directly precluding project development on that portion of the project site prior to BART station substantial completion in 2028. Therefore, commencement of project construction on Block D4 and other portions of the project site on the south side of West Santa Clara Street that will be used for BART extension construction would be dependent on VTA vacating these areas. Final completion of the sidewalks to Autumn Street and Post Street surrounding Block D4 would also be also contingent on VTA completing its use of that site.

Comment J.26

Ridership
VTA has also recently updated our ridership modeling to meet FTA requests for their Expedited Project Delivery Pilot Program. Our new modeling estimates approximately 11,500 riders by 2040 for the Diridon BART Station. VTA asks that this be reflected in your document and analysis (Page 3.13-7).

Response J.26

The comment is noted. Draft EIR page 3.13-7, as well as page 29 of the Transportation Analysis (Draft EIR Appendix J1) and page 63 of the LTA (Draft EIR Appendix J2), has been updated to reflect the requested text changes. On Draft EIR page 3.13-7, the paragraph under the heading

"Santa Clara Valley Transportation Authority BART Silicon Valley Extension" is revised as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

> The VTA BART Silicon Valley Phase II project will extend BART service from its current terminus at Berryessa Station through Downtown San José, with a stop at Diridon Station, and terminate at the Santa Clara Caltrain Station. As of spring 2020, service is expected to begin in 2030 and is projected to serve ~~9,600~~ 11,500 daily passengers at Diridon Station by ~~2035~~ 2040.

Comment J.27

At-Grade Railroad Crossings

VTA acknowledges the potential modification to existing or new at-grade crossings of the railroad tracks, possibly by North Montgomery Street (crossing number 750151J) or at Autumn Parkway (crossing number 924191R), as noted in Appendix J, and at light rail tracks at Delmas Avenue and Autumn Street noted in the DWDSG. For such modifications, the project sponsor should work together with the CPUC and VTA to review the potential at-grade crossing changes and implement safety measures as a direct result of the project. Such safety measures should be expressly stated in the Conditions of Approval. Specifically, with Autumn Street being converted to two lanes, the at-grade crossing of the light rail tracks across Autumn Street will require additional crossing improvements including new "back" gates on the north side of the crossing. VTA looks forward to reviewing the designs for the improvements.

Response J.27

The project applicant team is committed to working with the City, VTA, and CPUC to determine necessary improvements to the at-grade rail crossings within the project boundary. These improvements likely will be studied further in focused LTAs. Refer to the LTA (Draft EIR Appendix L2) for more detail on the scope of the future focused LTAs. Any improvements and modifications to rail crossings would comply with the applicable CPUC General Orders and the California Manual on Uniform Control Devices and be subject to CPUC approval as applicable.

K. Santa Clara Valley Water District (12/7/20)

Comment K.1

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (DEIR) for the Downtown West Mixed-Use Plan (Google Project), received by the Valley Water on October 7, 2020.

The Valley Water owns fee title property and easements along both Los Gatos Creek and the Guadalupe River within and adjacent to the project site. The DEIR notes work including, but not limited to outfall relocation, Los Gatos Creek enhancement, a new pedestrian bridge over Los Gatos Creek and replacement of the San Fernando Street bridge. Any work on Valley Water's easement or fee title property will require the issuance of a Valley Water encroachment permit as per Valley Water's Water Resources Protection Ordinance.

Issuance of a Valley Water encroachment permit and any agreements with Valley Water, such as Joint Use Agreements, are discretionary acts and require Valley Water to be considered a responsible agency under CEQA.

Please contact me to set up a meeting in January to discuss the timing and approach to obtain required Valley Water permits and agreements as may be applicable. In this way, we can better serve the City and Google in making sure documentation is completed within the timeframes as needed for the project.

Based on Valley Water's review of the DEIR we have provided a comprehensive set of comments in response to the public review document as shown below. The comments address the scope and content of the environmental information relevant to our agency's statutory responsibilities in connection with the proposed project. This EIR will be used by Valley Water when considering subsequent approvals related to the project. Based on our review of the DEIR we have the following comments:

As indicated on page S-68, dewatering is required during construction because shallow groundwater occurs in the project location. 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 if volumes are expected to be significant. We also recommend that the geotechnical investigation identify the foundation design and waterproofing that will avoid the need for permanent dewatering after construction is complete. This comment also applies to other mention of dewatering activities in the DEIR, including but not limited to Section 3.8, page 3.8-28 and Mitigation Measure HA-3c that describes contractors developing a dewatering plan.

Response K.1

The comment begins with four paragraphs of introductory remarks that are acknowledged. The first substantive comment refers to a page S-68; however, there is no such page in the Draft EIR. Page 2-68 in Chapter 2, *Project Description*, is Figure 2-10, which does not mention dewatering. It is assumed that the comment is referring to Section 3.7, *Hazards and Hazardous Materials*, which does discuss that dewatering that may be necessary in some areas. The comment recommends additional details regarding dewatering protocols.

In Section 3.7, Mitigation Measure HA-3c, Site Management Plan, includes the requirement that Site Management Plans (SMPs) include "Protocols for the materials (soil and/or dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner." The mitigation measure specifies that for work at parcels that would encounter groundwater, as part of the SMPs, contractors shall include a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate, and lawful manner. The comment requests additional detail be added to the four bullets on Draft EIR page 3.7-86, as identified below by the two <u>double-underlined</u> bullets. These new bullets have

been added to the text of Mitigation Measure HA-3c and are included in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment:

- The locations at which groundwater dewatering is likely to be required.
- Test methods to analyze groundwater for hazardous materials.
- Appropriate treatment and/or disposal methods.
- Discussion of discharge to a publicly owned treatment works or the stormwater system, in accordance with any regulatory requirements the treatment works may have, if this effluent disposal option is to be used.
- The groundwater dewatering control and disposal plan shall provide a detailed analysis of construction dewatering, including estimating dewatering volumes/durations and evaluating related impacts if volumes are expected to be significant. The dewatering system shall be designed such that the volume and duration of dewatering are minimized to the greatest extent possible.
- The geotechnical investigation for those parcels that may require dewatering shall identify the foundation design and waterproofing to minimize the need for permanent dewatering after construction is complete.

Comment K.2

It is unclear why the project proposes both a trail along Los Gatos Creek, a minimum of 10 feet outside the riparian corridor, and a boardwalk that would be adjacent to and within the riparian corridor.

Response K.2

As stated on Draft EIR page 3.2-86, the proposed boardwalks would be located adjacent to and within the riparian corridor in the Creekside Walk open space, and adjacent to the riparian corridor at Los Gatos Creek East open space. The boardwalks would be built on areas of substantial existing hardscape. The boardwalks are not a proposed trail or for active use, but rather would be limited to passive pedestrian use, consistent with City Council Policy 6-34. In contrast, the Los Gatos Creek trail which is planned as an active greenway accommodating bicycles and pedestrians, is planned to be located 10 feet from the top of bank or edge of the riparian corridor, whichever is greater; this would also be consistent with Policy 6-34. Sections 4.16 and 4.17 of the Downtown West Design Standards and Guidelines (Draft EIR Appendix M) contain additional detail regarding the proposed design and function of these features.[80]

Comment K.3

Figure 2-8 shows a new private roadway along the Guadalupe River. Valley Water has easement over and adjacent to the river in this area and the roadway may require a Valley

[80] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Water permit, if the use is acceptable. Once more detailed information is available regarding the location of the roadway it should be provided to Valley Water for review.

Response K.3

The comment is acknowledged. As discussed in Chapter 1, *Introduction*, since publication of the Draft EIR, the project has been revised to eliminate the proposed emergency vehicle access and service road along the Guadalupe River. Instead, this area is now proposed for open space and a pedestrian pathway, along with the previously approved renovation of the historic San José Water Company building, relocation of the transformer house to be adjacent to the Water Company building, and demolition of the non-contributing structures. The vehicular access of the new roadway (private street) is now proposed to be set back 35 feet from the Guadalupe River, consistent with the minimum setback permitted in Condition 11 of the Santa Clara Valley Habitat Plan, and to extend along the east side of Block E3 and then turn west to run along the north side of Blocks E3 and E2, as well as between these blocks. The EIR acknowledges that permits would be required from Valley Water for work within the easement along the Guadalupe River.

Comment K.4

The proposed pedestrian bridge over Los Gatos Creek appears to be located on Valley Water property. The bridge will require a permit and a Joint Use Agreement with the City of San José if it will be part of the City trail, otherwise the bridge will require a license agreement for long-term use of Valley Water property.

Response K.4

The comment is acknowledged. Draft EIR page 2-80 states that the project would require "review and approval" by Valley Water for, among other things, "construction work in Los Gatos Creek, including the proposed new footbridge."

Comment K.5

It appears a portion of the text for Footnote 58 on page 2-44 was cutoff. However, a portion of the text notes the City's proposed Los Gatos Creek Trail Reach 5 doesn't include an east side trail as proposed by the project. It is unclear if the multi-use trail and/or boardwalk will be part of the City's trail system or if they will be privately owned and maintained. Trails on Valley Water property need to be public trails owned and operated by the City and a Joint Use Agreement between the City and Valley Water is required.

Response K.5

Footnote 58 on Draft EIR page 2-44 continues onto page 2-45. The footnote reads, in its entirety:

> [58] The City's approved master plan for the Los Gatos Creek Trail–Reach 5, which would extend from the south side of Auzerais Avenue to the north side of West Santa Clara Street to link existing trail segments, does not contemplate a trail on the east side of the creek, as is proposed by the project applicant. In addition, the master plan, evaluated in a 2008 mitigated negative declaration, includes a grade-separated crossing of West San Carlos Street (beneath the elevated roadway and the at-grade Caltrain tracks just north of a Caltrain bridge over Los Gatos Creek). The City has also expressed support for grade-separated crossings at West San Fernando and West Santa Clara Streets; these latter crossings were not included in the Master Plan. The project does not propose grade-separated crossings; if undertaken in the future, these and other improvements not evaluated herein would be considered separate projects that would be subject to their own environmental review.

All of the proposed project trail and boardwalk improvements (with the exception of the proposed pedestrian bridge) would be undertaken on applicant-owned property. The project's proposed Los Gatos Creek Trail segments from north of West San Carlos Street to Park Avenue (west side of the creek) and from the VTA rail tracks to West Santa Clara Street (east side of the creek) would be dedicated to the City of San José in fee title. (A short segment of the Los Gatos Creek Trail north of West San Carlos Street crosses Valley Water property and coordination would therefore be required with Valley Water for dedication of this portion of the trail.)

As noted in Response K.4, the proposed new footbridge would require approval by Valley Water. Draft EIR page 2-80 also notes that the project would require an encroachment permit from Valley Water "for any work on Valley Water lands, including along Los Gatos Creek."

Comment K.6

Page 2-38 and other sections of the DEIR note the project includes undergrounding of utilities in addition to installation of new utilities some of which will cross the creeks. If such work occurs on Valley Water right of way a Valley Water permit is needed.

Response K.6

As noted in Response K.5, Draft EIR page 2-80 states that the project would require an encroachment permit from Valley Water "for any work on Valley Water lands."

Comment K.7

Page 2-62 notes the San Fernando Bridge is proposed to be replaced as part of proposed flood control improvements. The replacement bridge is to be a clear span bridge with the soffit no lower than the 100-year water surface elevation. The replacement bridge should also include freeboard as per Valley Water's Water Resources Protection Manual.

Response K.7

The design for the proposed replacement bridge over Los Gatos Creek at West San Fernando Street has not yet been completed. As stated on Draft EIR page 2-80, project approval actions would be required from Valley Water for, among other things, the West San Fernando Street bridge replacement. Accordingly, the replacement bridge (along with the proposed new footbridge

to the north) would be subject to conditions as may be imposed by Valley Water as well as other permitting agencies, including but not limited to, required freeboard (vertical height between the bridge and creek capacity).

Comment K.8

Page 3.2-[33] notes that work is proposed in the upslope habitat adjacent to the Guadalupe River. It is not clear what work is proposed or exactly where the work is proposed; however, Valley Water has easements over the Guadalupe River within the project area and if the work will encroach into the easement a Valley Water permit is required.

Response K.8

The statement in question refers to development of open space and an emergency vehicle access road along the Guadalupe River—an area that is currently paved with asphalt—as well as to previously approved renovation of the historic San Jose Water Company building, relocation of the former transformer house to be adjacent to the Water Company building, and demolition of the other Water Company buildings. However, as explained in Response K.3, the project has been revised since publication of the Draft EIR to eliminate the roadway along the river and only open space and a pedestrian pathway, along with the work on the Water Company building, are now proposed adjacent to the Guadalupe River. The new roadway for vehicular access of the private street would now be set back 35 feet from the Guadalupe River, consistent with the Santa Clara Valley Habitat Plan. The EIR acknowledges that should portions of the project occur within Valley Water easements over the Guadalupe River, an encroachment permit will be needed.

Comment K.9

Regarding the discussion on page 3.2-4, other common wildlife in the area include: *Sciurus carolinensis*, *S. griseus*, and *S. niger*. The following bat species *Tadarida brasiliensis*, *Eptesicusfuscus*, or *Myotis* spp. are more likely to occur in [the] project area than *Corynorhinus townsendii* or *Antrozous pallidus*. Other birds commonly found in the area include: Brewer's blackbird, northern mockingbird, and mourning dove, rock dove. Additionally, Falco peregrinus have been known to nest on city hall, which is less than 1 miles from the project site.

Response K.9

The examples of wildlife found in the various habitats discussed in the Environmental Setting section do not represent comprehensive species lists and the addition of these "common" species would not change the analysis.

Regarding bats, Dave Johnston, Ph.D., wildlife biologist at H.T. Harvey & Associates and local bat expert, provided peer-review on the habitat descriptions and potential-to-occur for all special-status bat species considered for the project in this Draft EIR, as noted in footnotes 30, 31, and 32 in Draft EIR Table 3.2-1, Special-Status Species' Potential to Occur Within the Study Area, and footnote 38 on page 3.2-18. Because pre-construction roosting bat surveys are included as a mitigation measure, any special-status bat species located during surveys would be protected. The

potential presence of any additional special-status bat species that could occur in the project area would not change the mitigation approach or result in additional protection measures for special-status bat species.

Comment K.10

In reference to the discussion on page 3.2-5, Valley Water began juvenile rearing monitoring on the mainstem Guadalupe River and Guadalupe Creek in 2004. In 2018 sampling expanded to include Los Gatos, Calero, and Alamitos Creeks. During Valley Water sampling from 2004 to present, species observed in the Guadalupe watershed include:

> Native: prickly sculpin, riffle sculpin, *O. mykiss*, Sacramento sucker, California roach, Pacific lamprey
>
> Non-native: sunfish (bluegill, green sunfish), common carp, goldfish, largemouth bass, spotted bass, mosquitofish, inland silverside, channel catfish, bigscale logperch, Chinook salmon*, tule perch** (*while native to California, there is no data to suggest Chinook were historically present in Santa Clara County, and genetic analysis shows Chinook in Guadalupe watershed are hatchery strays. **Tule perch are regionally native, but is not believed to have been historically present in the Guadalupe watershed).

Non-native pond loach were observed for the first time in Santa Clara County on Los Gatos Creek in 2019. In 2019, non-native fish on Guadalupe River totaled 4.8% and 16.5% on Los Gatos Creek.

Response K.10

Native species identified within the 2018 Valley Water sampling program that were observed in close proximity to the project site were included in the setting discussion. The historical results of Valley Water's sampling program are noted; however, these may be less relevant than recent targeted electrofishing surveys within the Guadalupe River watershed; as cited in the Draft EIR. Additionally, historical Valley Water records were not publicly available and thus could not be cited in the Draft EIR. This additional context is helpful to the reader, but does not substantially affect the subsequent impact analysis.

Comment K.11

In regards to the discussion on page 3.2-6, blue heron, great egret, snowy egret, black-crowned night heron, green heron, and mergansers are commonly observed wildlife. Under "mixed riparian woodland" black locust is not native to Santa Clara County. Juglans hindsii has been considered non-native by SCVWD in the past because it was believed to have been spread as an ornamental and rootstock for walnut orchards in the county; therefore, it has been classified as nonnative in Valley Water permits. However, recent studies suggest the non-hybridized, native / hindsii is in fact widespread in Santa Clara County. For "other vegetation" this is a little confusing because boxelder is native and the other "other species" are not. Suggest clarifying if the list of native and non-native is a listing of dominant species within the project area and these are other mixed native/non-native species, or include these species with the lists in the previous couple sentences.

Response K.11

The tree species listed in the last sentence of the paragraph includes species that were observed in a survey by HT Harvey and Associates, as indicated in footnote 19 on Draft EIR page 3.2-6. Based on the clarifications provided in the comment, the following edits are made to the text of Draft EIR page 3.2-6:

> Mixed riparian woodland is present along Los Gatos Creek; however, the extent and quality of the woodland are limited by urban development on either side of the waterway, and by the presence of non-native, invasive plant species. Within the riparian corridor,[18] a mix of native vegetation was observed during the reconnaissance survey of the project area, including Fremont cottonwood, ~~black acacia (*Robinia pseudoacacia*),~~ California walnut (*Juglans hindsii*), arroyo willow, and California blackberry. Non-native vegetation was also observed, including black locust (*Robinia pseudoacacia*), American elm (*Ulmus americana*), Peruvian pepper tree (*Schinus molle*), fennel, cape ivy (*Delairea odorata*), and English ivy (*Hedera helix*). Other vegetation documented in the riparian woodland along Los Gatos Creek includes eucalyptus (*Eucalyptus* sp.), box elder (*Acer negundo*), giant reed (*Arundo donax*), and tree of heaven (*Ailanthus altissima*).[19]

The addition of several common wildlife species to the Draft EIR Biological Resources setting section does not change the conclusions of the analysis for these species. Furthermore, Mitigation Measure BI-1e would apply to any nesting birds, including those not presently documented within the project area. In regards to wildlife associated with Mixed Riparian Woodland, the following edits are made on Draft EIR page 3.2-7 (new text is double-underlined):

> Mixed riparian woodland often provides habitat for a number of wildlife species because of its extensive cover and the presence of flowing water. Common mammals that could be found in riparian corridors within the study area include raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), and skunk (*Mephitis mephitis*). Birds that use moderate- to high-quality riparian habitats for nesting and foraging include northern flicker (*Colaptes auratus*); red-shouldered hawk (*Buteo lineatus*); song sparrow (*Melospiza melodia*); common merganser (*Mergus merganser*), green heron (*Butorides virescens*); yellow warbler (*Setophaga petechia*), a California species of special concern; ~~and~~ Cooper's hawk (*Accipiter cooperii*), a species on the CDFW Watch List; snowy egret (*Egretta thula*); great egret (*Ardea alba*); great blue heron (*Ardea herodius*); and black-crowned night heron (*Nycticorax nycticorax*). Snowy egret, great egret, great blue heron, and black-crowned night heron nesting colonies are regulated by CDFW; however, these species have not been documented within the Project area.[20a]

Comment K.12

In regards to the discussion on page 3.2-7, Dave Johnston (H.T. Harvey) conducted a bat survey in the summer of 2008 on the Guadalupe River riparian area just upstream of the project area (from Highway 280 to the RR crossing). Potential habitat was present in large

[20a] California Department of Fish and Wildlife, *Special Animals List*, November 2020. Available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline. Accessed January 19, 2021.

trees, W Virginia Street Bridge, UPRR, and Hwy 280/87 interchange. Only Mexican free-tailed bat and Yuma myotis were detected. It was determined the downtown riparian area is not optimal habitat and there have been a paucity of bat detections. Bats may travel through the area, but potential to roost and forage is very low. Linder "special-status and protected species" it is unclear if the bats listed by the Western Bat Working Group (WBWG) are also considered. If they were, suggest including additional *Myotis* spp. under potential to occur. It is also unclear if species covered by the Valley Habitat Plan were considered.

Response K.12

As explained in Response K.9, peer-review by a local bat expert was provided for the EIR's habitat descriptions and potential-to-occur for all special-status bat species considered for the project in this Draft EIR. Both the baseline analysis of these species and potential impacts to common and special-status bats in the Draft EIR are accurate. Because pre-construction roosting bat surveys are included as a mitigation measure, all special-status bat species located during surveys would be protected. If additional special-status bat species are identified in the project area, this would not change the mitigation approach or result in additional protection measures for special-status bat species. Species covered by the Valley Habitat Plan were considered in the EIR analysis; however, the Valley Habitat Plan does not cover any bat species.

Comment K.13

On page 3.2-10, the way the special-status species potential to occur section is written, it appears that "low" implies "absent." We suggest this be clarified in the discussion. If a species has low potential to occur it could still occur, and there is an expectation that the species would be discussed in more detail below. Many of the birds described as having low potential to occur definitely do occur in the area, while most of the other species are probably absent, or very unlikely to occur. Other fish with potential to occur - *Entosphenus tridentatus* and *Oncorhynchus tshawytscha* (pop. 13) are species of special concern (SSC) with potential to occur. *Cottus gulosus* is a SSC known to occur in the upper watershed but not expected to occur in the project area; prickly sculpin (not special-status) could occur in the project area. Under "*O. mykiss*" the DEIR states "historically present," may want to consider rewording. *O. mykiss* are present in Guadalupe watershed and assume steelhead are still present (passive integrated transponder (PIT) studies show evidence of outmigration), but numbers are probably lower than they were historically. There is potential to occur in the project area in low numbers. Include a reference for the fish surveys referenced from 2014.

Response K.13

The comment cites the difference in Draft EIR Table 3.2.1, *Special-Status Species' Potential to Occur within the Study Area*, between the potential presence of a bird species near the project site, and the stated low likelihood of bird nesting in the project area. (The presence of nesting birds is noted in the table only if records from the California Natural Diversity Database or other source so indicate.) For several large waterbirds described on Draft EIR page 3.2-11, a low "potential for species occurrence" specifically refers to the presence of nesting or nesting colonies, as described in the left column of the table; not the absence of the particular bird

species. While herons and egrets routinely forage in Los Gatos Creek, as stated on Draft EIR page 3.2-81, herons and egrets are not documented to nest in the Los Gatos Creek riparian corridor. Hence, the Draft EIR is correct to presume a "low" likelihood of occurrence. All of the birds analyzed in the Draft EIR are protected by the Migratory Bird Treaty Act, and impacts to any of these species would be avoided and minimized through implementation of Mitigation Measure BI-1e, Avoidance of Impacts on Nesting Birds, including being identified in pre-construction nesting bird surveys if they were nesting in, or within 250 feet of, the work area.

Valley Water is correct to suggest the inclusion of California Special of Special Concern (SSC): Pacific lamprey (*Entosphenus tridentatus*), Chinook salmon (*Onchorhynchus tshawytscha*), and riffle sculpin (*Cottus gulosus*). The following edits are made to Table 3.2-1 on Draft EIR page 3.2-10 (new text is double-underlined):

Fish			
Riffle sculpin *Cottus gulosus*	—/—/SSC	Require cool, headwater streams where riffle and rocky substrates predominate.	Low. Known to occur throughout the Guadalupe River watershed. Primarily confined to the swift, cool, high-elevation reaches of streams upstream of the project site.[29a,29b]
Pacific lamprey *Entosphenus tridentatus*	—/—/SSC	Requires cool, freshwater streams with suitable gravel for spawning. Rears in rivers and tributaries to San Francisco Bay.	Low. Known to occur in low densities in multiple South Bay streams including the Guadalupe River and Los Gatos Creek.[29c] This species' status is poorly documented, and its relative abundance in streams is unknown.
Steelhead (Central California Coast DPS) *Oncorhynchus mykiss irideus*	FT/—/—	Spawns and rears in coastal streams between the Russian River and Aptos Creek, as well as drainages tributary to San Francisco Bay, where gravelly substrate and shaded riparian habitat occurs.	**Moderate.** Historically present in the Guadalupe River watershed, but urbanization and barriers to passage have likely reduced steelhead runs. Most recently identified in Los Gatos Creek during fish surveys in winter 2014.
Chinook salmon *Onchorhynchus tshawytscha*	—/—/SSC	Requires cold, freshwater streams with suitable gravel for spawning. More common in Central Valley streams, occasionally rears in tributaries to San Francisco Bay.	Low. Known to occur in small numbers in multiple South Bay streams including the Guadalupe River and Los Gatos Creek.[29d] Genetic analysis and presence of coded wire tags has determined that Chinook in South Bay streams are derived from hatchery stock.[29e,29f]

[29a] Leidy, R. A., *Ecology, Assemblage Structure, Distribution, and Status of Steelhead/Rainbow Trout (*Oncorhynchus mykiss*) in Streams of the San Francisco Estuary, California*. Center for Ecosystem Management and Restoration, Oakland, CA, 2007.

[29b] Smith, J., *Northern Santa Clara County Fish Resources*, Department of Biological Science, San José State University, July 25, 2013.

[29c] Leidy, R. A., *Ecology, Assemblage Structure, Distribution, and Status of Steelhead/Rainbow Trout (*Oncorhynchus mykiss*) in Streams of the San Francisco Estuary, California*. Center for Ecosystem Management and Restoration, Oakland, CA, 2007.

[29d] Leidy, R. A., *Ecology, Assemblage Structure, Distribution, and Status of Steelhead/Rainbow Trout (*Oncorhynchus mykiss*) in Streams of the San Francisco Estuary, California*. Center for Ecosystem Management and Restoration, Oakland, CA, 2007.

[29e] Moyle, P. B., *Inland Fishes of California – Revised and Expanded*. University of California Press, 2002.

[29f] Garza, John Carlos, and Devon Pearse, *Population genetics of* Oncorhynchus mykiss *in the Santa Clara Valley Region*, Final Report to the Santa Clara Valley Water District, 2008.

Based on recent Guadalupe River watershed survey records, the likelihood of occurrence of any of these species remains low (Valley Water, 2018). Furthermore, no change to the impact assessment or impact conclusions is required as Mitigation Measures BI-1a, BI-1b, and BI-1c will ensure any impact to special-status fish species remains *less than significant*.

Comment K.14

On pages 3.2-11through 3.2-13 we have following comments on Table 3.2-1:

- Birds: consider including *Elanus leucurus*, fully protected, and *Accipiter striatus*, watch list (WL)
- DEIR states suitable habitat is present for great egret, great blue heron, snowy egret, and black-crowned night heron, but there is low potential to occur because there are no California Natural Diversity Database (CNDDB) records within 3 miles. This statement does not justify low potential for a nesting colony to occur if the habitat is present; egrets are highly mobile. All of these species regularly occur on the Guadalupe River, and there are records of great blue heron (GBHE) and snowy egret (SNEG) nesting colonies from the late 1990s and mid-2000s on Los Gatos Creek at the percolation ponds and Vasona Park.
- Burrowing owl: states “all sites approximately 2.5 miles north of project area.” Instead of sites, clarify they are observations recorded in the CNDDB.
- Merlin: merlins are rated as moderate potential to occur while peregrine falcon (PEFA) are rated as low potential to occur. PEFA have a greater potential to occur in the project area than merlin. Peregrine falcon: states the species was known to nest 2.5 miles from the project area on a high rise from 2006 to 2015; however, they are also known to nest on City Hall, less than 1mile from project area, from 2007-2020. The DEIR should justify why the buildings in the project area do not provide suitable nesting habitat for peregrine falcon.
- Pallid bat: suggest to keep using the term “low” rather than switching to “unlikely”; they mean the same thing. If the intent is to say there is a lower potential for occurrence than “low” species, could use “absent” or “none.” Same for Townsend's big-eared bat.
- Townsend's big-eared bat: if there is suitable roosting habitat for Townsend's bat in the study area, it could be assumed this habitat would also be suitable for pallid bat or is level of disturbance sufficient to exclude both species?
- Western red bat: it is not necessary to include that the species is “absent from desert areas,” as the habitat is not available in the study area. Recommend deleting or clarifying the last sentence, which states “migrants can be found outside.”
- San Francisco dusky-footed woodrat: the species is described as “highly arboreal.” Suggest clarifying that ground nests are more common than arboreal nests in Santa Clara County. While habitat seems suitable in the project area, the species is not observed in the area, presumably due to high flows regularly inundating the floodplain. Habitat is also described as being in areas “lacking understory, presence of human encampments, and proximity to roads and residential and commercial development,” but the species will nest in shrubs near roads, understory species such as blackberry and poison oak, and frequently occur near trails in open space or near residential areas.

Response K.14

Elanus leucurus is unlikely to be present within the study area since it is associated with open marshes and grasslands where mice and voles, its primary food source, are plentiful. This habitat is not present in the study area. *Accipiter striatus* can nest in a range of woodlands but usually with conifers present. In California, the species is often associated with coastal coniferous forests, coastal live oak woodlands, and scrub/chaparral habitats. These habitats are also not present in the study area. In the event that *Accipiter striatus* nests are discovered in the riparian corridor, or within 250 feet of, the project area, impacts would be avoided and minimized through implementation of Mitigation Measure BI-1e, Avoidance of Impacts on Nesting Birds, including being identified in pre-construction nesting bird surveys if they were nesting in, or within 250 feet of, the work area.

Relative to the comment regarding habitat for great egret, great blue heron, snowy egret, and black-crowned night heron, these species are protected by the Migratory Bird Treaty Act and impacts to any of these species would be avoided and minimized through implementation of Mitigation Measure BI-1e, Avoidance of Impacts on Nesting Birds, including being identified in pre-construction nesting bird surveys if they were nesting in, or within 250 feet of, the work area.

Related to burrowing owl, the typo in the Potential for Species Occurrence column in Table 3.2-1, *Special-Status Species' Potential to Occur within the Study Area,* Draft EIR page 3.2-11, is corrected as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

> **Low.** Multiple relatively current (1990s–2009) CNDDB records from vacant lots at Norman Y. Mineta San José International Airport (natural and artificial burrows in use). Most vacant lots appear to have been developed since burrowing owl observations were recorded in the CNDDB. All ~~sites~~ occurrences approximately 2.5 miles north of project area. No suitable habitat in study area currently, but suitable habitat could be created following demolition if construction does not start right away and burrows or burrow surrogates are present.

As stated in Table 3.2-1, *Special-Status Species' Potential to Occur within the Study Area,* peregrine falcons in urban areas nest on tall buildings and bridges. There are no buildings higher than two stories on the project site. City Hall is an 18-story building, the second tallest building in San José, so it makes sense that peregrines would choose it for a nesting site. Peregrine falcons that elect to hunt in the study area during construction are assumed to be habituated to urban noise, including construction; we also assume they have many options to hunt elsewhere in the City due to their mobility and the density of rock pigeons and other prey downtown. Peregrine falcons may nest on project buildings when complete, but that would not be an impact of the project on the environment, and thus would not be relevant under CEQA.

The comment relating to pallid bat and Townsends' big-eared bat suggesting to use the term "low" rather than "unlikely" is noted. As explained in Response K.9, peer-review by a local bat expert was provided of the EIR's habitat descriptions and potential-to-occur for all special-status bat species considered for the project in this Draft EIR, and the expert indicated that pallid bat has been extirpated from the Santa Clara Valley floor.

The comments regarding western red bat and San Francisco dusky-footed woodrat do not reflect an inadequacy of the analysis in the EIR and are noted.

Comment K.15

On page 3.2-16 under "(Central California Coast) CCC steelhead" barriers to anadromy or passage impediments may also include concrete channelization, high water temperature, and/or intermittent hydrology. Valley Water sampling does not have records for steelhead at four sampling stations in lower Los Gatos Creek in 2018, 2019, or 2020. The species probably has moderate potential to occur in the project area in low numbers.

Response K.15

As Valley Water notes, based on historical survey records, steelhead likely have a moderate potential to occur in low numbers within the project site; as described throughout the Draft EIR. The discussion of barriers to anadromy in the first paragraph on Draft EIR page 3.2-16 is amended as follow (new text indicated in double-underline):

> … The urbanization in the lower reaches of the watershed, along with construction of barriers to upstream passage, has reduced the size of the historic run. Other impediments that create partial barriers to steelhead movement within the watershed include concrete channelization, high water temperatures, and intermittent hydrology. …

Comment K.16

On page 3.2-16 under "western pond turtle" (WPT) it states the habitat is present but low quality; however, non-native red-eared sliders have been observed on Guadalupe River just upstream of the confluence with Los Gatos Creek, suggesting other turtle species could occur where suitable habitat is present. WPT regularly occur on the Guadalupe River upstream of the Alamitos drop structure, approximately 5 miles upstream of the project area.

Response K.16

The comment is consistent with the Draft EIR conclusion that western pond turtle has a moderate potential to occur in the study area. Appropriate mitigation measures are provided in Impact BI-1 to address the potential presence of this species.

Comment K.17

On page 3.2-17, under western red bat" they tend to be associated with mature trees such as cottonwood/sycamore riparian, eucalyptus, orchards or other non-native trees, and in the winter have been found on the ground in leaf litter. They are also more likely to be found in urban areas than other more sensitive species, such as pallid or Townsend's. They are more likely to use the riparian corridor for movement than to occur as a regular rooster or forager in the project area, and they generally have low roost site fidelity.

Response K.17

The information provided in the comment is consistent with the Draft EIR conclusion that this species has a moderate potential to occur in the study area. Appropriate mitigation measures are provided in Impact BI-1 to address the potential presence of this species.

Comment K.18

On page 3.2-17, under “hoary bat” this species has also been observed in the county in the spring, not just winter. They are more likely to use the riparian corridor for movement than to occur as a regular rooster or forager in the project area, and they generally have low roost site fidelity.

Response K.18

Refer to Response K.12.

Comment K.19

On page 3.2-18, under “Yuma myotis” they are frequently detected foraging over reservoirs in the county at night.

Response K.19

The comment does not relate to the accuracy of the Draft EIR analysis, and is noted. There are no reservoirs in close proximity to the project site. Also refer to Response K.12.

Comment K.20

The discussion on page 3.2-25 regarding *The Guidelines and Standards for Land Use Near Streams*, notes that through the issuance of a Valley Water “encroachment permit that the guidelines and standards are enforced and tracked.” Since Valley Water permits are issued only for work on Valley Water right of way, enforcement and tracking of *The Guidelines and Standards for Land Use Near Streams* is the responsibility of each public agency that has adopted them for work that does not require a Valley Water permit.

Response K.20

To the extent that project actions occur outside of Valley Water’s right of way, appropriate permits will be pursued from relevant public agencies. This would include conditions regarding development near the riparian corridor. To the extent practical, the project would follow the *Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County*.

Comment K.21

On page 3.2-33, under “impact analysis” consider including detailed information on additional species including Pacific lamprey, Chinook salmon, sharp-shinned hawk, white-tailed kite, herons/egrets, and peregrine falcon. Yellow warbler was ranked as moderate potential for occurrence in the potential to occur table, but is not listed in the impact analysis section.

Response K.21

Per Valley Water Comment K.13, Pacific lamprey and Chinook salmon will be incorporated into Table 3.2-1 with a low probability of occurrence. Chinook salmon and lamprey are less likely to

occur within the aquatic habitat adjacent to the project site and rarely appear in the results of targeted Valley Water electrofishing surveys (Valley Water, 2018). Additionally, while Chinook are native to California, there is no historical evidence suggesting they were historically present in Santa Clara County. Genetic analysis indicates that Chinook salmon in the Guadalupe River watershed are hatchery strays.[81] Valley Water's 2018 report on Guadalupe River watershed considers Chinook salmon a "non-native" species (Valley Water, 2018). Additionally, impacts to aquatic habitat in subsequent sections are discussed generally with respect to all aquatic species. That is, conclusions discussed therein are applicable not just to steelhead, but to other native fish species including Pacific lamprey and Chinook salmon.

Sharp-shinned hawk, white-tailed kite, herons/egrets, and peregrine falcon are discussed under Response K.14. Yellow warbler is discussed in some detail on Draft EIR page 3.2-17, and is considered in a generic sense with other bird species in the impact analysis section, as well as Mitigation Measure BI-1e.

Comment K.22

On page 3.2-33 under "special-status fish" viewing platforms constructed over water could create habitat favorable for non-native fish and prevent use by special-status fish such as steelhead, and reduced light penetration can impact growth of aquatic plants, leading to reduced food availability. If constructed over water, at least 50% of the float surface should be composed of grating containing at least 60% open space surface. Ramps should be 100% grated to allow light penetration and not exceed 5 feet in width. Decks should not exceed 10% of the stream width from the ordinary high water mark. Pilings should consider deterring potential for roosting by piscivorous birds, which could increase predation on special-status fish. Materials used should not be known to release toxins into the aquatic environment (e.g., treated wood). Consider the potential for waterbirds (e.g., ducks, herons, egrets) and WPT to avoid these areas due to increased human presence.

Response K.22

The comment implies that viewing platforms might be constructed very close to the creek's water surface, which could lead to direct impacts to fish and aquatic plants. Given the depth of the creek bed in the project reach and the proposed positions of viewing platforms at the top of bank, such direct effects on the aquatic habitat in the bed of the channel would not occur. Additionally, no pilings would be placed within the bed or banks of the channel. If platforms were to be placed where they extend over the Ordinary High Water line of the creek then grating would be employed to minimize shading impacts (see Downtown West Design Standards and Guidelines Standard 4.8.4).[82]

[81] Garza, John Carlos, and Devon Pearse, *Population genetics of* Oncorhynchus mykiss *in the Santa Clara Valley Region*, Final Report to the Santa Clara Valley Water District, 2008.

[82] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

The construction of viewing platforms could involve direct removal of vegetation within the creek, and such impacts are already accounted for in Mitigation Measure BI-2a.

Likewise, the upper bank positioning of the viewing platforms and minimal intrusion (up to 4 feet) into the riparian corridor result in a small potential for impacts to water birds or western pond turtle that primarily use the bed and lower banks of the channel. The wildlife that use this reach of the creek are already substantially habituated to human disturbance and the passive nature viewing expected on the platforms would not be expected to adversely affect these species.

The placement of viewing platforms could create some minimal shading of the creek banks, but it is unlikely that platforms would be positioned where they would shade the aquatic habitat in the creek channel itself. Any potential shading impacts and resultant mitigation are addressed by Mitigation Measure BI-2c, which provides for comprehensive monitoring of shading impacts on creek habitat and mitigation if needed.

Comment K.23

On page 3.2-34 regarding the potential to release chemicals present in the sediment into the water column, legacy mercury from mining operations is an issue in Guadalupe River and sediment may contain high levels of mercury. Consider the potential for impacts to the food chain, as well as testing for removed sediment and/or a sediment management plan, as well as potential implications to human health and safety.

Response K.23

Valley Water is correct to note the history of mercury mining within the Guadalupe River watershed and potential legacy impacts on instream sediment and aquatic species. Fish tissue sampling from Alamitos Creek and the Guadalupe River showed significant exceedance of U.S. EPA mercury standards (URS, 2012). It is likely that many aquatic species within the Guadalupe River contain elevated levels of mercury in their tissue. Based on sampling and modeling performed in 2005 for the Guadalupe River Watershed Mercury TMDL Project, Los Gatos Creek shows some of the lowest total mercury concentrations in the urban creeks in the San José Area. This is likely because Los Gatos Creek mercury is from natural background sources; whereas, the Guadalupe Creek and Alamitos Creek sources are elevated from natural sources and historic mining operations.[83] Importantly, based on the small amount of instream disturbance, the project is not expected to increase the risk posed by legacy mercury contamination of instream sediment to aquatic species. Other than creek restoration activities which would only cause minor and temporary disturbances, no other in-stream work is proposed. Thus, no additional action is required.

Comment K.24

On page 3.2-34, consider the potential for effects due to vibration or noise on special-status fish, as well as the effects of dewatering and relocation to fish and their habitat (e.g.,

[83] Tetra Tech, Inc., *Guadalupe River Watershed Mercury TMDL Projected, Final Conceptual Model Report*. Prepared for the San Francisco Bay Regional Water Quality Control Board, May 20, 2005.

stranding/injury/mortality, channel scour, reduced or diverted flows). Would any trees be removed for access and/or construction, and is there potential for slash etc. to enter creeks or a reduction in stream shading?

Response K.24

Hydroacoustic effects from pile driving, including proposed revisions to the Draft EIR, are discussed in detail in Response K.53. No impacts to fish or other aquatic species would occur as a result of pile driving within terrestrial areas.

Potential impacts from project construction on the riparian condition, including how reductions in stream shading may impact aquatic habitat, are discussed in Response K.36.

Comment K.25

On page 3.2-34 to further minimize potential impacts as a result of the project, we recommend implementing the attached general Best Management Practices (BMPs), which are typically incorporated into Valley Water projects.

Response K.25

The commenter's suggestion to include Valley Water's general best management practices as project conditions is acknowledged and will be included in the record for consideration by City decision-makers.

Comment K.26

On pages 3.2-35 and 36, under "mitigation measures" we have the following comments:

- Measure BI-1, in addition to the riparian corridor and in channel, special-status species could be present in or on buildings (i.e., roosting bats, peregrine falcon) or in trees outside of the riparian area (e.g., landscape trees or shrubs) if present (i.e., nesting birds, roosting bats).
- Define the term "qualified biologist" the first time it is used.
- Regarding the need for a biological monitoring for all construction-related work within the riparian area or channel, full-time monitoring may not be necessary for all activities given the habitat quality in the project area (for both Los Gatos Creek and Guadalupe River). If dewatering, a biologist should survey the area before dewatering to ensure no special-status fish are in the area, and monitor while the dewatering system is installed. The biologist should check periodically to ensure no fish are stranded as the area dewaters. If dewatering is not occurring, a biologist may be onsite to monitor, including monitor water quality downstream. If turbidity exceeds a certain percentage of baseline levels, the biologist has the authority to stop work until levels return to baseline. Work should occur outside the steelhead migration period. For riparian areas, a bio-clearance survey is probably sufficient before work occurs; a monitor may be required if there is a specific need (for example, an appropriate no-work buffer cannot be maintained around an active bird nest).
- If the area can be marked off, a full-time bio-monitor should not be necessary for within 20' of the creeping wild rye area. If work is occurring in the creeping wild rye area, a biologist may be needed to ensure work stays in appropriate areas.

- For ease of reporting, I would recommend recording compliance activities daily, but submitting weekly (or more frequently as requested). Valley Water requests a copy of compliance reports and construction activities occurring near creeks be submitted to Valley Water on a monthly basis.
- The training should identify "types of sensitive biological resources with potential to occur in the project area." The examples include "salmonids," but recommend changing to "special-status fish."
- The mitigation measure states that the discharge of water from the construction site to Los Gatos Creek or the Guadalupe River is prohibited if the temperature of the discharged water exceeds 22.2°C, unless modeling and monitoring demonstrate discharge would not increase the maximum daily stream temperature above 24°C. However, Los Gatos Creek is on the 303d list for temperature impairment. Both Los Gatos Creek or the Guadalupe River exceed 22°C under existing conditions in normal years. We recommend that the discharge should not exceed some percentage of baseline.

Response K.26

Pre-construction nesting bird and roosting bat surveys performed prior to building demolition and removal of street trees and landscaping, per Mitigation Measure BI-1e, Avoidance of Impacts on Nesting Birds, and Mitigation Measure BI-1f, Roosting Bat Surveys, will be sufficient to protect biological resources in those areas.

The term "qualified biologist" is defined in Mitigation Measure BI-1a, In-Water Construction Schedule, on Draft EIR page 3.2-36. During all construction within, and adjacent to, the creek channel a qualified biological monitor will be on-site to ensure no significant impacts to aquatic species and habitat occur. Any dewatering of the wetted channel will be accompanied by a fish relocation within the impacted habitat. Mitigation Measure BI-1c, Native Fish Capture and Relocation, describes the process for which this action will occur. Therefore, it is unlikely that impacts on aquatic species from elevated turbidity would result from construction of the project. Any directly impacted wetted habitat will have already undergone a dewatering and fish relocation. Incidental impacts from construction work adjacent to the wetted creek channel will be prevented through the monitoring of construction actions by the on-site biological monitor.

The comments regarding the need for full-time biological monitoring near the creeping wild rye area are noted. It is anticipated that biological monitoring may be needed for any work within the stream channel (Draft EIR page 3.2-35).

Regarding the reporting of compliance activities, the Draft EIR reflects the City's preference for how staff would like the reporting to occur. Valley Water's request to receive copies of compliance reports and construction activities occurring near creeks on a monthly basis will be considered by the City.

In response to the comment on the training on the identification of sensitive biological resources, Mitigation Measure BI-1a, General Avoidance and Protection Measures, in the first partial bullet on Draft EIR page 3.2-36, is revised as follows (new text is double-underlined).

> … The training shall identify the types of sensitive biological resources in the project area (nesting birds, roosting bats, salmonids and other special-status fish, western pond turtle, riparian habitat, and creeping wild rye plant community) and the measures required to avoid impacting these resources. …

The commenter is correct to note that water temperature within the Los Gatos Creek channel often exceeds established standards for aquatic wildlife. By ensuring that water discharges during project construction do not exceed 72°F (22.2°C) (unless the discharge would not increase maximum daily stream temperatures above 75.2°F (24°C) in accordance with Mitigation Measure BI-1a, the project would not be contributing to an already impaired system.

Comment K.27

On pages 3.36 to 39, Mitigation Measure BI-1b: for in-water work, clarify for which activities, if any, the channel will be dewatered (as opposed to work occurring in the flowing channel).

Response K.27

Any in-water work within the Los Gatos Creek channel would be confined within the period of June 1 to October 15, in accordance with Mitigation Measure BI-1b. Depending on the type of hydrologic year and the exact timing of the construction work, the creek during this period may contain a hydrologically active corridor (i.e., flowing channel) or it may be broken into isolated pools. The need to dewater in support of construction would be heavily dependent on the condition of the creek. It is possible that construction would occur during a low precipitation year, at the end of the summer period, within a mostly dry creek channel, thus requiring no dewatering or fish relocation. Alternatively, if construction occurs during a period in which the creek channel is active, dewatering would be required. The need to dewater, and relocate native fish, would be avoided and minimized to the largest extent practicable. Dewatering of the creek (i.e., diverting water around an area to allow for a dry construction site) would likely be required in connection with replacement of the West San Fernando Street bridge, for demolition of the existing bridge piers and abutments, and in connection with the Los Gatos Creek restoration program, for construction of in-stream engineered log structures and potentially for removal of some live or dead trees within the low-flow channel. If dewatering is required in support of construction, it is likely that the entire creek channel would not need to be dewatered. Rather, the portion of creek affected by construction could be isolated from adjacent habitat, with water allowed to continue flowing in other areas of the creek bed.

Comment K.28

On pages 3.36 to 39, Mitigation Measure Bl-1c: the fish relocation plan should be written by a qualified biologist and approved by CDFW and/or NMFS (as opposed to any contractor for any construction work).

Response K.28

Mitigation Measure BI-1c, Native Fish Capture and Relocation, on Draft EIR page 3.2-37 already includes a requirement that the fish relocation plan be prepared in coordination with CDFW and that applicable information be obtained from CDFW and NMFS; however, formal approval by CDFW and/or NMFS would only occur if it were necessary for one or both of those agencies to grant permits, which may not be needed, and therefore this approval is not required by the mitigation measure as it could render the measure infeasible. Mitigation Measure BI-1c is revised as follows to incorporate preparation of a fish relocation plan by a qualified biologist (new text is double-underlined):

> **Mitigation Measure BI-1c: Native Fish Capture and Relocation**
>
> The project applicant shall ensure that any contractor for any construction work in the Los Gatos Creek channel prepares and submits a fish relocation plan (consistent with federal and state permit requirements) for in-water work in Los Gatos Creek. Relocation shall be required only for in-water work in the Los Gatos Creek channel. The fish relocation plan shall be prepared by a qualified biologist. The plan shall be prepared in coordination with the California Department of Fish and Wildlife (CDFW), and a copy of the final plan shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, along with demonstration of coordination with CDFW. Implementation of the fish relocation plan shall be consistent with the following conditions: …

Comment K.29

On pages 3.2-39 to 40, under "western pond turtle" additionally the use of weed-whackers, mowers, etc. could cause injury or mortality to WPT in the upland areas and vehicle traffic could also crush individuals or nests if not kept on established roads.

Response K.29

In response to the comment, the language under the Western Pond Turtle discussion on Draft EIR pages 3.2-39 to 3.2-40 is revised as follows (new text is double-underlined):

> **Western Pond Turtle**
>
> Western pond turtles could be present in the Guadalupe River, but this species' presence near the project site would be transient because no vegetative cover or basking sites are adjacent to the project site. Therefore, project construction adjacent to the river is assumed to have low potential to impact western pond turtles. Construction activities that could directly impact this species would be the use of project-related motorized equipment to remove vegetation and construct the footbridge across Los Gatos Creek, and replace the West San Fernando Street vehicle bridge over the creek, which could cause direct mortality of, or injury to, this species, including any western pond turtle nests that are present.

Comment K.30

Mitigation Measure Bl-1d, page 3.2-39 to 40, to prevent entrapment of animals, we suggest all excavations, steep-walled holes or trenches more than 6-inches deep will be secured appropriately against animal entry at the close of each day.

Response K.30

As described in Draft EIR Mitigation Measure BI-3, Avoidance of Impacts on Wetlands and Waters, the installation of silt fencing at the edge of the riparian corridor would prevent entrapment of animals within active work areas.

Comment K.31

Under "nesting birds," page 3.2-41, impacts could result from the "removal of trees and vegetation and/or demolition of buildings," as well as bridges. Additionally, operational/long-term activities that could indirectly impact nesting and the DEIR should clarify that the removal of trees/snags could reduce future potential nest sites. The increase in human activity could result in fewer nesting attempts, as well as and reduce the area suitable for birds to nest in, including raptors, which may be more sensitive to human disturbance. An increase in food-related trash could attract American crow, as well as predators such as raccoons, rats, or feral cats.

Response K.31

1) Based on the clarification in the comment, the first sentence under the Nesting Birds discussion on Draft EIR page 3.2-41 is revised as follows (new text is double-underlined):

> Construction-related direct impacts on nesting birds protected by the Migratory Bird Treaty Act could result from the removal of trees and vegetation and/or demolition of buildings or the West San Fernando Street bridge while an active bird nest is present. …

2) The third paragraph under the Nesting Birds discussion on Draft EIR pages 3.2-41 is revised as follows:

> Operational/long-term activities that could indirectly impact nesting birds include the removal of street trees, as well as removal of dead and live trees from the riparian corridor; however, the removal of dead and live trees would be mitigated through tree replacement ranging from a ratio of 1:1 to 3:1 (replacement:existing), as described in the analyses of Impact BI-2 (riparian habitat) and Impact BI-5 (street tree removal policy); therefore, the reduction in potential nest sites due to tree removal would be temporary.

3) The comment regarding the potential impact of human activity on birds is addressed in the fourth paragraph under the Nesting Birds discussion on Draft EIR page 3.2-41. The discussion is inclusive of raptors and all other birds and considers that operational activities that could indirectly impact nesting birds include the use of a new public access trail in the Los Gatos Creek riparian corridor. The Draft EIR presently reflects that the resulting increase in human activity could cause nesting birds to flush from their nests or cause young birds to fledge from their nests prematurely, and could result in fewer nesting attempts. As noted in the Draft EIR, "… birds electing to nest in areas where human disturbance is already

occurring are habituated to such disturbance, and therefore, human disturbance should not be an issue."

4) The fifth paragraph under the Nesting Birds discussion on Draft EIR pages 3.2-41 is revised as follows:

> Increased human activity could also attract bird species known to thrive in human-dominated environments, such as American crow (*Corvus brachyrhynchos*). Increases in food-related trash would be a primary attractant to these species, as well as raccoons, Norway rats (*Rattus norvegicus*), and feral cats (*Felis catus*). These ~~larger, more aggressive birds can out-compete songbirds and~~ species will prey on ~~their~~ bird eggs and nestlings. However, as stated on Draft EIR page 3.2-50, the Downtown West Design Standards and Guidelines would require wildlife-proof waste receptacles (Standard 4.8.4). Additionally, the City requires that trash cans be covered for stormwater protection.

Comment K.32

Mitigation Measure Bl-1e, page 3.2-42, work should be scheduled, including vegetation removal, to avoid the nesting season when feasible.

- Note January 15 to September 1 is the standard nesting bird season in permits issued to Valley Water instead of February 1 through August 15 as noted in the DEIR; Anna's hummingbird (ANHU), for example, tend to nest early,
- Recommend nesting bird surveys occur no more than 14 days before work in a given area for the entirety of the breeding season. The biologist should inspect trees and other possible nesting habitats including buildings, bridges, shrubs, grass, and bare ground/gravel (vegetation, anthropogenic structures, and other habitats which could provide nesting substrate for birds).
- Clarify if the buffer zone will be marked in the field and by what methods. Recommend re-surveying if construction ceases for 14 days or more during nesting bird season.

Response K.32

Note that Mitigation Measure BI-le is based on the City's standard nesting bird protection measure. It is a common and acceptable mitigation measure in EIRs, and would reduce impacts to a less-than-significant level. The project applicant would comply with the most conservative nesting bird season as defined in the regulatory agency permits for the project and would abide by the conditions stated in Valley Water's authorization for areas within their jurisdiction.

Avian nest buffers would be marked in the field using methods that are appropriate to the location. The specific type of buffer area marker would be left to the professional opinion of the qualified ornithologist in coordination with CDFW, based on the proposed action, need for high visibility, likelihood of theft or vandalism, and other considerations, and need not be specified in the Draft EIR.

Comment K.33

Regarding the discussion on page 3.2-43, special-status bats could also be present in bridges (in addition to buildings or crevices).

- Removal or pruning would be impactful even if a bat was not in a "mature" tree; while mature trees may be preferred, bats will use what is available as needed including smaller stature trees, other vegetation (e.g., cattails), snags, wood piles, or leaf litter.
- Hoary bat and Yuma myotis are not listed species, but common bats are protected under Fish and Game code (non-game species),
- In addition to road overcrossings, buildings, and mixed-riparian woodland, bats could also occur in landscape trees in the study area,
- Clarify winter torpor (generally Oct 16 - Feb 28) and maternity (April 15 - Aug 31) seasons.

Response K.33

The comment that bats could be present in mature and immature trees is acknowledged. Draft EIR Mitigation Measure BI-1f, Roosting Bat Surveys, provides that a qualified biologist who is familiar with bat habitat will conduct a pre-construction survey for special-status bats within all potential bat habitat, potentially including small stature trees, landscaping trees, and other features. Both hoary bat and Yuma myotis are Western Bat Working Group Medium Priority species, as shown in Table 3.2.1 (Draft EIR page 3.2-13), and therefore considered "special-status species" for the purposes of the CEQA analysis. Winter torpor and summer torpor seasons are defined in first bullet of Mitigation Measure BI-1f (Draft EIR page 3.2-44).

Comment K.34

The discussion on page 3.2-44 should note that bats are active September 1 to October 15. We recommend coordinating with CDFW or a qualified bat biologist to determine an appropriate buffer in the event a roost is found rather than implementing a set buffer distance. Additionally noise attenuation and frequency may need to be considered.

Response K.34

The comment is correct that the active period for bats is misstated in Mitigation Measure BI-1f, Roosting Bat Surveys. Based on the clarification in the comment, the first bullet under the mitigation measure on Draft EIR page 3.2-44 is revised as follows (new text is double-underlined; deleted text is indicated in ~~strikethrough~~):

- Removal of trees and structures with active roosts shall occur when bats are active, approximately between March 1 and April 15 inclusive and between September ~~15~~ 1 and October 15 inclusive. To the extent feasible, removal shall occur outside of bat maternity roosting season (approximately April 15 to August 31 inclusive) and outside of the months of winter torpor (approximately October 16 to February 28 inclusive).

The suggestion to coordinate with CDFW regarding the buffer distance on active roosts, although not a deficiency in the analysis, has been incorporated into the mitigation measure. The second bullet point under Mitigation Measure BI-1f, Roosting Bat Surveys, is revised as follows:

- If removing trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the project area where tree and structure removal is planned, a ~~100-foot~~ no-disturbance buffer shall be established around these roost sites, typically 100 feet, or an area determined to be adequate by the qualified biologist based on site conditions, construction activity, species, number of roosting individuals, and/or noise attenuation and frequency, along with coordination with CDFW, if necessary, until the qualified biologist has determined that they are no longer active.

Comment K.35

In addition to replacing chain-link fencing with wildlife-friendly fencing, page 3.2-45, the project should consider completely removing fencing where it is not needed.

Response K.35

The comment addresses the project itself, rather than the adequacy of the EIR's analysis, and has been included in the record, where it also may be considered by decision-makers.

Comment K.36

On page 3.2-45, under "Essential Fish Habitat" the DEIR states that increases in water temperature could result due to loss in riparian cover. Please clarify whether this impact would be temporary or permanent. Please note if the area would be large enough to have a significant impact on water temperatures and how much of an increase over what area is expected.

Response K.36

The Los Gatos Creek riparian corridor is composed of a fairly dense riparian canopy of mature trees, which shades the creek, and the Draft EIR discusses the potential for building shading to decrease the extent of riparian vegetation cover, resulting in an increase in water temperature, which could affect fish and insects in particular. Identification of what those effects would be, if any, would be speculative at this time. However, Mitigation Measure BI-2c, Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature, requires monitoring of aquatic temperatures and riparian cover, minimum performance criteria, and habitat enhancement measures to mitigate for loss of existing riparian habitat should the minimum performance criteria not be met.

Shade impacts on the riparian corridor were analyzed based on the project information currently available and were based on a conservative scenario that does not include building setbacks at upper stories or other façade modulation, both of which would be required by the Downtown West Design Standards and Guidelines. The project would be constructed in three phases over roughly 10 years or more. If building plans provide new detail that needs to be addressed, the

City's Conformance Review would identify the need for additional CEQA review. A detailed analysis of the effects of shading on the riparian corridor is provided in Draft EIR (page 3.2-63 et seq.), which included appropriate mitigation such as long-term aquatic and riparian monitoring, and enhancement measure to ensure the retention of biotic productivity in Los Gatos Creek. Building shading on the riparian corridor would be permanent, but long-term impacts are unlikely as Mitigation Measure BI-2c requires corrective action to restore loss of riparian vegetation. Monitoring is required for at least initially 15 years and then for another 10 years, until criteria are met, or as otherwise required by the applicable regulatory agencies.

It should also be noted that where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. Thus, overall impacts to the riparian condition adjacent to the stream channel would be less than significant, and the majority of such impacts would be temporary, with limited long-term effect on aquatic species and habitat, including EFH.

Comment K.37

On page 3.2-46 under "riparian habitat" the pedestrian-only paths also have potential to impact WPT basking or nesting birds. The first paragraph states "outside of the riparian setback, vertical and horizontal additional would be permitted …" in which "additional" is a typo. Please correct for clarity. The second paragraph states plantings will be "primarily" native; the project should use all native species consistent with existing native vegetation in the reach and the Guidelines and Standards Design Guides. Grasses, shrubs, and trees to improve habitat complexity, where feasible and appropriate should be considered.

Response K.37

The language in the fifth sentence in the first paragraph under Riparian Habitat on Draft EIR page 3.2-46 is revised as follows (new text is double-underlined; deleted text is indicated in ~~strikethrough~~):

> … Outside of the riparian setback, vertical and horizontal ~~additional~~ additions would be permitted to the existing structures. …

The comment is correct that native vegetation would be used exclusively for revegetation actions within the riparian zone. To correct the stated misstatement, the last paragraph on Draft EIR page 3.2-46 is revised as follows:

> Active programs would be kept outside the 50-foot riparian setback, with the exception of programming within the existing buildings on Blocks D8, D9, D10, D11, D12, and D13 and the existing former San Jose Water Company building at 374 West Santa Clara Street. Where possible, a 50- to 100-foot ecological enhancement zone would be included in the project in open spaces such as Los Gatos Creek Connector, Los Gatos Creek Park, Creekside Walk ~~at South Autumn Street~~, and Los Gatos Creek East. This enhancement

zone would include riparian plantings composed ~~primarily~~ of native species. These riparian plantings would expand the riparian canopy, replace existing …

Comment K.38

Page 3.2-47 notes that overlook/viewing platforms are proposed within the riparian corridor, such improvements should be minimized and not over hang the creek bank.

Response K.38

As explained on Draft EIR page 3.2-47 and with additional information in Downtown West Design Standards and Guidelines Standard 4.8.4, three of the overlooks/viewing platforms may extend over the existing riparian corridor, subject to the following restrictions: (1) creek overlooks/viewing platforms are prohibited to extend more than four feet over the riparian corridor; (2) shall not be greater than 25 feet in width along the riparian corridor; (3) shall be located at intervals no less than 250 linear feet apart as measured along the edge of the riparian corridor; (4) shall minimize the removal of native trees within the riparian corridor; (5) and shall not place footings within the TOB. If these are placed where they extend over the OHW line of the creek, then the use of perforated materials, such as grating, shall be employed to minimize shading impacts.[84]

Comment K.39

Regarding the discussion of potential permanent or temporary impacts on pages 3.2-47 to 48, we have the following comments:

- For the multi-use trail please indicate if there is the potential to use permeable or semi-permeable surface materials [e.g., decomposed granite),
- Placement of the creek overlooks/viewing platforms have potential impacts to basking WPT or nesting/foraging birds, as well as shading of open water,
- When reconstructing the storm drain outfall please clarify the need for a 20 foot buffer when wild rye will be directly impacted,
- Removal of large woody debris has potential effects to special-status fish species and WPT (removal of habitat complexity features), and this is not discussed above. Removal of live trees and snags can have impacts to birds and bats (reduced nesting/roosting habitat).
- Other potential impacts on riparian habitat include: potential to increase spread of invasive/non-native plant species through materials, equipment, or foot traffic (temporary during construction); trampling of vegetation outside of the defined project area (temporary); spread of non-native/invasive species by increasing human encroachment and traffic into the riparian area (permanent); spread of plant pathogens via nursery stock (permanent); potential for introgressive hybridization (e.g., London plane tree and western sycamore) (permanent); reduction in nesting/roosting habitat through tree removal (permanent if trees are not mitigated for).

[84] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

- Elaborate on the potential impacts as a result of shading open water {e.g., decreased food production, etc.). The discussion should note if there could potentially be some benefit such as cooling water temp,
- Clarify whether there will be an increase or decrease in shading of 240 sf open water.

Response K.39

The responses below correspond to the commenters bullets:

1) As indicated in Figure 4.65 of the Downtown West Design Standards and Guidelines, Illustrative Stormwater Management Plan, most of hardscape along the project's Los Gatos Creek frontage would be permeable or semi-permeable. It is noted that the project's segment of the Los Gatos Creek Trail between the VTA tracks and West Santa Clara Street would be outside the 50-foot riparian setback. The surface materials for the Los Gatos Creek Trail would be consistent with the Los Gatos Creek Master Plan – Reach 5 and the San Jose Network Toolkit Planning and Design documents. See Downtown West Design Standards and Guidelines Section 4.42: Open Space Materials.[85]
2) Any creek overlooks or platforms would be located in shady riparian habitat, and not over water or within western pond turtle basking habitat. No additional impacts are anticipated to this species other than those identified in the Draft EIR. Impacts to riparian birds from trails, platforms, etc., are fully addressed in the Draft EIR (e.g., refer to page 3.2-41 et seq.) with no additional impacts anticipated other than those identified in the Draft EIR.
3) The stated 20-foot buffer from creeping wild rye habitat in Mitigation Measure BI-2d is only required for activities that are principally located outside of creeping wild rye habitat, such as during trail construction activities. This buffer is not required for work that would occur within such habitat (i.e., during re-construction of the storm drain outfall south of the West Santa Clara Street overcrossing). Mitigation measures, such as Mitigation Measure BI-1a: General Avoidance and Protection Measures, to address potential impacts on riparian habitat, including work required within 20 feet of creeping wild rye habitat, are listed beginning on Draft EIR page 3.2-35.
4) Potential impacts to wildlife associated with removal of large woody debris will be mitigated by installing engineered fish habitat enhancement log structures as described under the Impacts of Creek Habitat/Flow Conveyance Enhancements discussion. While mitigation is required to replace lost riparian habitat, mitigation is not required to replace lost bird nesting and bat roosting habitat. However, riparian restoration or compensation described in Mitigation Measure BI-2a would restore such habitat.
5) The comment does not cite a deficiency in the Draft EIR analysis, and is noted.
6) Potential impacts of shading are included on Draft EIR page 3.2-64.
7) Building the pedestrian bridge over Los Gatos Creek would result in approximately 240 square feet of new shading.

[85] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment K.40

Page 3.2-49 notes an outfall on Los Gatos Creek will be relocated, but the DEIR is unclear about the current location and the proposed location. If the outfall is located on Valley Water fee title property or easement a permit will be required for the removal of the existing outfall and/or installation of the new outfall.

Response K.40

The location of the current and proposed locations for the outfall are described on Draft EIR page 3.2-59 under the analysis of *Impacts of Replacement of the Storm Drain Outfall* in the *Construction Impacts* section:

> An existing 18-inch-diameter storm drain outfall into Los Gatos Creek, currently located under the West Santa Clara Street overcrossing, would be replaced with a 24-inch-diameter pipe, headwall and apron, or riprap, on the west bank of Los Gatos Creek south of the Santa Clara Street overcrossing. The project applicant will work with Valley Water to ensure that all permitting requirements are met for the proposed work.

Comment K.41

The discussion page 3.2-49 should state the options being considered for creek enhancement mitigation for shading impacts.

Response K.41

Creek enhancement actions to address shading impacts to open water from the footbridge are presented in Draft EIR Mitigation Measure BI-2a (page 3.2-50 et seq.). Also note that Draft EIR page 3.2-49 states that shading impacts would likely require creek enhancement at a minimum 1:1 ratio based on acreage.

Comment K.42

On page 3.2-49 under “lighting and noise” should also note that riparian corridors also provide a source of large wood to creeks.

Response K.42

The observation that riparian corridors provide a source of large wood to creeks has no reflection upon the lighting and noise analysis. The comment does not reflect an inadequacy of the analysis in the EIR and is noted.

Comment K.43

Under “operational impacts” the discussion on page 3.2-49 should note the footbridge could also impact vegetation (reduce area where trees can grow, impact root system of existing vegetation, increase spread of non-native species, erosion, improved predator access, etc.).

Response K.43

Impacts from the footbridge would primarily occur during the construction phase of the project, as discussed on Draft EIR page 3.2-48), which considers loss of riparian habitat and shading of open water as the primary impacts. The Draft EIR does note, on page 3.2-49, that the footbridge could result in operational impacts from increased human presence and use of the bridge. Given the relatively small size of the footbridge, any reduction in the area available for tree growth or effects on tree roots would be too minimal to rise to the level of significance. Given the extensive human presence in the area under existing conditions, it is unlikely the footbridge would meaningfully increase the spread of non-native species or increase predator access. As for potential erosion, this would be primarily an effect of construction and long-term impacts would be avoided by revegetation, as required, and compliance with best construction practices.

Comment K.44

Page 3.2-49 and 3.2-51notes that 1:1mitigation for permanent impacts to the riparian habitat due to the project is proposed. Typically, mitigation ratios of 3:1are required and possibly higher if the mitigation cannot occur on-site. The proposed pedestrian bridge is proposed on Valley Water property. Please note that Valley Water property is reserved for mitigation of Valley Water projects due to Valley Water's significant on-going mitigation needs.

Response K.44

The Draft EIR language acknowledges that a different mitigation ratio may be specified by the permitting resource agencies. The City appreciates the comment regarding Valley Water's need to reserve Valley Water property for its own mitigation needs. The proposed project would seek appropriate mitigation locations to the extent that they are required, including on non-Valley Water lands.

Comment K.45

The mitigation and monitoring plan described on page 3.2-51should require the use of watershed specific plantings for plants used for mitigation of riparian impacts to protect the integrity of the existing local ecotypes. The District strongly recommends that project planting follow the *Guidelines and Standards for Land Use Near Streams* which was developed by Valley Water, cities (including San José) in Santa Clara County, and the County in collaboration. Design Guides #2 and #4 of the *Guidelines and Standards for Land Use Near Streams* promote use of local ecotypes of native species since they are best adapted to the project site. Local ecotypes are not sourced at conventional nurseries nor are they available in large container sizes. Local ecotypes for this project would be grown from propagules collected from parent plants growing in the Guadalupe watershed as close to the project site as possible. Because the site is adjacent to existing native vegetation and Valley Water has watershed specific mitigation sites are downstream of the project, we request that local ecotypes be specified for this project. Additionally, landscaping for aesthetic purposes should conform to Design Guide 3.

Response K.45

The language in Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, Draft EIR page 3.2-51, is revised as follows (new text is double-underlined) to clarify the mitigation and incorporate the recommendation to use the guidance document:

(7) A planting plan outlining species selection, planting locations, and spacing for each vegetation type to be restored. To the extent practical, the planting plan will follow the *Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County*;

Comment K.46

Page 3.2-51, staging of materials should only occur on areas which have already been disturbed to the extent feasible.

Response K.46

The Draft EIR (page 3.2-51) states that staging of materials will occur at least 25 feet upslope from riparian areas. The additional requirement to stage materials on disturbed habitat is not needed to minimize impact and, therefore, has not been incorporated into the EIR.

Comment K.47

Page 3.2-51, notes the goals for restoration compensation sites include 70% of baseline native vegetation cover by year 5; however, the first goal is that temporarily affected areas are returned to pre-project conditions or better. It is not clear if these goals are consistent and if there monitoring after year 5 to ensure habitat quality goals are met.

Response K.47

The comment is correct that 70 percent of baseline vegetation cover by year 5 is the minimum performance standard for returning restored areas to pre-project conditions. The goal is to return the temporarily affected area to pre-project conditions or better. The above minimum performance standard is expected to indicate that the restoration is on track to meet the goal. Depending on the type of vegetation being removed (e.g., more versus less mature riparian) and the species of restoration plantings (fast-growing willows versus slower growing riparian trees), pre-project conditions may return within 5 years or may take longer than 5 years. Additional adaptive management and associated monitoring may be required after year 5 if warranted, as described Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, item (17), Riparian Habitat Mitigation and Monitoring Plan. For clarification, as initially presented in Response E.8, the following revisions are made to Mitigation Measure BI-2a, beginning with the second full paragraph on Draft EIR page 3.2-51:

> Where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as

specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. Live trees larger than 6 inches diameter at breast height (dbh) removed by the project shall be replaced at a minimum ratio of 3:1 (trees replaced: trees removed) for native species and 2:1 for non-native species. Removal of live trees with a dbh of less than 6 inches shall be mitigated at a minimum of 1:1 on an acreage basis for native trees and not mitigated for non-native trees. Removal of dead native trees shall be mitigated at a ratio of 1:1. Replacement trees shall consist of a combination of plantings of shade-tolerant riparian vegetation and other locally appropriate native species. No mitigation is proposed for the removal of living or dead invasive tree species regardless of dbh.

Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat, with the goal of returning temporarily affected areas to pre-project conditions or better. Mitigation for project impacts shall be undertaken within the City of San José and, to the extent practical, shall be adjacent to or in proximity to the project area (i.e., along the Guadalupe River, Los Gatos Creek, or other local waterway and in a location where, in the opinion of a qualified biologist, comparable riparian habitat exists or can successfully be created). ~~At a minimum,~~ To that end, the restoration or compensation sites shall, at a minimum, meet the following performance standards by the fifth year after restoration or as otherwise required by resource agency permits:

~~(1) Temporarily affected areas are returned to pre-project conditions or better.~~

~~(2)~~ (1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area.

~~(3)~~ (2) No more cover by invasive species shall be present than in the baseline/impact area.

Comment K.48

The discussion on page 3.2-52 regarding the trail, boardwalk, viewing platforms, and fencing should note that species may avoid use of the area around the multi-use trail, pedestrian boardwalks, and viewing platforms or keep a wider buffer; there may be a reduction in nesting/roosting habitat due to tree removal as well as buffer distance from disturbance (avoiding trees near the pathway); disturbance to basking WPT (decreased basking time or potential decline in suitable habitat) may occur; and increased human traffic in riparian corridor increases risk for spread of invasive, non-native species.

Response K.48

As described in the Draft EIR, page 3.2-52, use of the multi-use trail, pedestrian boardwalks, viewing platforms would generally have less than significant effects on wildlife species that use the riparian corridor. Human presence near the riparian corridor may alter the behavior of some common wildlife species; however, this would not reduce the total amount of available habitat or reduce the carrying capacity of Los Gatos Creek to support such species. Because the impact is less than significant, no mitigation is required for operational impacts on common wildlife species. No operational impacts are anticipated on the western pond turtle. Recreational use of the trail, boardwalk, and viewing platforms would not cause the spread of non-native species.

Comment K.49

Page 3.2-52, elevated boardwalks still reduce area where vegetation can establish and they can fragment habitat. Maintenance of vegetation along the boardwalks in or near riparian areas occur should be included in the discussion (long-term maintenance).

Response K.49

The proposed boardwalks, on Blocks D and E, would be largely constructed on areas that under existing conditions are hardscape, impervious, and/or disturbed landscape surfaces. To the extent the boardwalks would extend into the riparian corridor, this would be limited to Creekside Walk (west of Los Gatos Creek) "where it is necessary for continuity to enter the riparian corridor around existing buildings that are located closer than the width of a boardwalk" (Draft EIR page 3.2-83; see also Figure 4.43, *Required and Recommended Creekside Walk Programmatic Elements Diagram*, in the Downtown West Design Standards and Guidelines).[86] As described in Chapter 1, *Introduction*, of this First Amendment, since publication of the Draft EIR, the project has been revised such that any replacement buildings for the existing non-historic buildings at 20 and 56 Barack Obama Boulevard (formerly South Autumn Street; project blocks D9 and D12 respectively) would be built outside the 50 feet riparian setback (to the extent the existing buildings would be demolished). The existing buildings on Block D9 and D12 are set back from the street such that they are very near or essentially abut the edge of the riparian corridor. However, any replacement buildings would be required to be outside the 50 feet setback from the riparian edge. To the extent that existing buildings on Blocks D9 and/or D12 are demolished, this would eliminate the great majority of the need for the boardwalk to extend into the riparian corridor, which would have been necessary to pass behind the existing Block D9 and D12 buildings, thereby permitting the area closest to the creek to be largely planted with new vegetation.

On Block E, east of Los Gatos Creek, the boardwalk would not encroach at all into the riparian corridor, as stated on Draft EIR page 3.2-86 (see also Figure 4.47, *Required and Recommended Los Gatos Creek East Programmatic Elements Diagram*, in the Downtown West Design Standards and Guidelines). Instead, the boardwalk would replace portions of an existing asphalt-paved parking lot, along with additional vegetation to be planted as part of the project. As is apparent from the above, the proposed boardwalks, along with additional plantings that would surround them, would increase, rather than decrease, the amount of vegetation along both sides of Los Gatos Creek between West Santa Clara and West San Fernando Streets. Moreover, the boardwalks would be required by the Downtown West Design Standards and Guidelines (Standard 4.16.3) to be permeable, allowing for potential vegetative growth beneath them. To the extent that maintenance of the boardwalks and vegetation adjacent to the riparian corridor would be required, it would not be anticipated to result in substantial adverse effects to the riparian corridor, given the location of the boardwalks as described above.

[86] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment K.50

On page 3.2-52 under "lighting and noise" it states throughout document that work will occur from 7am to 7pm and therefore will be during daylight hours and there will be no impact on wildlife from nighttime lighting. In the winter it is dark before 7pm and much of the work is supposed to occur outside of nesting bird season. Where no nighttime lighting is stated, please indicate if seasonality in which the work will occur taken into consideration/ when daylight hours will actually occur.

Response K.50

Work likely would occur year-round. For six months, from about April through September, the 7:00 p.m. stop time would occur before dark. From mid-November through mid-January, there could be up to about two hours per day of work after dark, with closer to an hour per day of work after dark in parts of February, March, and October. The project applicant has indicated that work on portions of the project site within the riparian corridor and the 50-foot setback from the riparian corridor (e.g., boardwalks, creekside paths, and bridges), would be limited to daylight hours. For clarification, the second sentence of the final paragraph on Draft EIR page 3.2-53 is revised as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

> Construction of the multi-use trail, pedestrian boardwalks, viewing platforms, and interpretive signage and replacement of fencing would occur largely during the daylight hours (7 a.m. to 7 p.m.), with work within, or within 50 feet of, the riparian corridor (e.g., boardwalks, creekside paths, and bridges) limited to daylight hours.

Comment K.51

The discussion on page 3.2-55 states that any temporarily impacted areas will be restored to pre-project conditions through revegetation and monitoring. There should be a detailed plan for revegetation. Impacts associated with removal of the existing bridge supports would include re-suspension of sediment. If work will occur in the active channel, the DEIR should note the work season and biomonitor requirements, and potentially water quality monitoring. Otherwise the methods that will be incorporated to reduce this potential impact (e.g., dewatering or isolating the work area) should be described. To potentially reduce the stated impact to 0.07 acres of riparian vegetation for excavator and crew access during construction, there should be a discussion if there is the possibility to use existing paths (e.g., related to homeless encampments) to reduce impacts to vegetation as a result of the project.

Response K.51

Draft EIR Mitigation Measure BI-2c requires a detailed Riparian Vegetation Monitoring Plan, and a Habitat Enhancement Plan if warranted based on monitoring.

Impacts from sediment re-suspension as a result of in-channel work is discussed in the *Special-Status Fish* section on Draft EIR page 3.2-34. The commenter is correct to note that the impacts from sediment re-suspension could be potentially significant if it occurs in wetted habitat containing native fish species, including steelhead. Importantly, there are three mitigation

measures with elements that directly address the potential for impact on aquatic species and habitat, ensuring that any impacts that result occur at less than significant levels. Mitigation Measure BI-1a, General Avoidance and Protection Measures, will ensure that for any work within, or adjacent to, the active creek channel will be monitored by an agency approved (NMFS and CDFW) biological monitor. Mitigation Measure BI-1b, In-water Construction Schedule, will ensure that any construction work within the Los Gatos Creek channel will occur between June 1 and October 15, when flows in Los Gatos Creek and the Guadalupe River are normally at their lowest and special-status anadromous fish species are least likely to be present. Lastly, Mitigation Measure BI-1c, Native Fish Capture and Relocation, requires that prior to any in-water work within the creek channel the project applicant shall prepare, submit, and implement a native fish relocation. Thus, with the implementation of these measures, the potential for in-water construction work to impact special-status aquatic species is extremely low.

Regarding the use of existing paths in riparian habitat for construction access, where there are existing paths that provide direct and available access, they would undoubtedly be used.

Comment K.52

On page 3.2-61, the statement “would result in increased stormwater being discharged into Guadalupe Creek,” should reference the Guadalupe River, not Guadalupe Creek.

Response K.52

The Draft EIR has been revised to reflect the appropriate stream name. The following edit are made to the discussion on pages 3.2-60 to 3.2-61 (deleted text indicated in ~~strikethrough~~, new text in double-underline):

> *Operational Impacts*
>
> No new noise or light would be associated with the operation of the replacement storm drain outfall south of the Santa Clara Street overcrossing. The outfall would discharge stormwater into Los Gatos Creek approximately 50 feet upstream from its current discharge location. Because Los Gatos Creek is a major perennial stream and the proposed new discharge location is so close to the current discharge location, no changes to stream hydrology or riparian vegetation are anticipated. A concrete apron or riprap would be installed and would protect against erosion. Similarly, the increased capacity of storm drainage pipes in Cinnabar Street in the northern portion of the project site, which would connect to the existing outfall east of the former Howard Street, would result in increased stormwater being discharged into Guadalupe ~~Creek~~ River. Because the Guadalupe River is a major perennial stream and the proposed new discharge location is the same as the current location, no changes to stream hydrology or riparian vegetation are anticipated. Therefore, a less-than-significant impact on riparian habitat would result from outfall operations, and no mitigation is required.

Comment K.53

On page 3.2-62 under “lighting and noise” the DEIR states pile drivers will be used. If pile drivers will be used for the bridges, acoustic impacts on fish need to be discussed.

Response K.53

The commenter is correct to note that impact or vibratory pile driving may be required during tower construction or bridge replacement. Potential noise impacts from pile installation from either impact or vibratory hammer usage are also discussed in detail within Section 3.10, *Noise and Vibration*. This chapter also includes Mitigation Measures specifically designed to reduce the potential for the generation of elevated sound levels during construction (in particular, refer to Mitigation Measure NO-1c, Master Construction Noise Reduction Plan). Importantly, no pile driving within the wetted channel would occur as part of project construction. However, the impact discussion in the last paragraph on Draft EIR page 3.2-62 is revised as follows to address the potential impact on aquatic species from elevated noise levels generated from pile installation (new text indicated is double-underlined).

> … To reduce potentially significant construction-related impacts, the proposed project would implement Mitigation Measure BI-1e, Avoidance of Impacts on Nesting Birds and Mitigation Measure BI-1f, Roosting Bat Surveys. Tower construction and/or bridge replacement may require the use of impact or vibratory hammer and, therefore, may also expose aquatic organisms to elevated noise levels. Because construction of these features would occur outside of the stream channel, there is limited potential for direct impact on aquatic species from these activities. However, pile installation in water-adjacent habitats (e.g., shorelines, riverbanks) has been demonstrated to, in certain cases, generate deleterious sound levels within neighboring aquatic habitat.[70a] This is typically a concern with impact hammer pile installation, as high-intensity pulses are transferred from the impact hammer to the pile, and then to the substrate, which radiates outward from the point of impact. Because rock propagates noise more efficiently than unconsolidated sediment, the amount of noise created by driving is more dependent on the degree of consolidation of impacted substrate than the size and power of the impact hammer.[70b,70c] Pile installation in support of the proposed tower and bridge replacement would occur in soft substrate, not bedrock, and thus would have a limited spreading potential. Noise from other pile installation methodologies (i.e., vibratory hammer and drilling) typically generate a lower hydroacoustic profile and have significantly less potential to impact aquatic habitat adjacent to the construction activity.[70d] …

[70a] Caltrans, *Technical guidance for assessment and mitigation of the hydroacoustic effects of pile driving on fish. Final Report*, prepared for California Department of Transportation by ICF Jones & Stokes and Illingworth & Rodkin, Inc., 2015.

[70b] Caltrans, *Technical guidance for assessment and mitigation of the hydroacoustic effects of pile driving on fish. Final Report*, prepared for California Department of Transportation by ICF Jones & Stokes and Illingworth & Rodkin, Inc., 2015.

[70c] Applied Physical Sciences, *Mitigation of Underwater Pile Driving During Offshore Construction: Final Report*, prepared for the Department of Interior, January 2010.

[70d] Caltrans, *Technical guidance for assessment and mitigation of the hydroacoustic effects of pile driving on fish. Final Report*, prepared for California Department of Transportation by ICF Jones & Stokes and Illingworth & Rodkin, Inc., 2015.

Comment K.54

Regarding thermal radiation from proposed structures, the discussion on page 3.2-63, should include consideration for green roofs.

Response K.54

The comment addresses the proposed project rather than the analysis or conclusions of the Draft EIR and no response is required. Note that the Downtown West Design Standards and Guidelines (Standards S5.13.1 and S5.13.2) include requirements for green roofs.[87] Additionally, Draft EIR Mitigation Measure BI-2c would mitigate potential heat island effects to less-than-significant.

Comment K.55

Page 3.2-64, additional impacts on instream habitat that may result from loss of riparian cover include decrease in woody vegetation input to creeks/reduction in habitat complexity (in addition to fish, this also impacts WPT).

Response K.55

A potential decrease in woody material is acknowledged on Draft EIR page 3.2-64.

Comment K.56

On page 3.2-64 regarding aquatic insects which feed on leaves and woody material or terrestrial insects falling in the creek, there is some evidence that steelhead can tolerate higher temperatures in areas where they are adapted to those condition. However, this ability may be dependent on sufficient/increased prey availability. There could be potential that a decrease in prey availability could affect any of the few steelhead which do or could occur in Los Gatos Creek.

Response K.56

The commenter is correct to note that a healthy riparian corridor adjacent to an active stream channel is essential for providing the necessary habitat requirements for many native aquatic species, including steelhead. Adjacent riparian habitat can often provide cover from terrestrial and aquatic predators, reduce water temperatures, and provide a source of food for foraging fish species. This is particularly true for riparian vegetation that overhangs or shades the channel.

It should also be noted that where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. Thus, the majority of impacts to the riparian condition adjacent to the stream channel will be temporary and have limited long-term

[87] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

effect on aquatic species and habitat. That is, no decrease in prey availability with Los Gatos Creek as derived from the riparian corridor is expected to result from the project.

Comment K.57

Page 3.2-67 should include a discussion of whether more than one temperature logger should be considered upstream and downstream of the project area in the event that conditions change at one of the sites over the course of 15 years (e.g., new construction). There is also potential for loggers to be stolen, which happens often, or water levels to drop and loggers be out of water. Mitigation Measure Bl-2c should specify how many years prior to project construction water and ambient air temperature will be collected.

Response K.57

Mitigation Measure BI-2c provides for one temperature logger upstream, one in the project area, and one downstream. The mitigation measure makes the project applicant responsible for the annual monitoring program (including the maintenance of the loggers), and the City would maintain oversight through the Mitigation Monitoring and Reporting Program.

Comment K.58

Page 3.2-67 notes that Mitigation Measure Bl-2c - Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature, includes development and implementation of a Habitat Enhancement Plan to plant within the creek is performance criteria are not met. Please note that mitigation on Valley Water property is reserved for Valley Water projects. However, if the work will occur on sections of the Guadalupe River that are outside of Valley Water property, Valley Water as the local sponsor of the USACE improvements constructed on the river will still need to review the proposed work.

Response K.58

The City appreciates the comment regarding Valley Water's need to reserve Valley Water property for its own mitigation needs, and its involvement in permitting for improvements affecting the river. The proposed project would seek appropriate mitigation locations to the extent that they are required, including on non-Valley Water lands.

Comment K.59

Mitigation Measure Bl-2c, page 3.2-67 to 69, states "Loggers at these three locations shall record hourly water temperature values before, during, and after project construction. If the difference in water temperature between the upstream and downstream monitoring locations increases substantially over time, particularly above the threshold of concern (71.6 degrees F), then additional adaptive actions shall be implemented …" Please define "substantially" and at what temperature which actions are triggered. Specify if the triggers will be based on an instantaneous reading, or an average over some given time in a particular season (e.g., migration season). Consideration should be given to adaptive action based on increases of a

certain percentage above baseline conditions as opposed to the 22 degree C threshold, given existing conditions.

Under “riparian monitoring” include a discussion of whether the two criterion identified here are sufficient to determine that post-project conditions are similar to or better than existing conditions.

Valley Water will need to review and approve the 15-year Riparian Vegetation Monitoring Plan and reports, as well as the Habitat Enhancement Activities, for all areas on Valley Water right of way.

- Non-native species should be based on California Invasive Plant Council (Cal-IPC) and the Valley Water's Invasive Plant Management Program list,
- Shade-tolerant riparian vegetation selected for the planting palette should be based on nearby reference sites.

Response K.59

Because outside factors other than proposed changes in building shading (e.g., climate change) are expected to raise stream temperatures over time, use of a static pre-project “baseline” will not accurately reflect the effects of the Project on instream water temperature. As such the monitoring and analysis of water temperatures upon fisheries habitat will generally consider two factors: the difference in water temperature between the inflowing and outflowing water through the project reach (i.e., the temperature difference), and, the temperature of water relative to the 22.2 C threshold. If monitoring indicates that the temperature difference has risen to a statistically significant degree (e.g., the increase is demonstrated with 95 percent confidence limits), then corrective action would be warranted as described in Mitigation Measure BI-2c.

The City anticipates that Valley Water will review all monitoring plans within its right of way.

To clarify, Section (1)(a)(2) of Mitigation Measure BI-2c on Draft EIR page 3.2-68 is revised as follows (new text is double-underlined):

> (a) Methods for monitoring and measuring composition (i.e., species), cover, and extent of existing riparian vegetation, which may include:
>
> (1) Tree canopy and wood understory cover plots or transects; and
>
> (2) Percent cover of non-native invasive species. Non-native species shall be based on the California Invasive Plant Council (Cal-IPC) and Valley Water's Invasive Plant Management Program list.

Additionally, Section (2)(b) of Mitigation Measure BI-2c on Draft EIR page 3.2-69 is revised as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

> (2) A failure to meet the performance standards defined above in year 5, 10, or 15 shall trigger implementation of the following habitat enhancement measures as mitigation for loss of existing riparian habitat:
>
> (a) Repeat the monitoring the following year (e.g., if performance criteria are not met in year 5, repeat monitoring in year 6). If in the following year (e.g.,

year 6), performance criteria are not met (i.e., for 2 years in a row), implement step (b), below.

(b) The project applicant shall develop a Habitat Enhancement Plan to be reviewed and approved by appropriate regulatory agencies (e.g., National Marine Fisheries Service), and submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee. The plan shall consist of a planting palette composed primarily of shade-tolerant riparian vegetation such as white alder (*Alnus rhombifolia*), bigleaf maple (*Acer macrophyllum*), box elder (*Acer negundo*), Oregon ash (*Fraxinus latifolia*), California buckeye (*Aesculus californica*), and other locally appropriate native species, as well as an invasive vegetation control plan (if appropriate based on monitoring findings). Shade-tolerant riparian vegetation selected for the planting palette shall be based on nearby reference sites.

Comment K.60

On page 3.2-70 under "impacts of creek/habitat flow conveyance enhancements, construction impacts" states removal of seven live trees, non-native and native, to occur. The analysis should discuss why it not possible to meet these goals strictly though the removal of non-native trees. It would be useful to have a table showing the measurements of each piece of wood (logs, logjams, etc.) and live and dead trees by species and the justification for removing each individual piece. The DEIR states "the removal of dead trees would be mitigated at a ratio of 1:1." Removal of large, in-stream vegetation should be mitigated for as standing dead trees provide habitat for birds and bats. The project proposes to install approximately five engineered habitat enhancement log structures, but it is unclear if this is sufficient to mitigate for the structure currently provided by 15 in-channel logs and three logjams. Bio-engineering techniques should be considered.

Response K.60

Tree removal is an estimate based on current conditions and may change in the future due to the dynamic nature of tree and debris blockages in this reach; therefore, it would not be useful to provide a detailed plan for removal at this time. Detailed blockage removal and mitigation plans would be produced at a later date, with sufficient lead time for review by Valley Water and the regulatory agencies. The EIR presents a conceptual removal and mitigation plan to support the CEQA review of the proposed activity.

With respect to the 1:1 ratio for removal of dead trees, this ratio is considered sufficient for this creek reach based on a field review by the applicant's team of biologists, who determined that dead trees are plentiful and not a limiting factor for wildlife that use this area.

The five habitat enhancement log structures proposed are considered conceptually sufficient for mitigating the proposed log and tree removals by the applicant's fish biologist, but would be revisited both when more detailed blockage removal plans are prepared and during consultation with the creek regulatory agencies. The sufficiency of these mitigation structures is based on the fact that they would be located directly in instream habitat for steelhead and at strategic locations throughout the project reach, thus directly and pervasively benefiting the species, whereas many

of the proposed log/tree removals would occur outside the active stream and thus are less directly beneficial to the species.

The removal of only non-native species was not considered sufficient to meet the goals of flood conveyance. Several native species are important impediments to stream flow. Identification of non-native and native species for removal was very selective. Substantially more non-native species would need to be removed in order to accomplish the same conveyance goals as with those non-native and native trees currently identified.

Comment K.61

On page 3.2-81 under "native wildlife nursery sites" states "birds such as herons and egrets that nest in groups are not documented to nest in the Los Gatos Creek riparian corridor." Great blue heron and snowy egrets were documented nesting in Los Gatos Creek County Park at the percolation ponds in the late 1990s, and GBHE in Vasona County Park in 2007.

Response K.61

As noted in the citation, nesting herons and egrets are not documented in the CDFW CNDDB. The City appreciates the additional information on nesting birds. Both the Los Gatos Creek County Park and the Vasona County Park are outside of the project area. Herons and egrets nesting at these locations would not be impacted by the proposed project.

Comment K.62

On page 3.2-81 under "antennae, monopole structures, and rooftop elements" bridge design should also consider birds (e.g., avoid wires or cables) to prevent collisions.

Response K.62

Bird collisions with cable and wires on bridges are not associated with pedestrian bridges. No changes are warranted to the Draft EIR from this comment.

Comment K.63

On page 3.2-89 under "nesting birds and special-status bats" the first sentence should include bridges, in addition to removing vegetation and demolishing buildings during construction.

- Page 3.2-90 under "sensitive natural communities and state or federally protected wetlands"
- The DEIR states temporary impacts could result from construction of the boardwalk within creeping wild rye habitat. Clarify why the boardwalk alignment cannot avoid the creeping wild rye habitat.
- States permanent removal of riparian habitat for the new footbridge would increase shading. Consider strategically locating the bridge so that it is either going to be shaded anyway (i.e., by new buildings), or in an area where removal of mature, native trees is either minimal or not required to minimize or eliminate impacts.

- Avoid removal of native, especially mature, trees to the extent feasible, and protect standing snags to the extent feasible.
- Under mitigation measures - WPT surveys should also be conducted in suitable habitat.

Response K.63

The first sentence under *Nesting Birds and Special-Status Bats* on Draft EIR page 3.2-89 is revised as follows to differentiate that the San Fernando Street Bridge is not a building (new text indicated in double-underline):

> Potential direct impacts of the proposed project on nesting birds and special-status roosting bats include the effects of removing vegetation and demolishing buildings and the West San Fernando Street Bridge during construction. …

As shown, in Draft EIR Figure 3.2-1, page 3.2-2, the creeping wild rye habitat is located on the west bank of Los Gatos Creek immediately south of the West Santa Clara Street bridge and extends to approximately 12 feet below the top of bank, as stated on Draft EIR page 3.2-59. As shown in the Downtown West Design Standards and Guidelines, Figure 4.43, *Required and Recommended Creekside Walk Programmatic Elements Diagram*, the proposed boardwalk at this location would be immediately adjacent to the 450 West Santa Clara Street building, in an area currently covered with landscaping bark and planted with a small number of landscape trees.[88] The applicant does not propose to install the boardwalk in the area in which creeping wild rye was planted as a mitigation measure for prior work on the building at 450 West Santa Clara Street. However, owing to its nature, the creeping wild rye has begun to encroach to the west of the original planting location, meaning that it is possible that construction of the boardwalk could affect the current or future locations of creeping wild rye. Accordingly, the Draft EIR conservatively assumes that the project could result in an adverse effect on creeping wild rye. As noted by the commenter, any adverse effects from construction are anticipated to be temporary.

Inasmuch as the proposed new footbridge would be installed adjacent to the area between Barack Obama Boulevard and Los Gatos Creek, where existing small-scale buildings are proposed to be retained, afternoon sunlight would remain on most of the footbridge site. Therefore, it would not be possible to construct a bridge in this location that would always be shaded by new buildings. However, new buildings to the east of the footbridge would cast shadow on the bridge site during the morning hours. Most of the Los Gatos Creek riparian corridor contains at least some mature native trees, thereby making it difficult or impossible to fully avoid removal of such vegetation for installation of a new bridge. The Draft EIR conservatively assumes that the proposed new pedestrian bridge would adversely affect riparian habitat.

The commenter's suggestions are noted and are consistent with the proposed project.

[88] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

The bullet list on Draft EIR page 3.2-90 is revised to include pre-construction surveys for western pond turtle, which were inadvertently omitted from the summary. The text is revised as follows:

- Provide worker environmental awareness training;
- Prepare and implement a fish relocation plan for in-water work in Los Gatos Creek;
- Conduct pre-construction surveys for western pond turtle;
- Conduct pre-construction nesting bird surveys and create no-construction buffers around active bird nests;
- …

Comment K.64

Page 3.2-87 notes the project proponent would request an exception from the City to the Habitat Conservation Plan 100-foot riparian setback. Page 3.2-34 notes the riparian setback is proposed to be 50-feet in most cases and 30-feet along the Guadalupe River. However, in the case where existing buildings are located within the setback area, the project proponent may replace those buildings in place. This large development provides a unique opportunity to give the creek additional space and provide the natural functions of a creek and Valley Water strongly supports maximizing the riparian setback to the greatest extent possible. Riparian corridors provide benefits such as flood risk reduction, ameliorate hydrologic impacts, provide stream maintenance access, provide space for natural riparian vegetation and buffers, and allow greater connectivity for residents to the natural environment.

Response K.64

As described in Chapter 1, *Introduction*, the proposed project has been revised since publication of the Draft EIR in several ways with respect to the riparian corridors on the project site. Refer to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*, which discusses riparian setbacks for the proposed project.

The commenter's support for increased riparian setbacks is noted but is a comment on the merits of the project and requires no further response for CEQA purposes. The comment will be referred to the decision-makers, including the City Council, for their consideration during deliberations on the proposed project.

Comment K.65

On page 3.2-91, in addition to minimizing disturbance to wetlands, mitigate to ensure no net loss. Under "wildlife corridors" nighttime lighting and human disturbance can significantly reduce habitat quality for roosting bats, as well birds. Bats likely use the riparian corridor for migration/movement and potentially forage over water or at the forest edges. Lighting at forage edges can reduce use for movement or foraging, or effect emergence behavior. Predation on bats could increase in urban areas. Lighting could influence prey distribution of insectivorous bats. Consider education of occupants on night impacts on bats, in addition to birds.

Response K.65

Potential lighting impacts on wildlife are discussed on Draft EIR page 3.2-53. Additionally, the Downtown West Design Standards and Guidelines (Section 7.4 and Standards S7.4.4 to S7.4.7) address nighttime lighting standards to minimize effects on wildlife and the riparian corridor.[89]

Comment K.66

Historically, subsidence occurred over large parts of the county, including San José, where 13 feet of subsidence was observed over several decades. This non-recoverable subsidence caused by the long-term overpumping of groundwater is very different than elastic land surface changes or localized settlement. Since many are familiar with permanent, historical subsidence, it may be helpful to instead use the term "settlement" on page 3.5-7, Geology, Soils and Paleontological Resources, for consistency with other sections of the DEIR. At a minimum, we suggest revising the following sentence: "Subsidence should be minimal and only occur during dewatering for construction." As written, this sentence may imply a similar type or degree of subsidence may happen during the dewatering for construction.

We recommend the following replacement text:

> "Subsidence is not likely because the dewatering for construction will occur in the shallow aquifer zone and for a short duration. Historical subsidence has occurred over broad areas of northern Santa Clara County including San José prior to the 1970s because of groundwater pumping largely from the principal aquifer zone, not the shallow aquifer zone. Temporary dewatering from the shallow aquifer zone for construction is not anticipated to cause subsidence."

Response K.66

This comment suggests replacing the title of the *Subsidence* section on Draft EIR page 3.5-7 with the term "Settlement." While the terms and concepts of subsidence and settlement may overlap, the CEQA significance criteria for this topic as listed on Draft EIR page 3.5-20 uses the term "subsidence." Therefore, this term will not be replaced.

The comment recommends replacing and expanding the last sentence in the *Subsidence* section (i.e., "Subsidence should be minimal and only occur during dewatering for construction") with the text provided below. This suggestion is accepted. Accordingly, the last sentence of the first full paragraph on Draft EIR page 3.5-7 is revised as follows (new language is <u>double-underlined</u>; deleted text is shown in ~~strikethrough~~).

> …~~Subsidence should be minimal and only occur during dewatering for construction.~~ <u>Subsidence is not likely because the dewatering for construction would occur in the shallow aquifer zone and for a relatively short duration, during foundation and basement construction. Historical subsidence has occurred over broad areas of northern Santa Clara County including San José prior to the 1970s because of groundwater pumping largely</u>

[89] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

from the principal aquifer zone, not the shallow aquifer zone. Temporary dewatering from the shallow aquifer zone for construction is not anticipated to cause subsidence. Long-term (post-construction) dewatering, at relatively low volume, would likely be required due to groundwater seepage into building basements and would be at too small a volume to result in subsidence.

Comment K.67

Section 3.7, Hazards and Hazardous Materials, Valley Water recommends Phase II investigations at 573 West Julian Street (auto repair and other industrial uses) and the Diridon Rail Station parking lots (former dry cleaner) to assess soil and groundwater conditions.

If not already completed, Valley Water recommends that all Phase II investigation results indicating the presence of contamination be shared with the San Francisco Bay Regional Water Board to determine if further investigation and/or clean-up is warranted to protect groundwater resources.

Response K.67

This comment recommends that Phase II investigations be conducted at 573 West Julian Street (auto repair and other industrial uses) (APN 259-27-010 discussed on Draft EIR pages 3.7-20 and 3.7-21) and the Diridon Rail Station parking lots (former dry cleaner) (APNs 261-34-002 to -006; 261-34-011; 261-34-023, discussed on Draft EIR pages 3.7-43 and 3.7-44) to assess soil and groundwater conditions.

The Draft EIR states that contamination is suspected on these parcels on the above-cited pages. To enable future land uses at these properties and as required by Mitigation Measure HA-3c, Site Management Plan (SMP; Draft EIR pages 3.7-85 and 3.7-86 in Section 3.7, *Hazards and Hazardous Materials*), the project applicant or its contractor shall "develop and implement SMPs for the management of soil, soil gas, and groundwater before any ground-disturbing activity for all parcels with land use limitations and all parcels with known or suspected contamination." The SMPs would include soil sampling and, if needed, groundwater sampling, to assess the nature and extent of contamination, and establish protocols for the handling, treatment, and disposal of contaminated materials. In the event that contamination is verified, California Water Code Section 13267, as well as Mitigation Measure HA-3c, requires the submission of a technical report to the RWQCB documenting the nature and extent of contamination. This technical report is commonly referred to as a Phase II investigation report. Mitigation Measure HA-3a would require land use limitations in the event of identified contamination. Together, these measures contain sufficient enforceable standards to ensure that impacts relating to existing contamination on these parcels will remain less than significant.

Comment K.68

We suggest revising the following sentence on page 3.8-2, "In drought years, however, up to 90 percent of the water has been imported to serve municipal demand.[7]" The previous

sentence was about the Santa Clara Valley and the entire county. This sentence in question is about municipal demand from the City of San José, not the entire county. We recommend the following replacement text: "In drought years, however, up to 90 percent of the water serving the City of San José's municipal demand has been imported.[7]"

Response K.68

In response to this comment, the text on Draft EIR page 3.8-2 has been updated as suggested by the comment, as follows (deleted text indicated in ~~strikethrough~~, new text in double-underline):

> … In drought years, however, up to 90 percent of the water ~~has been imported to serve~~ serving the City of San José's municipal demand has been imported.[7] …

Comment K.69

We suggest revising the following sentence on page 3.8-2 "Key issues of concern in the subbasin are land subsidence caused by past groundwater overdraft, and saline intrusion into groundwater through tidal channels near southern portions of San Francisco Bay." We recommend the following replacement text: "Key issues of concern in the subbasin are land subsidence caused by historic groundwater overdraft prior to the 1970s. The subsided land surface contributed to the tidal incursion of salt water into the shallow groundwater zone near the southern portions of the San Francisco Bay."

Response K.69

As suggested by the comment, the text on Draft EIR page 3.8-2 has been updated, as follows (deleted text indicated in ~~strikethrough~~, new text in double-underline):

> Groundwater in the Santa Clara Subbasin is of generally good quality. ~~Key issues of concern in the subbasin are land subsidence caused by past groundwater overdraft, and saline intrusion into groundwater through tidal channels near southern portions of San Francisco Bay.~~ Key issues of concern in the subbasin are land subsidence caused by historic groundwater overdraft prior to the 1970s. The subsided land surface contributed to the tidal incursion of salt water into the shallow groundwater zone near the southern portions of the San Francisco Bay. …

Comment K.70

Page 3.8-19 notes that FEMA determines base flood elevations and floodplain boundaries based on USACE studies. While this is true for areas along the Guadalupe River where the USACE completed flood protection improvements, FEMA's determination of flood hazards is based on a variety of sources including FEMA studies, USACE studies, and Valley Water studies. Most of the FEMA mapping along Los Gatos Creek is not based on USACE studies.

Response K.70

The comment pertains to the setting information provided for the National Flood Insurance Program. The comment that FEMA's determination of flood hazards is based on a variety of

sources including FEMA studies, USACE, and Valley Water studies is acknowledged. As noted in Appendix H2, Hydrology and Flood Control Measures, the flood risk assessment prepared for the project also utilized non-USACE sources (notably Valley Water best available floodplain mapping) to evaluate flood hazards presented under several project design alternatives.

Comment K.71

Page 3.8-17 discusses Valley Water's Regional Water Quality Control Board Waste Discharge Requirements as it pertains to Valley Water's Stream Maintenance Program (SMP). The discussion notes the permit is up for renewal this year; however, please note that this permit was re-issued earlier this year and is currently in effect. It should also be noted that this is only one of many regulatory permits that Valley Water holds for its Stream Maintenance Program. The proposed channel maintenance proposed by the project, if agreed to by Valley Water, would be subject to all the appropriate regulatory permits not just this one.

Response K.71

The recent renewal for the WDR for the Valley Water Stream Maintenance Program, as noted in the comment, is acknowledged. As discussed on Draft EIR page 3.8-17, "(t)he project's proposed channel maintenance activities would be within jurisdictional waterways and would be required to be performed in a manner consistent with the terms and condition of this water quality certification, along with other permits for in-stream activities." No change to the text of the EIR is necessary in response to this comment.

Comment K.72

In the Hydrology and Water Quality Regulatory Framework section 3.8.2, we suggest adding the following text about Valley Water's well ordinance to discussion of the local regulatory framework: "Permits for well construction and destruction work, including exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance."

In addition to Valley Water's Well Ordinance, we recommend adding the following text about abandoned wells. "Due to the long agricultural history of the Santa Clara Subbasin, and subsequent land development, there are likely many abandoned wells in the subbasin. While some of these abandoned wells may have been sealed prior to well permitting requirements, many have open casings and may be discovered during project construction. It is not uncommon for these wells to have significant artesian flow, which may impact dewatering and construction activities. If encountered during the proposed project, abandoned wells must be properly destroyed, with related work permitted by Valley Water."

Response K.72

As suggested by the comment, the following text regarding Valley Water's well ordinance has been added to Section 3.8.2, *Regulatory Framework*, Draft EIR page 3.8-17, following the first full paragraph:

> ***Regulation of Water Wells***
>
> Permits for well construction and destruction work, including exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance. Due to the long agricultural history of the Santa Clara Subbasin, and subsequent land development, there are likely many abandoned wells in the subbasin. While some of these abandoned wells may have been sealed prior to well permitting requirements, many have open casings and may be discovered during project construction. It is not uncommon for these wells to have substantial artesian flow, which may affect dewatering and construction activities. If encountered during the proposed project, abandoned wells must be properly destroyed, with related work subject to review and approval through Valley Water.

It should be noted that the EIR includes discussion of abandoned wells including groundwater monitoring wells. Refer to hazards and hazardous materials Section 3.7.2, *Regulatory Framework*, of for additional details.

Comment K.73

On page 3.8-14, we suggest adding to the paragraph regarding the description of the Groundwater Management Plan the following sentence: “In July 2019, California Department of Water Resources approved Valley Water's Alternative GSP, confirming it satisfies SGMA objectives for sustainable groundwater management in both basins.”

Response K.73

As suggested by the comment, the following updated discussion pertaining to the *2016 Groundwater Management Plan: Santa Clara and Llagas Subbasins* has been incorporated into Section 3.8.2, *Regulatory Framework*, on Draft EIR page 3.8-14:

> The project site is within Basin 2-009.02, Santa Clara Valley Basin, which is a high-priority basin. Valley Water, the local groundwater sustainability agency, submitted its *2016 Groundwater Management Plan: Santa Clara and Llagas Subbasins* as an alternative groundwater sustainability plan (GSP). Under the SGMA, local agencies have an opportunity to submit an “alternative” GSP, provided that the alternative satisfies the act’s objectives for the basin. An alternative could be either an existing groundwater management plan, an adjudication, or an analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield for a minimum of 10 years.[22] In July 2019, the California Department of Water Resources approved Valley Water's Alternative GSP, confirming it satisfies SGMA objectives for sustainable groundwater management in both basins. The following basin sustainability goals related to

groundwater supply reliability and protection of water quality were developed for the Valley Water GSP:[23]

Comment K.74

Page 8.2-26 notes that the replacement of the 18-inch diameter outfall with a 33-inch diameter outfall in Los Gatos Creek would include abandonment of the outfall in place. The outfall including any headwalls, pipe, bank protection, etc. need to be removed and the bank restored to its original condition. If the existing or replacement outfall is on Valley Water right of way a Valley Water permit will be required for the work.

Response K.74

The existing outfall is located in the southwest abutment of the West Santa Clara Street bridge, where it drains an existing storm drain that runs beneath the southern portion of West Santa Clara Street; it is not located in the bank of Los Gatos Creek. Accordingly, the existing outfall cannot be completely removed without substantial structural disturbance to the bridge itself. If it is abandoned, the outfall may be slurry filled, which would seal the existing storm drain, thereby preventing deterioration of the bridge abutment. Sealing the outfall with slurry would not result in any adverse biological effects as this would simply cap the abandoned pipe. Additionally, during detailed design it may be identified that the existing outfall could remain in operation with addition of a smaller parallel pipe as a new outfall to provide the extra capacity needed. The EIR conservatively studied the most impactful scenario of a new 33-inch-diameter outfall. The project applicant will work with Valley Water to ensure that all permitting requirements are met for the proposed work, and all temporary impacts relating to construction will be fully mitigated per Mitigation Measures BI-1a, BI-2a, and other measures.

Comment K.75

The discussion on page 8.2-27 of the creek maintenance work notes that the project proponent would apply for coverage under Valley Water's water quality certification permit for the SMP. As noted above this is not the only permit that covers this type of work and as issued this permit does not provide coverage to any entity except Valley Water. Additionally, Valley Water has not made any determination whether this proposal is acceptable to Valley Water or what type of arrangement with the project proponent would be required if Valley Water were amendable to this proposal.

Response K.75

As discussed in Draft EIR Section 3.8.2, *Regulatory Framework*, the project's proposed channel maintenance activities would be within jurisdictional waterways and would be required to be performed in a manner consistent with the terms and conditions of this water quality certification, along with other permits for in-stream activities. The Applicant will continue to work with Valley Water regarding the proposed project and Valley Water's permitting requirements.

Comment K.76

The DEIR includes two mitigation measures, HY-3a (flood risk analysis and modeling) and HY-3b (plan for on-going creek maintenance), for many of the impacts analyzed in the Hydrology and Water Quality section and in some instances they are the only mitigation measures proposed to reduce an impact to less than significant. However, there are elements of HY-3a that require Valley Water approval and HY-3b cannot occur without Valley Water approval as the work proposed for HY-3b would occur on Valley Water property.

MHY-3b proposes to remove various existing logjams, woody debris, and vegetation from Los Gatos Creek on Valley Water property to improve flood conveyance capacity and replace the logjams with engineered woody debris and include a plan for maintenance of the creek to maintain vegetation to a lower "n" values and keep the creek clear of logjams, woody debris, dead trees etc. Valley Water has significant mitigation obligations required by the various state and regulatory agencies in order to maintain existing flood protection improvements, protect property from flooding and bank failures, and for new capital improvements; therefore, Valley Water property is reserved for Valley Water mitigation needs/projects. Additionally, it is not clear that the proposed creek maintenance plan is sustainable as it appears to assume that maintaining the creek will require minimal mitigation; however, that may not be an appropriate assumption as Valley Water's current Stream Maintenance Program has a significant mitigation component for everything from bank repairs, removing wood debris to pruning and removal of vegetation, particularly in a relatively natural salmonid creek such as Los Gatos Creek. Due to the permitting and mitigation requirements this may not a sustainable way to mitigate for flood impacts in perpetuity. It also does not take into account changes in regulatory requirements that may make continual creek maintenance more difficult in the future into account.

Additional discussions with Valley Water are required to determine if the proposed creek work can occur and additional studies to understand the hydraulic impacts will be required. The project proponent should look to complete creek restoration work and mitigation on property not owned by Valley Water.

Response K.76

Any plan for ongoing creek maintenance would be tailored to maintain the desired "n" value (a measure of roughness in the creek bed) and be implemented in relation to ongoing activities in Los Gatos Creek. The project applicant appreciates Valley Water's comments and will continue to work with Valley Water to develop an acceptable strategy for creek enhancement and maintenance activities in Los Gatos Creek.

As noted in Comment K.76, there are elements in Mitigation Measure HY-3a that would require Valley Water review and approval, the mitigation measure is designed to allow for a flexible approach to the final design measures that would be developed, selected, and implemented to ensure that the proposed project does not result in increases in base flood elevations of more than one foot, consistent with the City of San José's adopted performance standards. Thus, the mitigation measure is not contingent on the use of lands under Valley Water jurisdiction.

Mitigation Measure HY-3b, Plan for Ongoing Creek Maintenance, would be contingent on coordination, review and approval by Valley Water (in addition to the City and other jurisdictional agencies). This mitigation measure would only be triggered or required in the event that the project includes channel rehabilitation (refer to the opening text of MM HY-3b). The inclusion of channel rehabilitation has not been determined to be feasible and thus, is not a foregone conclusion for the project. In the event that channel rehabilitation does not prove to be feasible, as described in Appendix H2, the project would be required to either elevate or flood proof structures proposed for development in the floodplain, or reconstruct the West San Fernando Street Bridge and elevate or flood proof project structures in the floodplain (with no channel rehabilitation). These alternative design scenarios are presented and analyzed in the EIR (refer to Appendix H2 for additional details regarding the project's approach to flood risk). As discussed in the DEIR on pages 3.8-33 to 3.8-37, buildout of the project in accordance with these alternative design scenarios and implementation of Mitigation Measures HY-1 and HY-3a would reduce potential impacts associated with runoff and flooding to less than significant.

Comment K.77

Page 3.8-37 notes that if the project includes channel rehabilitation then the project proponent will within 30 days of completion of the initial creek work submit a plan for the ongoing maintenance of the affected creek reach for Valley Water and City approval. If Valley Water allows the creek work, the plan for ongoing maintenance would be required to be completed as part of the initial creek work, not after. If the creek work were allowed there would need to be a comprehensive review of all the work elements and permits and agreements from Valley Water and the regulatory agencies would need to be in place before any work could occur.

Response K.77

The comment noting the need for a plan for ongoing creek maintenance to be in place as part of initial creek work is acceptable. The comment noting the requirements for a comprehensive review of all work elements within Valley Water and City jurisdictions is acknowledged. In response to this comment the text for Mitigation Measure HY-3b, Plan for Ongoing Creek Maintenance, Draft EIR page 3.8-37, is amended as follows:

> **Mitigation Measure HY-3b: Plan for Ongoing Creek Maintenance**
>
> In the event that the project includes channel rehabilitation, ~~within 30 days of completion~~ prior to commencement of the initial restoration program within Los Gatos Creek, the project applicant shall submit a plan for ongoing maintenance of the affected reach of Los Gatos Creek to Valley Water and to the Director of Planning, Building, and Code Enforcement, or the Director's designee, for review and approval ~~a plan for ongoing maintenance of the affected reach of Los Gatos Creek~~. The ~~Plan~~ plan shall be consistent with the conditions in the existing permits for Valley Water's ongoing stream maintenance program and/or shall be subject to its own project-specific permitting regime, subject to jurisdictional agency review and approval.

Comment K.78

The Water Supply Assessment (WSA), Appendix HI, shows that a 40% demand reduction would be necessary in the third year of a multi-year drought. However, the WSA concludes that there would be adequate supplies available to serve the project through 2040 with no more than a 20% demand reduction during droughts. Please clarify the discrepancy between the need for a 40% reduction in the tables and the conclusion that adequate supplies will be available.

Response K.78

As described in Appendix H1, *Water Supply Assessment*, in the second and third year of the worst-case historical multi-year droughts, there is a shortage of water available compared to the demand typical of that type of year. According to the Valley Water Board Agenda Memorandum on the Water Supply Master Plan 2040 Update, Valley Water has established a level of service goal of 100 percent during normal years and 80 percent during drought years to minimize water rates, and thus there can be up to a 20 percent call for conservation to meet this deficit (or more short-term conservation until additional water supplies are secured).[90] To meet this level of service goal for all drought years, over the next 20 to 30 years, Valley Water is pursuing over $1 billion in water supply projects. SJW is committed to working with Valley Water to meet future demand and mitigate future shortages. After comparing the estimated increase in total system demand associated with the proposed project to water supplies, based on both the SJW and Valley Water Urban Water Management Plans, SJW determined that the water quantity needed for the proposed project is within projections of normal growth and there is sufficient water available to serve the proposed project.

Comment K.79

Page 3.14-46, Utilities and Service Systems, notes that a section of electrical lines to be placed underground will crossing the Guadalupe River. Work to place the lines under the river will require a permit from Valley Water if it is located on Valley Water right of way or if it is located within the limits of the Army Corps of Engineers Downtown Flood Protection Project.

Response K.79

As described on Draft EIR pages 2-70 and 2-80 in Chapter 2, *Project Description*, review and approval could be required for certain aspects of the proposed project including permits from Valley Water for any work on Valley Water lands.

Comment K.80

Appendix D2, Creek Enhancement Report, only describes the one-time work to remove some vegetation, logjams, etc. and does not address the issue mitigation for on-going

[90] Santa Clara Valley Water District (Valley Water), *Valley Water Board Agenda Memorandum on the Water Supply Master Plan 2040 Update*, January 14, 2019. Available at https://scvwd.legistar.com/MeetingDetail.aspx?ID=672546&GUID=6584FEB9-3535-4CF4-A1E6-87EE8097569D&Options=info|&Search=. Accessed January 14, 2021.

maintenance to maintain the “n” value for the creek to mitigate the flood impacts. The analysis. Current Valley Water permits to conduct creek maintenance require mitigation for more than removal of native vegetation, including work such as pruning, removal of dead trees, etc.; and therefore, this proposal may not be a sustainable mitigation measure.

Response K.80

Refer to Responses K.76 and K.77. EIR Mitigation Measure HY-3b addresses this issue, stating that a Plan for Ongoing Creek Maintenance would be prepared for such maintenance work that is “consistent with the conditions in the existing permits for Valley Water’s ongoing stream maintenance program” and thus by reference commits to mitigation consistent with Valley Water’s requirements. Furthermore, it is reasonable to expect that the ongoing mitigation would be similar to the project mitigation currently proposed for the initial tree/log removals. Therefore, it is reasonable to assume that such mitigation is feasible, and as stated in the mitigation measure it will be subject to separate design/planning, and review/approval by Valley Water and the creek regulatory agencies.

Comment K.81

Appendix H2, Hydrology and Flood Control Measures, notes that the proposed on-going creek maintenance would reduce the “n” value; however, it is not clear to what “n” value or range would be required to be maintained in perpetuity in order to mitigate flood impacts of the project.

Response K.81

As discussed on Appendix H2 page 5, the initial in-channel rehabilitation and ongoing maintenance will result in a N value reduction of 0.01 from existing conditions of 0.05-0.07. No change is needed to the Appendix.

Comment K.82

Appendix H2, Hydrology and Flood Control Measures, page 8 notes that 14 parcels would be removed from the Special Flood Hazard Zone A, if no bridge or channel work is completed; however, page 6 states that 13 parcels would still remain in Zone A.

Response K.82

As shown on Appendix H2 pages 6 and 8, two different design alternatives are presented, which result in different numbers of parcels remaining in the floodplain. No change is needed to Appendix H2.

Comment K.83

Appendix H2, notes that coordination has been occurring with Valley Water regarding the channel work; however, that coordination has been related to how such work would impact the flooding, not necessarily how this work could be accomplished or how it could impact Valley Water's existing and current mitigation obligations.

Response K.83

Noted. The project applicant will continue coordination with Valley Water regarding the proposed rehabilitation work.

L. San José Historic Landmarks Commission (11/4/20)

Note to the Reader: Because no formal comment letter was prepared to summarize comments from Historic Landmarks Commissioner, this summary of comments is taken from the Action Minutes prepared by City staff of the Commission's November 4, 2020, meeting, at which the agenda called for the Commissioners to "Provide comments to staff on the historic preservation component of the Draft Environmental Impact Report for the Downtown West Mixed-Use Project." In some instances, the Action Minutes were amplified or clarified by reference to the video recording of the meeting. Commissioner comments have been edited for clarity.

Comment L.1

- [Kearney Pattern Works] building, there are so many layers of which period of significan[ce], it would be good to know what is inside *[Commissioner Polcyn]*

Response L.1

As explained beginning on Draft EIR page 3.3-22, the Kearney Pattern Works and Foundry complex at 40 South Montgomery Street was originally built in 1922, with additions made through the 1990s. The façade of the original building was apparently remodeled in the 1950s. According to the historic resources evaluation prepared for the proposed project, the period of significance of the Kearney Pattern Works and Foundry is 1922–1949—from original construction until shortly after World War II, as the Kearney plant created both bronze castings and wood patterns for use in the war effort, a job for which the facility received an Army-Navy award for excellence in production. The resource's character-defining features are limited to exterior architectural elements, including its overall form and massing, stepped parapet at the primary elevation. multi-pane wood and steel sash windows, V-groove wood siding, and roll-up freight doors. Other than in the case of public buildings and those with interiors generally accessible to and widely used by the public, interior features of most historical resources are not considered as character-defining features. It is noted that Mitigation Measure CU-2b addresses adaptive reuse and requires execution of a design that is compliant with the Secretary of the Interior's Standards and Guidelines for Rehabilitation. Compliance with these Standards requires identification of the period of significance, character-defining features, and explicit instruction as to how these features will be incorporated into the proposed design. As explained in Chapter 1, *Introduction*, of this First Amendment, the project applicant has modified the proposed project since publication of the Draft EIR to include retention of a hopper tower feature located on the non-historic c. 1958 portion of the complex. Also refer to Response Y.2.

Comment L.2

- Hellwig [Ironworks], agree in keeping that, adaptive re-use, not against it, but needs more discussion *[Commissioner Polcyn]*

Response L.2

The comment supports adaptive re-use of the Hellwig Ironworks building at 150 South Montgomery Street but states that further discussion will be required going forward as to the specifics of the applicant's proposal for adaptive reuse. The applicant proposes a one-story vertical addition and a one-story horizontal addition to the south of the building. Inasmuch as no specific building designs are available for the proposed addition to 150 South Montgomery Street, no further specific information can be provided at this time. It is noted that the draft Downtown West Design Standards and Guidelines, which would control implementation of individual developments within the proposed project, includes three standards that would govern the adaptive reuse of the Hellwig Ironworks building. These standards state that the reuse need not comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties, that new openings may be created, the roofline altered, and vertical and horizontal additions be permitted, as described in the Draft EIR. However, both vertical and horizontal additions are limited in scope and scale and other new development nearby must maintain a minimum separation from the historic building. Because the proposed alterations would not comply with the Secretary's Standards, the Draft EIR determined that the impact to the Hellwig Ironworks building would be significant and unavoidable. As part of the Conformance Review process set forth in the Downtown West Design Standards and Guidelines, the City would review specific building plans for the proposed adaptive reuse, once available, for conformance with the standards described above.

Comment L.3

- Ben [Leech] from PACSJ mention[ed] the number of buildings, of structures of merit to be removed; [I] spent hours going through the EIR and the project all the history of the project, sidebar all the structure[s] of merit, is it a concern, it is not as clear in the EIR and how it is being impacted *[Commissioner Polcyn]*

Response L.3

The comment expresses concern regarding the number of Structures of Merit proposed for demolition as part of the proposed project. This comment concerns the merits of the proposed project and does not address the adequacy or accuracy of the Draft EIR. Therefore, under CEQA, no response is required. It is noted that, while Structures of Merit are listed on the Historic Resource Inventory, the City does not consider these buildings to be historic resources for the purposes of CEQA, and thus the Draft EIR does not provide the level of detail concerning these buildings as it does with respect to CEQA-defined historical resources. Nevertheless, as stated on Draft EIR page 3.3-57, the San José General Plan contains policies that encourage the retention and reuse of "Structures of Lesser Historic Merit" than City Landmarks and Landmark Districts, including Structures of Merit (LU-14.2 and LU-14.4). Moreover, the Draft EIR explains, on page 3.3-60, that the 2014 EIR for the Diridon Station Area Plan states that Structures of Merit are not CEQA historical resources, but standard City conditions of approval apply to projects that demolish Structures of Merit, including photo-documentation prior to demolition. Additionally, advertisement for relocation and salvage is also required prior to demolition. These standard conditions of approval, which were also included in slightly modified form in the 2018 EIR for Downtown Strategy 2040, would be applicable to the proposed Downtown West project. For

clarification, the following new paragraph is added to Draft EIR page 3.3-60 following the last bulleted paragraph:

> The above documentation, relocation, and salvage requirements from the DSAP EIR would be applicable to the proposed project as standard conditions of approval (standard permit conditions).

Additionally, the following new paragraph is added to Draft EIR page 3.3-62 immediately prior to the heading, "Impacts and Mitigation Measures":

> In addition, the DSAP EIR requirements regarding documentation, relocation, and salvage that are referenced on page 3.3-60 would be applicable to the proposed project as standard conditions of approval (standard permit conditions).

As noted in the Draft EIR, there are four Structures of Merit located within the project site. As described in Chapter 1, *Introduction*, of this First Amendment, the project applicant has modified the proposed project since publication of the Draft EIR to include relocation of 35 Barack Obama Boulevard (formerly South Autumn Street), a residence constructed around 1880 and determined eligible as a Structure of Merit. The building would be relocated to Block D13 at 74 Barack Obama Boulevard. The current building on this site is ineligible for consideration as a historic resource at any level of significance under CEQA and would be demolished. In addition, the applicant would provide partial funding for relocation of another building determined eligible as a Structure of Merit at 91 Barack Obama Boulevard, a former single-family residence built around 1910 that was relocated to its existing site in the 1950s and currently houses the Poor House Bistro. A local non-profit organization proposes to move the Poor House building to a location outside the project site at 317–323 West St. John Street, within the River Street City Landmark District (also known as Little Italy). The receiver site, about 0.5 miles northeast of the building's current location. is occupied by two buildings on a single parcel. The building to the west (323 West St. John Street, is a contributor to the City Landmark district, and the building to the east (317 West St. John Street), is a non-contributing resource to the district. The preliminary plan is to demolish the non-contributor at 317 West St. John which was constructed in 1950 outside the district's period of significance, and place the Poor House building at the rear of the eastern side of the lot, facing West St. John Street. Because the Poor House building is wider than the building to be demolished, the Poor House would be sited partially behind the contributing resource, which would remain. However, because the Poor House is not a historical resource under CEQA, its placement toward the rear of the parcel would result in no adverse CEQA impacts with respect to that building. The relocated ca. 1910 Poor House building would be compatible with the period of significance for the district (1875–1925) and the architectural style and massing of the contributing resources within the district (some of which were themselves relocated to the district). Moreover, demolition of the non-contributing structure at 317 West St. John Street would not adversely affect the landmark district because it was constructed outside the period of significance for the district. However, relocation of the Poor House building into the River Street City Landmark District would require a Historic Preservation Permit from the City.

As for subsurface cultural resources, review of previous cultural resources documentation (site records and survey reports), as well as historic maps (including Sanborn Fire Insurance Company maps) and aerial imagery for the area, indicates that the earliest construction on the parcel was in the early 1900s and there is a low potential for buried archaeological features, such as artifact-filled privies or wells, to be in the project area. Previous records and the environmental context indicate that there is prehistoric archaeological sensitivity for the relocation site. There is an extensive archaeological site in the vicinity on the bank of the Guadalupe River that contains human burials. No prehistoric archaeological resources have been recorded on the parcel or in the immediate vicinity and given the previous disturbance from construction of the existing buildings there is a lessened potential. Should excavation be required at the relocation site, it would be subject to standard City conditions of approval in the event of accidental discovery of archaeological or paleontological resources. With respect to other site conditions (geology and soils, hazardous materials, hydrology), the relocation would be subject to standard regulations and conditions with respect to the treatment of and exposure to hazardous materials, including hazardous building materials; site-specific geotechnical investigation; and stormwater pollution prevention. Therefore, no new significant impact related to CEQA topics other than historic architectural resources would ensue from the relocation of the Poor House building.

The other two buildings on the project site determined eligible as Structures of Merit—a commercial building dating from the 1890s at 102 South Montgomery Street (Patty's Inn) and a circa 1941 industrial building at 357 North Montgomery Street (Puccio Machine & Welding Works) would be subject to the standard conditions of approval (documentation, relocation, and salvage) described above. An additional project condition of approval would require that the project applicant provide funding, equal to the cost of demolition, for relocation of either or both of these Structures of Merit, comparable to what is required by Mitigation Measure CU-1b for CEQA historical resources. (This funding requirement is not part of the City's standard condition of offering Structures of Merit for relocation, but would be added for this project.)

Comment L.4

- Not enough attention to the prehistory of this site, specifically the Ohlone, number of burials and spiritual site[s], because where two rivers comes together, would get a lot of response of the importance of this site
    - None of is visible to the eyes, but it could be underground *[Commissioner Polcyn]*

Response L.4

The commenter correctly notes that the Ohlone tribe occupied the area of the project site in a location where two rivers come together and that there are burial sites in the general vicinity. The commenter also correctly notes that archaeological resources may not be visible on the surface and could be buried or otherwise obscured. The Draft EIR provides a comprehensive background on the prehistory and ethnographic context of the project site and vicinity (pages 3.3-3 to 3.3-5) and recognizes the archaeological sensitivity of the project site (page 3.3-44). Mitigation Measures CU-8a, CU-8b, CU-8c, and CU-8d require that prior to issuance of grading or demolition permits, the project applicant shall require that all construction personnel attend a

mandatory pre-project cultural resources awareness training, and that an Archaeological Testing Plan be developed to determine the extent of cultural resources on the project site so that resources could be evaluated for significance and treated appropriately, as warranted.

As stated on Draft EIR page 3.3-97, the City conducted outreach to Native American tribes concerning the proposed project, as required under state Senate Bill 18 (California Government Code Section 65352.3) and Assembly Bill 52 (Public Resources Code Section 21080.3.1(d)). No responses were received from the tribes contacted.

Comment L.5

- Early San José, integration of some of the industrial building[s], but there is a lot more there, fruit industry and the railway and the packing, industrial history in this space *[Commissioner Polcyn]*

Response L.5

The history of post-European contact San José, including both industrial development and the fruit packing industry, is discussed on Draft EIR pages 3.3-5 through 3.3-12. Additional information can be found in Draft EIR Appendix E1, Historical Resources Technical Report. The Draft EIR's level of detail regarding the history of San José is commensurate with the State CEQA Guidelines (Section 15125(a)), which states that the Environmental Setting of a Draft EIR "shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts." The Draft EIR's level of detail regarding the history of San José is commensurate with this section of the State CEQA Guidelines.

Concerning whether and how well the proposed project would reflect this industrial history, the comment is largely directed at the merits of the proposed project. It is noted that much of the evidence of this history is no longer extant on the project site. Primary exceptions include Diridon Station (the former Southern Pacific Depot), 40 South Montgomery Street (Kearney Pattern Works and Foundry), 150 South Montgomery Street (Hellwig Ironworks), and the free-standing Stephen's Meat Products Sign. The Draft EIR discusses project compatibility with the Southern Pacific Depot Historic District (which would not be directly affected by the project) and the Kearney Pattern Works and Foundry (part of which would be retained) in Impact CU-6 (page 3.3-79) and determines that the effect would be less than significant. Likewise, Impact CU-7, page 3.3-92, analyzes retention and on-site relocation of the Stephen's Meat sign, the impact of which would also be less than significant. The Hellwig Ironworks building, which would be adversely affected through project alterations, is analyzed separately in Impact CU-3, page 3.3-74. It is also noted that the Downtown West Design Standards and Guidelines, in Section 5.2, discusses the site's industrial and agricultural history and encourages exposure of structural systems, durability of materials, and quality of craft in design of new buildings, as well as industrial materials and treatments such as structural expression, weathering, patina, and raw

surfaces.[91] The comment will be forwarded to the decision-makers, including the City Council, for their consideration in deliberations on the proposed project.

Comment L.6

- [Can there be an] interactive display in the area? *[Commissioner Polcyn]*

Response L.6

Mitigation Measure CU-1c addresses interpretation and commemoration of the history of the project area. Under Mitigation Measure CU-1c, interpretation and commemoration can be implemented in a variety of forms and can be developed to encompass the broader history of the area including the canning industry, railroad transportation, and the industrial development of the project site. The project applicant has expressed a desire to utilize technology and comply with this mitigation measure in a creative way. City staff will be responsible for ensuring full and meaningful compliance with the mitigation measure. In addition, the Downtown West Design Standards and Guidelines contains Guidelines 5.15.1, 7.9.3, and 7.10.1 addressing interpretive and commemorative programs.

Comment L.7

- Mitigation measures - all the buildings are affected, should be documented, even if they not being removed but are significant *[Commissioner Polcyn]*

Response L.7

The Draft EIR includes Mitigation Measure CU-1a, which would require documentation of structures that are considered historic resources under CEQA *and* that are proposed for demolition (Impact CU-1) or are proposed for alteration in a way that does not conform with the Secretary of the Interior's Standards (Impact CU-3). Consistent with CEQA law and practice, mitigation measures, including documentation, are not required for structures that do not qualify as historic resources under CEQA and that would not be affected by the project in a potentially significant way. However, refer to Response L.3 concerning standard conditions of approval that would be applicable to Structures of Merit, including a requirement for documentation prior to demolition.

Comment L.8

- Buildings, three small residen[ces] on Julian Street, strongly believe these should be relocated, in good condition, some public comments about places to relocated it, adjacent or nearby
- Disappointment on relocation, it puts the burden on others, pay demolition, 60 days to claim it and 120 days to take it, Google should be more proactive and moving those residential are achievable *[Commissioner Polcyn]*

[91] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Response L.8

This comment concerns relocation of the residential buildings at 559, 563, and 567 West Julian Street within the project site or to an adjacent or nearby location. The comment also expresses disappointment that the financial and administrative burden to relocate the buildings rests primarily on the individual or group who wishes to take possession of the buildings. As described in Chapter 1, *Introduction,* of this First Amendment, the project applicant has modified the proposed project since publication of the Draft EIR to include on-site relocation of the group of three residential buildings at 559, 563, and 567 West Julian Street that together comprise a historical resource under CEQA. These buildings were originally proposed for demolition as part of the project. The West Julian Street residences would be moved to a site on the east side of Barack Obama Boulevard between the Valley Transportation Authority light rail tracks and Block D8 (the existing building at 450 West Santa Clara Street). This relocation would support one of the project applicant's objectives for the project, "Preserve and adapt landmark historic resources and assets where feasible to foster a place authentic to San José, and foster contemporary relations to San Jose's history," while also supporting the applicant's objective to "Connect people with nature along Los Gatos Creek and the Guadalupe River." In accordance with Downtown West Design Standards and Guidelines Standard 5.15.2, these buildings would be located within 40 feet of one another, oriented towards, and set back no more than 40 feet from, Barack Obama Boulevard, and placed outside the 50-foot riparian setback from Los Gatos Creek. The relocated buildings would be renovated and designated for active use; these on-site relocations would entail rehabilitation, but not necessarily in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards), for the following reasons. The relocation would remove these residences from their historic mixed residential-light industrial context and relocate them to a light industrial and commercial context, meaning that integrity of setting would be lost. Additionally, the buildings, which historically were residences, would be in non-residential use under the proposed project, which could affect compliance with the Secretary's Standards. Finally, because of space constraints, the existing separation between the three buildings would not be maintained, potentially affecting certain building features; as noted above, the buildings, which are currently within a few feet of one another, could be separated by as much as 40 feet. Because the buildings would not necessarily be rehabilitated in accordance with the Secretary's Standards, the impact of relocation would be significant and unavoidable, as was the impact of the previously proposed demolition. However, this change would reduce the severity of the impact compared to that of demolition identified in the Draft EIR.

Comment L.9

- Moving buildings like [was done in] Little Italy [is possible]
- 343, 345 N. Montgomery, would like integration, understand the challenge, but not recommend demolition
- 580 Lorraine, mid-century, designated for demolition, it is in the way and underutilized, he likes the building, likes to see it stay, are losing a lot of the mid-century buildings in San José
- 145 S. Montgomery, Sunlight Baking Company, really architecturally a nice building, great history, understand it is difficult to move, not a good candidate to move, really can do adaptive re-use

- 150 Montgomery, earmarked for adaptive reuse and it is a sensitive response to the building
- 40 S. Montgomery and S. Autumn building, made the connection from the presentation
- Amendment to S.P. Depot and SJWC [landmark boundaries]- it was arbitrary when they made the boundary, the adjustment does not bother him, as long as the design of the larger building is done sensitively *[Commissioner Polcyn]*

Response L.9

The comment concerns individual buildings that the project would demolish, relocate, and/or adaptively reuse. A greater range of possible outcomes is encouraged by the comment, including partial salvage and incorporation of salvaged elements into new construction. As noted in Comment L.8, the applicant has modified the project since publication of the Draft EIR to include on-site relocation of 559, 563, and 567 West Julian Street. As noted in Chapter I, *Introduction*, of this First Amendment, the project has also been modified to include the on-site relocation of a Structure of Merit at 35 Barack Obama Boulevard to Block D13, and would provide partial funding for off-site relocation of another Structure of Merit at 91 Barack Obama Boulevard to the River Street City Landmark District (Little Italy). With regards to 145 South Montgomery Street (Sunlite Baking Co.), as described in Chapter 1, *Introduction*, the project applicant has modified the proposed project to salvage a portion of the east (primary) façade of the building to be incorporated elsewhere in the project, in a manner to be determined. However, the project would still demolish the building and the impact would remain significant and unavoidable, as stated in Impact CU1, Draft EIR page 3.3-65.

The comment also places particular emphasis on retention in situ of 580 Lorraine Avenue because its modern architecture is of a type that is underrepresented in the City of San José. As stated in the Draft EIR (Impact CU-1, Draft EIR page 3.3-65), demolition of 580 Lorraine Street would be a significant, unavoidable impact; however, the building is not a good candidate for relocation as described on page 3.3-67. Two preservation alternatives are analyzed in Draft EIR Chapter 5, *Alternatives*, that would eliminate this significant impact, along with three alternatives that would preserve the building in place and develop the site at a lower intensity and could result in preservation of resources such as 580 Lorraine Avenue. However, as described in Chapter 5, each of these alternatives would affect the ability of the applicant and City to achieve project objectives.

The commenter notes that he has no objection to the adjustment of the San José Water Works or Southern Pacific Depot City Landmark boundaries.

Comment L.10

- Do appreciate the adaptive re-use, DWDSG, the [document] is trying to provide deference setback and height, looking forward to see how it gets to full swing and before the commission
- Would like to see more of the structures and relocating some of those residential property *[Commissioner Royer]*

Response L.10

The commenter notes appreciation for included setback and height guidelines in the draft Downtown West Design Standards and Guidelines (Draft EIR Appendix M), which are part of the proposed project, including those standards for architecture and design of buildings proposed adjacent to historic resources (Standard S5.15.1, Historic resource architectural height reference).[92] As presented in Comments L.3, L.8 and L.9, greater consideration of relocation is echoed by a number of Commissioner comments and the applicant has agreed to provide relocation support for the three West Julian Street houses that together comprise a candidate City Landmark, as well as two Structures of Merit.

Comment L.11

- It would be helpful to get that level of information [from the project applicant] on some of the other structures and how [it was decided that] they would be impacted [removed as part of the project]. [Additionally, some of the more vernacular industrial buildings should be considered for retention.] *[Commissioner Royer]*

Response L.11

To the extent that this comment concerns the adequacy or accuracy of the Draft EIR, it is noted that the Draft EIR presents detailed descriptions of existing historic resources (starting on page 3.3-12) and additional structures that are not considered historic resources for purposes of CEQA, but are eligible for listing on the City's Historic Resources Inventory (page 3.3-40). Impact CU-1, Draft EIR page 3.3-65, describes how historic resources were evaluated for potential relocation or demolition. As stated there, a move feasibility study was undertaken (refer to Draft EIR Appendix E3).

The project applicant intends to strike a balance between the project's many objectives, including retention of historical resources and the creation of a vibrant new mixed-use neighborhood. With the historic resources retained, including contributing structures in the San Jose Water Company City Landmark and four additional historical resources (Kearney Pattern Works and Foundry at 40 South Montgomery Street, Hellwig Ironworks at 150 South Montgomery, the relocated West Julian Street residences, and the Stephen's Meat Products sign), it is the intent of the project applicant to build a bridge between historic San José and a dynamic new part of Downtown. The comment will be forwarded to the decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment L.12

- Also curious, how this project will interact with the Diridon Station, needs to be look at holistically, don't want that building to be lost in the shuffle *[Commissioner Royer]*

[92] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Response L.12

Refer to Impacts CU-5 and CU-6, Draft EIR pages 3.3-76 and -79, for a discussion of the project's effects on the Southern Pacific Depot City Landmark and National Register Historic District, which includes Diridon Station, and to Impact C-CU-2, Draft EIR page 3.3-102, for a discussion of potential cumulative impacts to the landmark and the historic district. As indicated in this discussion, the project would modify the boundaries of the City Landmark to conform to parcel boundaries, but the areas to be removed from the landmark do not contain any contributing structures or features. Because the project does not propose development on the blocks facing the landmark, with the exception of the northwest corner of Block F1, it would not substantially obstruct views of, or negatively affect the integrity of, the City Landmark. Refer also to Downtown West Design Standards and Guidelines, Standard 5.15.17.[93] Other projects planned in the area may result in demolition of the Southern Pacific Depot; however, the proposed project would not do so, and the project's less-than-significant impact on the depot's setting and character (discussed in Impact CU-7) would not be a "considerable" contribution to a cumulatively significant impact. Refer also to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment L.13

- Agree with all the comments from the other commissioners
- Three kinds of impact, the demolition of the building, adjacency, and consideration of the boundaries
  - Does believe many of the historic resources should be preserved or moved, will come back to those when it comes back to [the Commission]
  - Some of them seems like small frame houses, they should be moved, Google should take the responsibility, should be more proactive
  - Clearly other buildings not wood, would be harder [to move] or [perhaps should] not [be] moved, maybe preserving piece, façade or walls. We are the early stage, thinking of the concept, what fragment of the building can be integrated
  - Some attention needs to be paid to the massing of these buildings, appreciate the setbacks, looking at the renderings, trying to deal with a complex site with many [layers of] history, which layer should be prominent
  - Confusing vague idea of nature and [building envelopes]
- Streets, landscape, buildings [are important]
- Diridon Station and SJWC building, what is the larger context, which is Santa Clara street, what is the street going to be like in relation to the site, important for transit, and historic resources within the streetscape, what are the less formal elements in the landscape
- A little bit of chaos in the images, giant mega structure, [San Jose Water Company building] being blocked by these temporary structures, what is that plaza like and [how does it] relate to that building?

[93] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

- Going to honor the resources
- Less clear about the buffer zone and what it is doing, in terms of boundary
- Appreciate the ecology and plant life, this discussion need more disciplined historic and urban design [framework] *[Commissioner Raynsford]*

Response L.13

This comment primarily concerns the merits of the proposed project and does not address the adequacy or accuracy of the Draft EIR. Comments regarding relocation of wood frame houses have been addressed earlier (refer to Response L.8). It is noted that the comment classifies project impacts to historic resources into three groups: demolition (addressed in Draft EIR Impact CU-1, page 3.3-65), adjustment to City of San José Landmark boundaries (Impact CU-5, page 3.3-76), and consideration of those parcels adjacent to the project site (Impact CU-6, page 3.3-79). In that classification system discussion, the comment echoes the sentiments of prior comments with regard to increased responsibility by the applicant for building relocation, greater consideration of partial salvage and incorporation of salvaged elements into new construction, and design considerations for new construction adjacent to historic resources (refer to Responses L.8, L.9, and L.10).

The comment also reiterates concern for West Santa Clara Street and how it will appear and function after completion of the project (also refer to Response L.28). As presented in Response L.28, the draft Downtown West Design Standards and Guidelines (Section 4.18) contain an extensive discussion of the proposed plaza, identified as the Gateway to San José, including an illustrative plan. The comment will be forwarded to the decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment L.14

- This presentation is a lot, pleased to see the historic reference, concern about San Jose Water Company, pleased to see a central building, except it was disappearing in the background in one page
- Wayfinding signage, signage in relationship historic background, thoughts were there
- Physical relocation instead of demolition *[Commissioner Arnold]*

Response L.14

This comment primarily concerns the merits of the proposed project and does not address the adequacy or accuracy of the Draft EIR. The commenter notes appreciation for the project's treatment of the historic portion of the San José Water Company City Landmark and the inclusion of wayfinding and interpretive signage in the draft Downtown West Design Standards and Guidelines. The comment echoes prior sentiments regarding greater application of relocation to avoid demolition of historical resources (refer to Responses L.8, L.9, and L13.) No further response is required.

Comment L.15

- Structures of merit—will visit those sites
- What about the documentation of some of the historic structures, how will documenting and those and their movements? *[Commissioner Arnold]*

Response L.15

The commenter notes that she plans to informally survey the Structures of Merit located on the project site and in the 200-foot project radius to become more familiar with their appearances and locations. The comment also notes that any building that is relocated should have its original and new location recorded in some form as part of the building record. Refer to Response L.3, which indicates that standard City conditions of approval would require documentation of Structures of Merit prior to demolition. As part of implementation of Mitigation Measure CU-1b; Relocation, plans and permits for relocation are subject to review by the Director of Planning, Building and Code Enforcement or the Director's designee and would become part of the building record maintained by the City of San José. Additionally, Mitigation Measure CU-1a requires documentation of CEQA historical resources proposed for relocation or demolition, and CU-1c provides for interpretive/commemorative programs for any demolished CEQA historical resources.

Comment L.16

- How will Diridon Station and Google project, where does it come together? *[Commissioner Arnold]*

Response L.16

Refer to Response L.12 and Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment L.17

- Had a hard time reading the historic resources chapter, it wasn't easy for him to access, many of the properties were listed together, but not listed in any order he understand; however, he understands what is a CEQA [resource] and what is not *[Vice Chair Boehm]*

Response L.17

The properties are listed in the Draft EIR in order of ascending Assessor Parcel Numbers (APNs), which is a common way of ordering properties. Inasmuch as no further specific comments were made, no further response is possible.

Comment L.18

- Is it correct, [Kearney], Hellwig and Waterworks, are those three buildings going to [be retained] and the meat sign *[Vice Chair Boehm]*

Response L.18

As stated in the Draft EIR Project Description on page 2-17, the project applicant does, indeed, propose to retain the Kearney Pattern Works and Foundry building at 40 South Montgomery Street (portions from the period of significance), the Hellwig Ironworks building at 150 South Montgomery Street, the San Jose Water Company building at 374 West Santa Clara Street, and the Stephen's Meat Products sign. The applicant would also retain, relocate on-site, and adaptively reuse the group of three residential structures at 559, 63, and 567 West Julian Street that together comprise a historical resource under CEQA. (These buildings were proposed for demolition as part of the project.) With regards to 40 South Montgomery Street (Kearney Pattern Works) and as described in Chapter 1, *Introduction*, of this First Amendment, the project applicant has modified the proposed project since publication of the Draft EIR to include retention and relocation of the c. 1958 hopper tower approximately 30 feet south of its current location to allow for the project's proposed one-block extension of Post Street. With respect to the Hellwig Ironworks building, the applicant proposes a one-story vertical addition and a one-story horizontal addition to the south of the building. The San Jose Water Company building has previously been approved for rehabilitation and is anticipated to be renovated for commercial use as part of the project. The Stephen's Meat Products Sign would be relocated within the project site to a location approved by the City. The three West Julian Street residences would be moved to a site on the east side of Barack Obama Boulevard, north of the Valley Transportation Authority light rail tracks (project Block D12).

Comment L.19

- There are 38 properties were evaluate, less than 10% are being preserved
  - The HLC listed those resources
  - 9 were determined to be historic resources *[Vice Chair Boehm]*

Response L.19

As stated on Draft EIR page 3.3-14, 36 (not 38) CEQA historical resources were identified in the project study area, which encompasses the project site and vicinity.[94] This includes nine CEQA resources on the project site and 27 others within a 200-foot radius of the site. Of the nine on-site historical resources, a majority (five) is proposed for retention and/or adaptive reuse as part of the project, as revised since publication of the Draft EIR, as explained in the previous response. In addition, the project applicant has modified the project description to include salvage of a portion of the east (primary) façade of 145 South Montgomery Street (Sunlite Baking Co., refer to Comment L.9). The four on-site historical resources to be demolished are 145 South Montgomery Street, 343 North Montgomery Street, 345 North Montgomery Street, and 580 Lorraine Avenue. The other 27 resources are not within the project site, and would not be demolished or otherwise

[94] As explained on Draft EIR p. 3.3-18, one of the identified on-site CEQA resources is a grouping of three small residences on a single assessor's parcel, at 559, 563, and 567 West Julian Street. Although none appears individually eligible under CEQA, together the three buildings appear eligible for Candidate City Landmark status as a group. Additionally, the Kearney Pattern Works and Foundry represents a single resource, although it occupies three street addresses and four assessor's parcels. (Parts of the Kearny complex are non-historic.) This accounts for the fact that Draft EIR Table 3.3-1, Historical Architectural Resources under CEQA in the Study Area, appears to include more than 36 resources.

directly affected by the project. The project's impacts on off-site, but adjacent, historical resources are addressed in Impact CU-6, page 3.3-79.

Comment L.20

- Lakehouse [District], those homes are valuable late 1890, did entail a frontage to those houses, [maybe some other resources could be] relocated [across from] those houses along West San Fernando, it would be nice to have a historic row *[Vice Chair Boehm]*

Response L.20

The comment suggests the potential relocation of some historic residential buildings on the project site, on the north side of West San Fernando Street, potentially as an expansion of the Lakehouse Historic District. These parcels are currently outside of the project site and adjacent to the VTA light rail right-of-way. The comment will be forwarded to the decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment L.21

- 60 Stockton, seems like a historic building
  - Sarah Hahn - chief historian - in the buffer area, did look at them but not evaluate
  - Look buildings within 200 feet and recognize locally and potential impact to the adjacency *[Vice Chair Boehm]*

Response L.21

The building at 60 Stockton Avenue is not within the project site and is located within the 200-foot project study area radius. This building was evaluated by the former Historic Preservation Officer and determined ineligible for inclusion in the City of San José HRI.[95] Potential impacts on historic resources in proximity to the project (i.e., due to "adjacency") are analyzed in Impact CU-6, beginning on Draft EIR page 3.3-79, and were found to be less than significant.

Comment L.22

- Concern about the number of building slated for demolition, smaller frame houses could be move and relocated
- Three buildings are being preservation, they are all 20th century, there several 19th century to preserve at least some of them *[Vice Chair Boehm]*

Response L.22

The comment reiterates prior comments regarding the number of buildings proposed for demolition and expresses support for relocation of smaller wood-frame buildings (559, 563, and 567 West Julian Street are examples of this type of structure, dating from the 19th century). The comment also notes that the three buildings and one sign called out for rehabilitation and/or adaptive reuse (40 South Montgomery Street, 150 South Montgomery Street, 374 West Santa

[95] Juliet Arroyo, (former) Historic Preservation Officer, City of San José, email, March 2, 2020.

Clara Street, and the Stephen's Meat Market sign) all date to the 20th century. Greater retention of 19th century architecture is recommended. As presented in Response L.8, the applicant has modified the project to include on-site relocation and adaptive reuse of the group of three 19th century residential structures at 559, 63, and 567 West Julian Street that together comprise a historical resource under CEQA. (These buildings were proposed for demolition as part of the project.) As stated in Response L.9, the applicant has also revised the project to include on-site relocation of 35 Barack Obama Boulevard, which also dates from the 19th century. Insomuch as the comment contains suggestions for modifications of the proposed project in the form of additional building retention, it will be forwarded to the decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment L.23

- Advocated [for] the Diridon Station, knows [it] is outside the project, is concerned that transit agency is not going to use the building. That building could be useful and suggest to use as part of the project, even adaptive re-use *[Vice Chair Boehm]*

Response L.23

This comment addresses preservation of a building that is outside the project boundaries and that is not part of the proposed project. Because it does not address the adequacy or accuracy of the Draft EIR, no further response is required. Also refer to Response L.12 and Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment L.24

- Ohlone and Native Americans, they were known to live near the banks of Guadalupe River and [the project could] find remains of the Indians *[Vice Chair Boehm]*

Response L.24

The commenter correctly notes that the Ohlone tribe occupied the area of the project site along the banks of the Guadalupe River and that prehistoric resources have been identified in the general vicinity. The Draft EIR provides a detailed background on the prehistory and ethnographic context of the project site and vicinity (pages 3.3-3 to 3.3-5) and recognizes the archaeological sensitivity of the project site. Mitigation Measures CU-8a, CU-8b, CU-8c, and CU-8d require that prior to issuances of grading or demolition permits, the project applicant shall require that all construction personnel attend a mandatory pre-project cultural resources awareness training, and that an Archaeological Testing Plan be developed to determine the extent of cultural resources on the project site so that resources could be evaluated for significance and treated appropriately, as warranted.

Comment L.25

- Save those buildings on Julian [from] the 19th century
- Downtown Design Guidelines, heights adjacent to buildings, materials tends to get ignored, saw a lot glass and glazed buildings, those are renderings, give some thoughts to the material, especially when they front the historic resources that will [be] saved *[Vice Chair Boehm]*

Response L.25

This comment concerns the merits of the proposed project and does not address the adequacy or accuracy of the Draft EIR. Therefore, under CEQA, no response is required. This comment reiterates prior comments expressing support for the relocation of 559, 563, and 567 West Julian Street. Refer to Response L.8 for discussion of newly proposed on-site relocation of these three buildings.

The comment also expresses a concern regarding the use of glass and other modern building materials in areas that are adjacent to historic resources. It is noted that the draft Downtown West Design Standards and Guidelines (Draft EIR Appendix M), which are part of the proposed project, include standards for architecture and design of buildings proposed adjacent to historic buildings (Standards S5.15.1, Historic resource architectural height reference) and standards and guidelines related to materials and variety of materials throughout the project (Section 5.7, Building Variety and Materials).[96] The comment will be forwarded to the decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment L.26

- When the City extend[ed] the downtown and [proposed increasing building heights], this is what making this project possible
- We have specific downtown design guidelines and historic guidelines; if this is part of Downtown, Downtown Historic Guidelines [should apply]
- Within the greater DSAP [are] 34 structures on the historic inventory list, adjacency are important
- When adjacent to the historic resources whether within the project boundary, needs to be a primarily concern
- [I spoke in] June 2018 [on] historic resources for SAAG presentation
- Feasibility of maintaining resources, this is a hybrid process, therefore it is not just one project or small scale, we need to aim a bit higher, no continuity in general in downtown, disingenuous to say there is no continuity [if certain historical resources are retained] because downtown [there] is already not continuity
- Google can think outside the box, adaptive re-use or relocation is wholly consistency and to green technology
- Google should be more creative with adaptive, relocation and documentation
- Challenges to physical relocation is not a good enough reason [to reject it]
- Water Company, there is a lot going on there, when it was [the previously approved] Trammel Crow project, there was supposed to be a lot of plaza and public space [in that] the previous project.

[96] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

- Landmarks Commission has deal with receiver site, [relocation of resources to a receiver site] shows a commitment from the applicant to the City and HLC
- Moving those Julian building to [615 Stockton] is a perfect opportunity
- Diridon Station, national registry, [adjacency], the DISC process is outside Google control, but each of those process are treating the station differently, more as an afterthought, consider relocating and moving Diridon Station
- DISC document is proposing to remove the Diridon Station
- Because the project is 81 acres, [it] should be more inclusive [of adjacent resources]
- Extraordinary opportunity to invest, significant benefit instead of significant unavoidable [impact]
- 3D documentation of entire site would be super important and Google as the ability, in a virtual forum
- This is not your typical EIR, [the City should] extend the comment period at least 15 days
- Some of the resources [from] mid-century are slotted for demolition
- Opportunity to set the standard for historic preservation given the size of the project, look for the best not the minimum *[Chair Saum]*

Response L.26

The first portion of this comment notes that the Downtown Design Guidelines should apply to the project. On page 9 of the draft Downtown West Design Standards and Guidelines it states that "the development of Downtown West is subject to the [Downtown Design Guidelines] standards and guidelines unless a standard or guideline is expressly superseded by the [draft Downtown West Design Standards and Guidelines]."

With regards to the various other points raised by the commenter, they echo the points raised by the other commissioners and responded to above. There is a shared concern on the part of commissioners regarding adjacent parcels, both historic resources for the purposes of CEQA and those of lesser historic significance that in aggregate contribute to the character of San José. The large project site (approximately 80 acres), based on minor revisions since publication of the Draft EIR) and extent of proposed development, is of a scale that is atypical in San José. For that reason, the commenter suggests extending the review period an additional 15 days. (The request for an additional 15 days was subsequently granted by the City.) There is a general disappointment with the standard mitigation measures and would like to see more creative approaches. And with regards to Mitigation Measure CU-1c, Interpretation/Commemoration, the comment reflects earlier sentiment that three-dimensional documentation of the project site would allow for a virtual historical experience. Refer to Response L.6. With respect to Diridon Station adjacency, refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

As stated in Response L.19, there are 36 historical resources in the study area, of which nine are on the project site (some resources occupy multiple addresses and/or parcels).

Comments on the merits of the project will be available to decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project, and do not require further response under CEQA.

Comment L.27

- Visualization, looking at Google street view, it would be useful [to have prepared a] simulation into something like street view *[Commissioner Raynsford]*

Response L.27

Draft EIR Chapter 2, *Project Description*, contains sufficient detail regarding the proposed project to enable a thorough evaluation of potential impacts, and visualization was not deemed necessary to complete the EIR, particularly since aesthetics is not a topic requiring analysis. Refer to Section 3.2.9, *Master Response 9: Non-CEQA Issue—Aesthetics*, and the illustrative renderings identified as Figures 2-11 through 2-18.

Comment L.28

- Plaza in front of the San Jose Water Company [building], [I am] wanting to activate these spaces, [but] the architecture and design needs to stand on it[s own], with or without people, it would be nice physical relationship [but would this be a compelling space on a Sunday with no one around?] *[Commissioner Raynsford]*

Response L.28

The comment does not address the adequacy or accuracy of the Draft EIR. Rather, the comment concerns the merits of the proposed project. Therefore, under CEQA, no response is required. For information, it is noted that the draft Downtown West Design Standards and Guidelines (Draft EIR Appendix M), which are part of the proposed project, include standards for architecture and design of buildings proposed adjacent to the San Jose Water Company City Landmark (Standards S5.15.1, Historic resource architectural height reference; and S5.15.2, 374 West Santa Clara Street relationship to new development).[97] The draft Downtown West Design Standards and Guidelines (Section 4.18) also contains an extensive discussion of the proposed plaza, identified as the Gateway to San José, including an illustrative plan.

Comment L.29

- Struggling there is a lot information, the EIR boil[s it] down to 9 properties, at large this thing is not really sorted out and trying to get [my] head around and impact on all the resources *[Commissioner Polcyn]*

[97] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Response L.29

The comment refers to the nine CEQA historical resources identified on the project site and expresses concern about the amount of information in the EIR's historical resources analysis. Inasmuch as the comment does not provide any other specifics, no response can be provided.

Comment L.30

- With this EIR, do [we] need to take some action on the mitigation, what [is] the alternative, would like more time to review it and properties *[Commissioner Polcyn]*

Response L.30

The commenter recommended extension of the Draft EIR public review and comment period; an extension of 15 days was subsequently granted by the City.

Comment L.31

- Desire adaptive reuse some of the larger properties
- 3D representation are useful, would like to see more being design and movements and how it would be used
- Light and wood frame [buildings] can be and often are relocated *[Commissioner Polcyn]*

Response L.31

Currently, the project proposes adaptive reuse of three buildings (40 South Montgomery Street, 150 South Montgomery Street, and 374 West Santa Clara Street) and one structure (Stephen's Meat Market sign). Prior comments have suggested partial salvage of architectural details to be incorporated into new construction. Refer to Response L.9 for changes to the project since publication of the Draft EIR that include partial salvage of the east (primary) façade of 145 South Montgomery Street. This comment also recommends more extensive adaptive reuse of the larger buildings that are currently proposed for demolition. It also reiterates the prior calls for additional relocation of wood frame buildings from the project site to locations within the city of San José. Refer to Responses L.3 and L.8 for relocation financial support incorporated into project mitigation in response to comments like this one. The commenter also calls for consideration of three-dimensional interpretation and commemoration materials as part of implementation of Mitigation Measure CU-1c, Interpretation/Commemoration. Refer to Response L.6.

Comment L.32

- It feels like 81 acres, preserving 3 structures is not enough, with the presentation, there are some good idea of adaptive re-use, it would be helpful to get more information, whether those other buildings would work, it needs to be look at further
- Preservation needs to be a bigger consideration
- [The applicant is trying to] create really interesting spaces, but they are removing some really interesting buildings, [incorporating preservation] into their place making is very important *[Commissioner Royer]*

Response L.32

As stated in Response L.19, there are 36 historical resources in the study area, of which nine are on the project site (some resources occupy multiple addresses and/or parcels). As revised subsequent to publication of the Draft EIR, the project would retain a majority of these resources—five of the nine—and adaptively reuse them as part of the project. Additionally, the project would include salvage of a portion of a sixth historical resource. The project would also retain and relocate an on-site Structure of Merit. Finally, standard City conditions of approval would require documentation of Structures of Merit prior to demolition.

As explained in Chapter 1, *Introduction*, of this First Amendment, the project site has been revised to encompass 80 acres, slightly smaller than the 81 acres in the Draft EIR project.

Comment L.33

- The number of properties to be preserved, it does not seem like a good utilization of resources
- Since this is important historic area, [history] should be more made use of
- 311 and [313] N. Montgomery, 1895 Queen Anne, would be a great addition to a historic district
- Historic Markets in historic places within the project *[Vice Chair Boehm]*

Response L.33

This comment concerns the merits of the proposed project and does not address the adequacy or accuracy of the Draft EIR. Therefore, under CEQA, no response is required. Please refer to Response L.32, which explains that the proposed project would now retain and reuse the majority of the historical resources on the project site, as well as a Structure of Merit, and would provide partial funding for off-site relocation of another Structure of Merit. The structure at 311-313 North Montgomery Street was not identified as a Structure of Merit in the project's Historical Resources Technical Report (Draft EIR Appendix E1, Appendix C therein, Department of Parks and Recreation Forms) because it "does not maintain significant associations with historical persons, eras, or events, nor is it is a distinctive or important example of its architectural style or building type. The property does not rise to a level of significance that would render it eligible for listing on the City of San José Historic Resources Inventory." The comment will be forwarded to the decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment L.34

- Santa Clara street dates back to 1700s, but the report does not mention that, how about a historic monument there *[Vice Chair Boehm]*

Response L.34

This comment suggests placement of an historic marker and does not address the adequacy or accuracy of the Draft EIR. However, it is noted that pages 3.3-5 to 3.3-6 of the Draft EIR discusses early Spanish colonization and development of the project area, including West Santa

Clara Street. The comment will be forwarded to the decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment L.35

- Alameda right of away is a historic district, therefore there is an adjacency *[Chair Saum]*

Response L.35

The Alameda Right of Way is located 0.5 miles from the project site, well beyond the 200-foot radius that the City of San José defined for historic adjacency consideration, and is therefore not included in the discussion of Impact CU-6 regarding adjacencies.

3.3.3 Organizations, Companies, and Individuals

M. Larry Ames (12/7/20)

Comment M.1

I am writing regarding the planned developments in the vicinity of the Diridon Station, including CalTrain electrification, High Speed Rail (HSR), the Diridon Integrated Station Concept (DISC), the Diridon Station Area Plan (DSAP), and Google's proposal (the Downtown West Mixed Use Plan Draft EIR). I am writing in regard to all of them together because of their interconnectedness, and because I worry that not every plan is well integrated with one another and aware of the changing conditions and interfaces.

Even though I have participated in a number of meetings as a member of various groups or commissions, I am writing this on my own behalf as an individual member of the public. I have already made a number of these comments verbally in various public forums, but I repeat them here so as to have submitted them in written format.

Overall, I am generally very supportive these projects: the electrification of CalTrain, High Speed Rail coming to San José, the reconfigured Diridon Station with the elevated tracks, BART, and Google's plans to transform a faded part of the city into a dynamic and vibrant district.

That said, I do have a number of questions, comments, opinions, and concerns…

Caltrain electrification. I am very supportive. However, I'm concerned by the phasing: the electrification of the at-grade tracks is under construction now and is due to be completed in 2022. However, the planned raising of the tracks for the new Diridon Station is not even scheduled to begin construction until 2027. My fear is that "you" (by which I mean the various officials, consultants, planners, and governmental agencies) will say that all that money now being spent on electrifying the at-grade tracks would be wasted if the tracks are then raised, and that it'll be cheaper (and "good enough") to keep them as-is in their current at-grade configuration. When I asked about this at a recent meeting, I was assured that the "lost cost" – the stanchions and power cables – is but a small fraction of the total cost, and the majority

of the investment (e.g., power stations and new rolling stock) can be reused. I raise this now because I've been burnt before by phrase, "it's cheaper to use the existing". Indeed, we've already been burnt when you and HSR decided to electrify the current Tamien-to-Diridon at-grade tracks rather than constructing the promised "aerial alignment" (which reduces the community impacts by keeping the tracks within the 280 and 87 freeway right-of-ways) – "because It's cheaper and good enough." What I'm looking for here is assurance that the elevated tracks and raised platform will proceed as now planned.

Response M.1

The comment concerns future plans for elevating railroad tracks in the Diridon Station area, and does not address the proposed project or adequacy of the EIR. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment M.2

Elevated Caltrain Tracks.

Elevating the tracks near the Diridon Station will have a number benefits:

- It will allow grade-separation for Auzerais, which will avoid train-caused delays for the many residents in the new and planned high-density dwellings (Ohlone Towers, Monte Vista, etc.) as they head for the Bird Ave. freeway on-ramp.
- It will allow grade-separation (hopefully!) for West Virginia at Drake, so that the rather isolated Drake-Fuller neighborhood isn't further isolated by the hundred-some trains a day that eventually will cross there.
- It will allow Park Avenue to be reconstructed, removing the psychological barrier caused by the current deep-dive undercrossing.
- It enables a reconfiguration of the Diridon Station, with shops, services, and attractions on the ground level and the train platforms above.
- It will allow a greatly improved east/west pedestrian and bicycle crossing at San Fernando.
- And it will allow an improvement to the Los Gatos Creek Trail at the recently replaced Caltrain bridge over the creek, which as now planned has the trail with minimal vertical clearance and barely above creek high-water.

Some concerns and issues:

- The elevating of the tracks will require the replacement of the San Carlos St. Bridge. This bridge is old and (in my opinion) worn out and substandard: no great loss. However, I have seen little mention of it in any of the meetings. Also, care is needed in its design so that it itself doesn't create an uncrossable barrier for the Los Gatos Creek Trail.
- How will the new train tracks cross I-280? – the logistics will be challenging! Allow me to recommend building the new bridge somewhat to the west of the current tracks, (1) so that service on the old tracks is not disrupted during construction, and (2) to make for a smoother ride on the new tracks by "smoothing the arc". (The current track curves near Bird Ave, straightens out when crossing I-280, and then is curved again at Auzerais, giving a "jerky" ride.) However, such a smoothed curve

might require the taking of a property or two on West Virginia and/or Gregory St., which I don't recall being discussed.

Opportunities:

- Once the train service has shifted to the new bridge, the old bridge could be converted into a bike/ped bridge, creating a trail connecting the Gardner neighborhood to the Hannah-Gregory neighborhood and on to the Diridon Station.
- The current at-grade tracks north of Auzerais would make a great "commuter's trail" connecting the Los Gatos Creek Trail (LGCT) directly to the Diridon Station, freeing the downstream portion of the creek trail to be more pastoral and recreational. I am pleased to see that this LGCT – Diridon spur is shown in some of the presentations. Some questions: (1) How would this spur trail cross Park Ave. if the street is regraded? And (2) how would the spur trail access the station? – could there be a cyclists' entrance at the south end?

Also: What about the Vasona Spur?

- Elevated or left at-grade? It only carries maybe one train a week, often late at night, but even so, I doubt that you'd want to leave it at-grade, with diesel engines pulling freight past (or through?) the station's ground-level shops.
- A challenge is that the Vasona spur is on the west side of the main tracks, whereas the freight track is on the east side so as to better access the Milpitas(?) Wye. I understand that there are two alternatives: (1) construct an elaborate freeway-like undercrossing/onramp to get the Vasona tracks over to the east side, or (2) just come in on the west side and then "sneak across" the mainline over to the east. I support this latter approach as it is much simpler and cheaper, and I think it is viable because of the late-hour of the infrequent crossing – but it may require adjusting the height of the electrified train's power cables and/or limiting the maximum height of the Vasona's fully-loaded freight cars.
- Would the Vasona Spur be elevated at Race/Parkmoor, and, if so, can the traffic-delaying Light-Rail/freight train signals now there be removed from the intersection?
- Would this spur line bridge over I-280 also need to be replaced?

Response M.2

The comment concerns future plans for elevating railroad tracks in the Diridon Station area, and does not address the proposed project or adequacy of the EIR. The status of Caltrain Electrification, VTA's Bart Silicon Valley Phase II, and the Diridon Integrated Station Concept (DISC) process are described in Draft EIR Chapter 3, *Environmental Setting, Impacts, and Mitigation*. Also refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment M.3

Diridon Station Design:

- The publicly presented station concept designs show elevated platforms to reach the elevated train tracks, with escalators to get passengers to and from the platform. But how does the station accommodate bicyclists? Bike lockers are great for those who bike to the station, park their bikes, and then ride the train. But Caltrain currently operates a very popular bike-compatible commuter service with multiple bike-cars,

each capable of carrying dozens of bikes, allowing cyclists to bike to the station, keep their bikes with them on the train, and then easily complete their trips by bike to their final destinations. How do these users access the trains? Standard escalators are not suitable for carrying bikes, and an elevator would not have the capacity to handle the peak demand: there needs to be ramps, comparable to those now in the current station. Alternatively, there could be specialized escalators, comparable to those in some stores that carry shopping carts.

- The current Diridon Station building is a Historic structure. Parts of the building (e.g., HVAC, plumbing, electrical, restrooms) may be in need of renovation or replacement, but the building's façade and main-hall interior ceiling are definitely worth preserving. Can the critical portions of the building be preserved in-place while accommodating the widened track footprint, or will it be necessary to physically move the building?
- To accommodate the increased usage, the new Diridon Station is going to be larger than the existing historic structure, but the old building can be preserved and incorporated into new building. The Oslo (Norway) Central Terminal is a perfect example; local, smaller-scale examples here include the Golden Arches McDonalds (on Almaden near Curtner) and the Willow St. Pizza (just east of Lincoln).
- All great train stations need a great Entrance Plaza: again for an example see the Oslo Station. An Entrance Plaza is the station's "front door", its focal point, enabling it to handle large crowds, both for the daily commute and for special occasion arrivals. The Entrance Plaza also invites folks to walk out and venture into town. The grand entrance is obvious in our current Diridon Station building, but which one of the three or four entrances planned for the new building is the Main entrance? Santa Clara west, Santa Clara east, San Fernando east? The multiple entrances may be convenient, but they don't concentrate the area's excitement and vibrancy. (They can also confuse infrequent users: "I'll meet you at the train station"– but which entrance? You'll need a "Meeting Point" designated somewhere, as is done in some airports.)
- I haven't seen much discussion of BART: it will have a major station of its own near Diridon: will it be inside the new train station or adjacent to it? Will there be a public plaza by the BART entrance to help aggregate travelers approaching BART and disperse those departing? (I don't see any nearby plazas or other open spaces in any of the various plans.)
- Sorry to have to ask, but… Will the new building be able to handle anticipated possible future security measures? Our new SJC airport terminal, for example, does the job quite well, but I've seen older buildings with grand entrance staircases all fenced off and the public forced to go through a side door entrance to pass through a metal detector; other places I've seen buildings with several entrances, but only one remains unbarricaded due to enhanced security measures.

Speaking of the SJC Airport: be sure to have a quick and convenient connection from Diridon to our local airport.

- It's important for the airport: If people can't easily get to SJC, they'll just stay on the HSR (or take the electrified Caltrain) to get to SFO, or else they'll take BART to go to OAK. Either way, it would likely be easier and less expensive than having to exit the Diridon Station and flag down a cab to take them to our local airport.
- It's important for the Diridon area: Visitors coming via HSR from LA or the Central Valley are likely to need a rental car for when they arrive: if it's convenient to jump over to SJC, they can get a rental car there and we don't have to waste the valuable land here by the station duplicating the nearby rental car facilities. Likewise, Bay

Area residents catching HSR for business or pleasure trips to southern California might not be able to avoid driving to Diridon: why not have them use the long-term parking lots at SJC rather than wasting land here?

Response M.3

The comment concerns future plans for Diridon Station and does not address the proposed project or adequacy of the EIR. The status of Caltrain Electrification, VTA's Bart Silicon Valley Phase II, and the DISC process are described in Section 3.0 of the EIR. Also refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

The City has identified the need to provide for enhanced security as a key concern and consideration of station planning efforts going forward.

Comment M.4

Los Gatos Creek Trail:

The Los Gatos Creek Trail is an important part of the regional trail network, serving bicyclists, joggers, walkers, young and old, recreationally and transportationally. It will be a contributing component of the Diridon transportation web, providing a non-automobile alternative means for accessing or traversing the area. I am glad that Google is prioritizing the trail in their project.

Starting at the south and heading north, some points:

- I support the current plans to extend the trail northward from its current San Carlos St. endpoint by remaining on the west side and crossing beneath the recently rebuilt Caltrain bridge at San Carlos and the creek, and then continuing downstream on the west side past what has been the fire training center. Unfortunately, the Caltrain bridge is lower and thicker than had been promised and so the trail both will have minimal vertical clearance and will occasionally flood, but this trail alignment is too critical to forego. When Caltrain elevates the tracks for the new Diridon Station, the trail can be reconstructed to better avoid flooding. In the interim, as this is an important transportation corridor, a process needs to be established to indicate temporary detours when flooding is likely, and also to clean up mud and silt after a flood so that the trail can be quickly reopened. The Town of Mountain View has dealt with a similar situation with the Stevens Creek Trail at US-101: perhaps they can share pointers.
- When the train tracks are elevated, a spur trail can branch off from the main Los Gatos Creek Trail and carry Diridon-bound commuters directly to the Station, thereby reducing the load on the creekside trail. If Park Avenue is not regraded during track elevation, the current train bridge can be reconfigured for trail use; if Park Ave. is regraded, please provide a safe trail crossing (e.g., an overpass, or at least a signalized crossing).
- Also develop a trail on the east side of the creek from Auzerais to Bird, as Google has proposed. While this alignment is not as convenient as the west-side trail, it still can serve as a detour during the rainy season. As there likely are fewer bicycle commuters during inclement weather, the detour traffic is probably relatively light, and so this alternative alignment probably doesn't need to be designed to carry as many trail users as the main trail.

- Current plans are for the west-side trail to come up to Bird Ave./Montgomery and then follow the sidewalk north to Park Avenue. Please widen the sidewalk into a proper trail, and also provide a smooth transition from Creekside to roadside trail: don't repeat the mistake we made with the Three Creeks Trail where it abruptly jogs onto a narrow sidewalk at Bird Ave.
- I am truly sad that we are not taking advantage of this project construction to "right a prior wrong" and "daylight" the Los Gatos Creek, freeing it from its culverts under the Montgomery/Park intersection. While it would involve a significant amount of earth-moving, the amount is probably small compared to that involved in regrading Park Ave. at the railroad bridge. One of the advantages of daylighting the creek was that it would have provided the opportunity for safe trail crossing of both Park and Montgomery. Lacking that, it becomes more important to provide safe and convenient crossings of both Park and Montgomery so that the trail can continue to its junction with the Guadalupe and can carry trail users northward to Alviso and beyond. If it is not practical to provide trail under-crossings, would it be feasible to have overcrossings? (It'd be important to design such a crossing for ease-of-use: a crossing with hairpin turns is likely to be more of an impediment than a benefit …)
- I very much support the city's dream of acquiring properties between Autumn and the Creek for both trail continuity and for natural parkland.
- There's more to designing a good bike trail than simply drawing a continuous line on a map: please work with the cycling community when designing the trails so as to avoid common mistakes such as sharp bends or blind curves.
- Be sure the trail is sized to accommodate the anticipated usage: just like highways in town are wider than rural roads, the trail here near the Diridon Station will be carrying more trail-users than those segments out by the edge of town. It may be desirable to have multiple trails to help separate the usages: narrower winding trails nearer the creek for pedestrians quietly admiring nature and the scenery, and wider/smoother trails for joggers and commuter cyclists.

Response M.4

The comments address Reach 5 of the Los Gatos Creek Trail, between Auzerais Avenue and West Santa Clara Street, for which the City adopted a master plan in 2008. (The trail has subsequently been extended north from Auzerais Avenue to West San Carlos Street.) As explained in the Draft EIR Project Description (page 2-36), the project would include development of a segment of the Los Gatos Creek Trail from north of West San Carlos Street to Park Avenue, through the project's Los Gatos Creek Park. From Park Avenue, the project would include development of an on-street bikeway for bicycle access, while pedestrian access would be available through the project's open space known as The Meander, as well as on sidewalks and in a mid-block pedestrian passage on the former South Montgomery Street right-of-way, which would be closed to traffic south of West San Fernando Street. North of the VTA rail tracks, the project applicant proposes a new footbridge (also accessible to bicyclists) across Los Gatos Creek, which would connect with another new segment of the Los Gatos Creek trail that the applicant proposes on the east side of the creek, extending north to West Santa Clara Street. As noted by the comment, the project would also include a pathway along the west side of Los Gatos Creek from Auzerais Avenue to West San Carlos Street at Royal Avenue, through the Los Gatos Creek Connector, and from West San Carlos Street diagonally along the creek to Barack Obama

Boulevard (former South Montgomery Street) where the creek enters a culvert. However, these two pathways would not formally be part of the Los Gatos Creek Trail.

The remainder of the comments concern aspects of the proposed Los Gatos Creek trail that are outside the project site (e.g., a proposed trail underpass beneath the Caltrain tracks south of West San Carlos Street), are beyond the scope of the project (e.g., potential future trail and street reconfigurations should the railroad tracks be elevated in the future, City land acquisition, daylighting of Los Gatos Creek), or concern specific project design features (e.g., accommodation of bicycle traffic). Because these comments concern the proposed project or cumulative projects and not the adequacy or accuracy of the EIR, no further response is required.

Comment M.5

Overall Development:

There has been discussion at some meetings about the amount of housing in the Diridon area. I feel that the area should be primarily commercial, and I feel that Google is a great match for the location. As repeatedly stated at the General Plan Update ("Envision 2040") meetings, San José is "bedroom community" with more housing than jobs. San José needs tax revenue from businesses to reduce its structural budget deficit. I feel that we do want to have some residents in the area, so as to avoid it becoming an after-hours ghost town. But we don't want too much housing in the area, as the residents quite likely will hop on BART or Caltrain for jobs in Oakland and San Francisco, giving those cities the tax revenue while San José is stuck paying for the needed infrastructure (parks, libraries, police, etc.)

Response M.5

As described on Draft EIR pages 2-13 to 2-15, the project proposes a mix of land uses in close proximity to transit including up to 7.3 million square feet of office and up to 5,900 residential units. This mix of land uses would ensure that the project meets the objectives of both the City and the applicant described on Draft EIR pages 2-73 to 2-76 around development of new commercial office space to improve the balance between jobs and workers residing in San José as well as the creation of new housing, including affordable housing.

The comment offers an opinion concerning the proposed project's mix of land uses. As it does not question the adequacy or accuracy of the EIR, no response is required. The comment will be forwarded to the decision makers, including the City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment M.6

Parks:

People need parks, both for physical health and for mental health. Parks are for residents, and also for workers who may need to get outdoors midday and clear their minds.

San José doesn't require park land dedication for new employment projects (I feel it should), but it does require it for new residential developments, requiring parkland (or equivalent cash

fees) at the rate of 3 acres per 1,000 new residents. Google's plan is for 4,000 new units, which is roughly 8,000 new residents (depending on unit size), which works out to roughly 24 A of additional parkland needed. It's not practical to provide all of that within the 80 A footprint of Google's project. However, the need for parkland does exist, and can be met by collecting the in-lieu fees for the missing parks and then building parks in nearby neighborhoods like St. Leo, Shasta/Hanchett Park, Auzerais-Josefa, and Gardner.

Google's presentation talks about a total of 15 A of park and open space, but Google agrees that much of that is "project sponsor-owned open space" that doesn't count towards the 24 A requirement: only the 4.8 A of city-dedicated open space counts.

Google's park plans includes 4.1 A of Privately-Owned Public Open Spaces (POPOS). Several questions:

- Who maintains the sites?
- Who controls access, determining who is allowed to enter and who must leave?
- What are the hours of access? How are the times determined, can they change, and who changes them?
- Will POPOS public access be assured by means of a conservation easement? Would such a conservation easement "have teeth", or would it be all too easily circumvented?
- What happens to the POPOS if there's a change of owners? I wish Google a long and healthy existence – but I thought Netscape, Yahoo, Atari, Sun, IBM, and Lockheed would all be here forever, too. I would much prefer public open space to be city-dedicated parks.

Google's "15 acres" also counts the area within outdoor restaurants: they're nice, but shouldn't be counted as public open space; nor should walkways between buildings, rainwater runoff mitigation sites, or riparian setbacks. I appreciate Google's desire to design a green and open project, but I also feel it's a little misleading to count anything not paved over as "open space", even if they assure us that they're not trying to claim park credit for it.

I appreciate Google's concept for more "urban-based experiences" at their parks nearer the Diridon Station and more "nature-based experiences" further away and/or nearer the Los Gatos Creek. But even the "urban" parks need some nature: they shouldn't be all pavement and hardscape, but should also have trees for shade and landscaping to help refresh the soul.

Comments and questions on specific Google parks:

- Los Gatos Creek Connector (by Auzerais): What will be the impacts when Caltrain elevates the tracks? Will parkland be lost in case an additional track is needed when HSR arrives? Will parkland be lost when the San Carlos St. Bridge is replaced to accommodate the elevated Caltrain and/or HSR? As noted earlier, the trail through here will provide a suitable detour when floodwaters close the main trail at the current Caltrain undercrossing.
- The Meander: this proposal appears quite intriguing: a vibrant pedestrian walkway filled with activity. It is technically an "open space" in the sense that it's not a building, but to me it seems more of a pedestrian corridor than a park. It shouldn't count as

parkland, and it is not being claimed as such, but showing it on the parkland diagrams may seem to be somewhat misleading to us in the public.

- Social Heart: is there an inviting connection between it and the entrance to Diridon? – it would seem like a natural connection. (Be sure to connect to wherever the currently-planned Entrance Plaza is located, and be alert to any future design changes.)

Response M.6

As discussed on page 3.12-43 in Draft EIR Section 3.12, *Public Services and Recreation*, the proposed project would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance (Municipal Code Chapters 19.38 and 14.25) and require either dedicating land to serve new residents, constructing new park or trail amenities, or paying fees to offset the increased costs of providing new park facilities for new development. With regard to the commenter's question about an inviting connection between the Social Heart (most of which would comprise City-dedicated parkland) and the entrance to Diridon Station, Downtown West Design Standards and Guidelines Standard S4.15.1 would require a view corridor to Diridon Station.[98] Refer to Responses R.4 and S.18 for more information about parks and open space. Refer to Response S.19 for more information about impact to parkland related to DISC.

The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR. For information, operations and maintenance procedures for privately owned public parks would be set forth in the project's draft Development Agreement and Parkland Agreement (Exhibit E of the draft Development Agreement).[99]

Comment M.7

- Gateway to SJ (on Santa Clara): a park to provide a view down The Alameda, and to be viewed from The Alameda. This park will also be the "front door" to Arena Green and the planned icon. I am concerned that there appears to be little coordination between Google and Urban Confluence Silicon Valley, sponsors of the icon at Arena Green: if it is to be as important and popular as has been promised, I would hope for perhaps a little more attention to "viewsheds" and accessways. But of course, like the Diridon Station, this too is "a moving target", with details such as design and location very much still TBD. And perhaps the "Los Gatos Creek East" open space will suffice as a view corridor.

Response M.7

Refer to Section 3.2.9, *Master Response 9: Non-CEQA Issue—Aesthetics*, and to Section 3.1.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

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98 As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

99 As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment M.8

- St. James Triangle: I recall that this area was pitched as a quiet escape: special measures may be needed to block the noise of a hundred-some trains a day passing along the western edge on elevated tracks.

Response M.8

The commenter is likely referring to St. John Triangle, located adjacent to the Caltrain and UPRR tracks. The comment addresses the merits of the proposed project and not the adequacy or accuracy of the Draft EIR. As explained on Draft EIR page 3.10-27, CEQA does not require analysis of effects of environmental noise on a proposed project. However, the Draft EIR does evaluate non-CEQA effects of environmental noise in Impact CU-4, page 3.10-54. For information, as stated on Draft EIR page 2-36, St. John Triangle is proposed not as a "quiet escape," as stated by the commenter, but rather as an "event and entertainment space with a flexible lawn, anchor plaza, and outdoor performance space to accommodate outdoor musical presentations and other outdoor performances."

Refer to Response G.10 for a discussion of potential cumulative impact with respect to railroad track elevation that may be associated with the California High-Speed Rail Project and the DISC Plan.

Comment M.9

- North Montgomery Pocket: This is a water runoff mitigation site? It doesn't count as parkland, but it may still be a green (and marshy?) retreat best appreciated from the periphery.
- Northend Park: This park will be quite isolated until the Caltrain tracks are elevated, after which it will be accessible by Lenzen and will be appreciated by residents of the nearby park-deficient Shasta/Hanchett Park neighborhood.

Response M.9

The comment provides commentary on the characteristics of proposed on-site parks and open spaces. As described on page 2-36, North Montgomery Pocket park is anticipated to be a pocket park containing a grove of trees and seating area serving as an informal gathering space and providing habitat for local wildlife. Northend Park is anticipated to be a flexible, informal recreational area with amenities for physical activities, multi-use greens, courts, and maker space. Refer to Response R.4 for further discussion of the Parkland Dedication Ordinance and Park Impact Ordinance requirements. The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR.

Comment M.10

I'm also glad that Google is respecting the riparian corridor and that a decent setback is provided. This is to be a natural habitat with minimal public disturbance: an open space but not a recreational resource: it doesn't count as park, nor is it being claimed as such; I point that out for the record so that the appropriate amount of park in-lieu fees can be collected to help fund actual parks in adjacent nexus-connected neighborhoods.

Response M.10

The commenter is correct that proposed riparian setbacks are not seeking parkland obligation credit. Refer to Response R.4 for further discussion of the Parkland Dedication Ordinance and Park Impact Ordinance requirements. The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR.

Comment M.11

I'm glad that Google is working to preserve historic and other old buildings: they add character to an area. That said, I question why Google wants to preserve the old warehouses on the east side of Autumn, including (I believe) "Building 9" and "Building 12"? These buildings extend to well within the riparian corridor: this is an opportunity to remove them and restore a critical habitat. Google has been using one of the buildings for public meetings, but they've just been using the front portion near the street: they could remove the unused add-on extension in the back without a loss and also enhance the riparian corridor. I suppose some of these buildings can add to the "gritty" character of the area, but why not just keep the façades, remove the back portions of the buildings, and widen the corridor. Please don't keep them just to "remodel": don't use them as justification for constructing new buildings too close to the creek by claiming that they're rebuilt old buildings on their existing footprints.

Response M.11

This comment concerns the merits of the proposed project and does not address the adequacy or accuracy of the Draft EIR. Therefore, under CEQA, no response is required. For information, the proposed project is envisioned to provide a mixed-use program particularly in the central area of the project site, where active uses would be concentrated to provide uses for on-site employees, residents, and visitors to the area. As a part of this concept, a passive, low-intensity urban interface with Los Gatos Creek is envisioned to provide people with access to an underutilized natural resource. The alteration of the existing legal nonconforming (as to setback) buildings situated adjacent to the creek would provide for these uses. As explained in Chapter 1, *Introduction,* of this First Amendment, the project has been revised since publication of the Draft EIR to require that any new construction to replace the building on Blocks D9 or D12 be set back 50 feet from the Los Gatos Creek riparian corridor (refer also to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*). Additionally, it is noted that Buildings D9 and D12 were evaluated as part of the project and recommended ineligible for inclusion on any historic resource inventory (refer to Appendix E1). The comment will be forwarded to the decision makers, including the San José City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment M.12

- Google, don't forget about your western façade: you will be the "welcome to San José" view for people arriving by train. Please "put on a good face".
- The city is talking about building a new Community Center in the Diridon area. Why? The city already has several dozen centers, but is only able to operate about a dozen (roughly one per council district), and has had to close or "reuse" (i.e., hand over

operation of) the rest. Indeed, the city already has a newly built center about a half mile away at Gardner that's presently unused: let's spend our time and resources using what we have.

Response M.12

The first bullet point encourages attractive design of the proposed project's building façades closest to, and facing, Diridon Station. As it does not question the adequacy or accuracy of the EIR, no response is required. It is noted that, as shown in Draft EIR Figure 2-3, *Proposed Land Use Plan*, page 2-16, the project site does not include the parcels immediately east of and adjacent to Diridon Station. These parcels are owned by the Peninsula Corridor Joint Powers Board, operator of Caltrain. Should these parcels be developed in the future, they would be subject to separate environmental and design review.

The second bullet point concerns a potential City-proposed community center in the DSAP area. A community center is not currently proposed as part of the project but as noted on Draft EIR page 3.12-44, if the City pursues development of a new community center, one could be located in the ground floor of a mixed-use building or within an existing building.

Neither of these bullet points addresses the adequacy or accuracy of the Draft EIR; therefore, no further response is required. These comments will be forwarded to the decision makers, including the City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment M.13

- I'll echo the sentiments of others: this is going to be an exciting project, and promised "community benefits" will help ease the pain of squeezing such a large project into an established community. But "mitigation" is not "community benefits": mitigation is what must be done to make up for damages caused; community benefits are "above and beyond" to make for a better project.

As I wrote in an op-ed to the Mercury News three years ago, "Welcome, Google! Your project at Diridon Station will affect the surrounding neighborhoods and shape our entire city for years to come. It will be truly transformative."

I recognize that there are many pieces to this puzzle – Caltrain electrification, elevated Caltrain, High Speed Rail, BART, Light Rail, the connector to SJC–San José Airport, the Future Icon at Arena Green, the Los Gatos Creek Trail, the creek itself, nearby neighborhoods, and the city of San José, as well as Google – and we're asking you to assemble this puzzle while the pieces are all shifting shapes.

The Diridon Station Area / Google complex needs an overall project manager to coordinate and make sure that the interfaces between the different components all fit. I hope my comments may help point out some of these interconnects.

Response M.13

The commenter's observations and suggestions are noted. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

The project's draft Development Agreement, which will be presented to City Council for consideration concurrent with the Final EIR includes details on the community benefits to be provided by the project.[100]

N. Ryan Bavetta (10/9/20)

Comment N.1

Hello, I read through some of the Google draft EIR paying particular attention to traffic since I live in nearby Sunol St.

I noticed that there is criteria spelled out for when traffic calming measures would be appropriate (11.2.4.3 Cut-Through Traffic Thresholds), and these included a range of vehicles per day (1k-3k, or 1k-6k). Does this mean there are maximum limits beyond which traffic calming would not take place? It seems like there should be no maximum limits - if it gets super fast and busy we'd still want to calm. Any idea why a range is given instead of just a minimum bar?

Response N.1

The cut-through traffic thresholds described on page 228 of the Local Transportation Analysis (Draft EIR Appendix J2) are defined by Council Policy 5-6 (Traffic Calming Policy for Residential Neighborhoods), which was adopted by the San José City Council in April 2000 and revised in June 2008.[101] The volume and speed parameters directly relate to posted speed limits and average daily traffic volume ranges on roadways defined in the General Plan as Local Streets or Neighborhood Collector Streets. Consistent with City practices, Neighborhood Collectors and Local Streets located within 0.5 miles of the Project were identified to be analyzed for potential cut-through traffic. All other roadway typologies do not qualify for traffic calming per City Council Policy 5-6 and, therefore, are not included. As stated in the project's Local Transportation Analysis (Draft EIR Appendix J2, page 239), the project would be required to adopt a Neighborhood Traffic Intrusion Monitoring Plan and a Parking Intrusion Monitoring Plan to manage local effects on traffic and parking. The requirements for these plans are set forth in Sections 4.18 and 4.16, respectively, of the City's Transportation Analysis Handbook.[102] For the proposed project, the plans have been prepared as part of a single Neighborhood Traffic and Parking Intrusion Monitoring Plan that would be reviewed and approved by the City.

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[100] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[101] City of San José, *Council Policy 5-6, Traffic Calming Policy for Residential Neighborhoods*, revised 2008. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=12825. Accessed March 30, 2021.

[102] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

O. California Native Plant Society – Santa Clara Valley (12/8/20)

Comment O.1

Google's Downtown West Design Guidelines and Standards (DWDSG) S5.5.7 call for new structures and trails to be built within the riparian setback, some within the creek top-of the bank delineations. This is in violation of the VHP.

Response O.1

Since publication of the Draft EIR, the project applicant has revised the project to mandate a 50-foot riparian setback for all new construction, consistent with City Council Policy 6-34. This would exceed the Santa Clara Valley Habitat Plan's minimum 35-foot setback. Refer to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*.

Comment O.2

1.1. TABLE 4.3 pf the DWDSG, summarizes programmatic elements in each proposed open space. Some of these elements may not fit the VHP description of "covered activities". For example, a Creek Overlook / Viewing Platform is required for Los Gatos Creek Park and for Los Gatos Creek East. Can Creek Overlooks and Viewing Platforms situated on creek banks or those that intrude within the creek top-of the banks be considered "covered activities" under the VHP? If not, consultations with the CA Dept. Of Fish and Wildlife and the US Fish and Wildlife Service will be required. In any case, consultation for work within the creek banks requires consultation with NOAA Fisheries and the Regional Water Quality Control Board.

Response O.2

According to the project applicant, the creek overlooks/viewing platforms are intended for passive activities such as ecological education, nature observation, and appreciation. They would constitute part of the recreational trail network, which is permitted within the setbacks under the Santa Clara Valley Habitat Plan. In accordance with Table 4.3 of the Downtown West Design Standards and Guidelines, creek overlooks/viewing platforms would be considered complementary program elements for applicable open spaces and would not be required to be constructed.[103] Furthermore, Guidelines 4.17.5 and 4.13.7 in the Downtown West Design Standards and Guidelines state that the overlooks are subject to regulatory agency permitting.

Comment O.3

1.2. DWDSG allows existing buildings within 35-ft of Los Gatos Creek to be replaced with new buildings on the same footprint. It also calls for building development 30-ft from the Guadalupe River. The VHP designates Los Gatos Creek and the Guadalupe River as category 1 streams, requiring 100-ft setback from the riparian corridor/top of the bank.

[103] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Condition 11 of the VHP provides a process for allowing reduced setbacks, but cautions and stipulates, "***Regardless of project location, stream setback exceptions may not reduce a Category 1 stream setback to less than a distance of 50 feet for new development or 35 feet for existing or previously developed sites with legal buildings and uses.***"

Response O.3

Refer to Response O.1.

Comment O.4

Thus, the project as proposed is incompatible with the VHP. Proposed mitigation measures BI-1a, BI-1b, BI-1c, and BI-2a for identified Impact BI-6 are not relevant here, as they do not address this incompatibility. We consider this a Significant Unavoidable Impact that could be avoided by slight modifications to the DWDSG to avoid this impact.

Response O.4

Compatibility comments are addressed above in Responses O.1 through O.3. As stated in Response O.1 and Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*, the project, as revised, would meet or exceed the setback requirements of the Santa Clara Valley Habitat Plan.

Comment O.5

2. The City's Riparian Corridor Protection and Bird-Safe Design Policy 6-34 and the Riparian Policy Study seek to distance intrusive elements and activities from the creek in order to provide a buffer that helps preserve ecological function of both the riparian and the aquatic ecosystems. Among other directives, the Riparian Policy Study directs trails to be placed on the outside of the setback area, as far as possible from the riparian corridor.

The pedestrian bridge and creek overlooks are not compliant with Guideline 4D (Interpretive Nodes and Paths) of the Riparian Corridor Study, which states, "*Interpretive nodes and paths may penetrate riparian areas at intervals not to exceed an average of one every 500 linear feet of riparian corridor. This guideline allows for paths to cross creeks at sufficient intervals and provides opportunities for trail users and others to experience the creek environs while minimizing impacts to biotic resources …*"

The Google plan proposes a bikeway, walking trail and various other elements that will be constructed within 50-ft of the riparian edge and at intervals shorter than 500-ft. The setback exists to protect the biological value of Los Gatos Creek. These proposed elements will greatly reduce the buffering capacity of the setback, degrading Los Gatos Creek's crucial function as a wildlife connectivity corridor and impair its ability to sustain Steelhead and other species.

The Projects Biological impacts can be reduced substantially if the intrusions into the riparian corridor by buildings, people, pets and bikes are reduced. The project should adhere to council Policy 6-34 and the Riparian Policy Study.

Most importantly, the plan should adhere to the VHP. The VHP was developed over many years with input from a multitude of stake holders. The intent of the VHP was to expedite the process of development by having all adhere to a known set of standards in exchange for a streamlined permitting process. It was developed to balance growth with protection of our shared environment. Compromises that balance these often competing interests were built into the plan. Additional compromises that tilt the scale toward development at the expense to the environment should not be made.

Response O.5

Refer to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*. As explained there, the proposed project would comply with both the Valley Habitat Plan and Policy 6-34.

Regarding the comment that trails are required by City policy to be outside the riparian setback, this is incorrect. City Council Policy 6-34, which implements the City's Riparian Corridor Policy Study, states that Multi-Use Trails (pedestrian/equestrian/bicycle trails) must be set back 10 feet from the edge of the riparian corridor (not outside some greater setback), while pedestrian-only trails may be at the riparian corridor edge. Policy 6-34 necessarily allows stream crossings to enter the riparian corridor. Regarding the placement of interpretive nodes and paths, the 500 linear feet standard is an average not a set restriction, as set forth in the City's Riparian Corridor Policy Study. City Council Policy 6-34 (Riparian Corridor Protection and Bird-Safe Design) provides general guidance with respect to setbacks but states, "For actual setback and buffer dimensions, the specific setback sections in Chapter 3 of the [1998 Riparian Corridor] Policy Study should be consulted."[104] The Policy Study, also approved by the City Council, states, in Guideline 4D on page 44, "Interpretive nodes and paths may penetrate riparian areas at intervals not to exceed **an average of** one every 500 linear feet of riparian corridor" (emphasis added). As such, interpretive nodes or paths may penetrate the riparian corridor at distances of less than 500 linear feet.

P. Mary Cassel (12/8/20)

Comment P.1

I live on Lenzen Ave and I am really in fear of the coming of Google with its 55,000, plus others to come to the area. I just HOPE you will include plenty of green in the way of trees and plants, and care for them, and really consider the people who live in the neighborhood, and pedestrians. Hopefully building won't block all view of mountain a and public gardens and parks will be plentiful. I wish we could avoid Bart and hard, or that they could go somewhere else than under Stockton. Thank you for considering me.

[104] City of San José, *Riparian Corridor Policy Study*. Approved by City Council May 17, 1994; revised March 1999. Available at https://www.sanjoseca.gov/home/showdocument?id=15579. Accessed March 3, 2021.

Response P.1

The comment expresses concern about the proposed project's increase in population and employment and other growth in the vicinity, about the amount of open space to be provided, about pedestrian circulation, and about potential loss of views of nearby hills. The comment also expresses concern about the approved BART extension to and through the project area. As the comments do not raise concerns about the adequacy or accuracy of the EIR, no response is required. For information, it is noted that, as explained on Draft EIR page 2-33, the proposed project would include approximately 15 acres of new parks, plazas, open space, riparian setbacks, and mid-block passages on the project site, for use by area residents, employees, and visitors. Ten separate open spaces would be provided on the project site, as depicted in Draft EIR Figure 2-7, *Open Space Plan*, page 2-34. The project also proposes a number of pedestrian and bicycle improvements, as described in Draft EIR Section 2.7, *Transportation and Circulation*, page 2-38. The comments will be forwarded to the decision makers, including the City Council, for consideration in their deliberations concerning approval of the proposed project.

Q. Catalyze SV (11/12/20)

Comment Q.1

Please find below the evaluation from Catalyze SV's Project Advocacy Committee members and a feedback form for the project.

1) Scorecard. The project scored very well - 4.29 out of 5! This is above a key Catalyze SV threshold that allows us to continue to be involved in urging this project to move forward.

2) Letter. We'd also like to offer constructive comments on the project. Especially with Catalyze SV's remaining suggestions incorporated, we look forward to seeing this project move through the approval process to become a great neighborhood in San José. We'll be urging Google & the City to ensure these improvements are incorporated into your proposal.

3) Feedback Form. To make it easier and quicker for you to respond point-by-point to our suggested improvements, we've prepared this feedback form. We'd like to ask Google to use this form to respond to our comments within 60 days. That would be by January 10, 2021. *Is that feasible for Google*? We're also happy to set up a Zoom video or phone call to chat further.

We've already added the above scorecard & letter to our website. Thank you so much for considering our members' views on this project. Yours in community improvement - Alex

Response Q.1

The comment expresses opinions concerning the proposed project and does not address the adequacy or accuracy of the Draft EIR. Accordingly, no response is required under CEQA. For information, the project applicant has submitted the commenter's feedback form to the commenter. In that form the project applicant indicated that provision of transit passes and transit subsidies are among the options under consideration for reducing single-occupancy vehicle travel to and from the project site; that (in response to an inquiry about further reducing the project's

parking supply) the proposed project already proposes substantially less parking than other nearby developments; that the applicant supports the City's goal of 25 percent affordable housing in the Diridon Station Area Plan area; that the applicant is not likely to increase the project's number of housing units; that (in response to an inquiry about LEED Platinum certification project-wide) the proposed project would meet the requirements of Assembly Bill 900 and continue to seek further sustainability; that the proposed project would incorporate maker space as part of its active uses; that the applicant will participate in further discussions about the future of Diridon Station, along with other entities, as part of the Diridon Integration Station Concept process; that the applicant is committed to increased public outreach and transparency; and that the applicant seeks to create active public spaces and to include small local businesses and non-profit organizations in ground-floor spaces.

R. Diridon Area Neighborhood Group (12/7/20)

Comment R.1

Chapter 2: Project Description:

Section 2.4.11, 2.12, 2.15, 3.9, Appendix M – Google has developed the Downtown West Design Standards and Guidelines, which will govern their project unless the City of San José Downtown Design Guidelines and Complete Streets Design Standards and Guidelines supersede them. It is important to maintain congruency and continuity where Downtown West meets the Diridon Station Area. To have this congruency and continuity, Google should request that the City upgrade the Downtown Design Guidelines and Complete Streets Design Standards and Guidelines for developments in the Diridon Station Area outside Downtown West to meet the standards in Google's DWDSG.

Response R.1

The comment concerns the proposed Downtown West Design Standards and Guidelines, their relationship to the City's adopted Downtown Design Guidelines and Complete Streets Design Standards and Guidelines, and areas outside the project site. Because this is not a comment about the EIR or its analysis, no response is required.

Comment R.2

Section 2-11 – The project is to include replacing the W. San Fernando St. bridge over Los Gatos Creek. The new bridge should be designed and built so that the area under the bridge is not accessible to, nor provide a place where people can camp, hide, or congregate.

Response R.2

The comment expresses concern about the potential for homeless individuals to camp or otherwise congregate beneath the project's proposed replacement bridge over Los Gatos Creek at West San Fernando Street. As the comment does not raise concerns about the adequacy or accuracy of the EIR, no response is required. For information, it is known that homeless individuals make use of the Los Gatos Creek riparian corridor for camping and other uses, despite

the presence of fencing along much of the creek corridor. Moreover, because there is an existing bridge over Los Gatos Creek at West San Fernando Street, the proposed replacement bridge, once completed, would not represent a change in existing conditions except insofar as it would produce less in the way of obstruction to creek flows and thereby reduce flooding potential. The replacement bridge would be constructed to City standards and would require approval from Valley Water; either or both of these entities may require security fencing as part of the approval process. However, security fencing can deter wildlife movement and is not always a preferred solution. As explained on Draft EIR page 2-62, the project applicant also proposes restoration of and ongoing maintenance in the Los Gatos Creek channel to improve floodwater conveyance and improve ecological function. To the extent that these aspects of the project, if approved, would remove clutter and dead vegetation, this could result in a less closed-in feeling along the creek channel, potentially discouraging use as a camping area.

Comment R.3

Section 2-13.7 – External factors such as market forces and construction staging for the BART Downtown extension were identified as potentially constraining the implementation of construction phases, but development of a new elevated Diridon Station and realignment of railroad tracks as part of the DISC project were not mentioned. DISC was described in Sec. 2.2.8, but it was not recognized as a potential construction phasing constraint.

Response R.3

The BART extension to and through the project area would include a new subgrade station immediately south of West Santa Clara Street, beneath Block D4 of the proposed project. Construction will involve excavation and staging on that block and surrounding blocks, thereby directly precluding project development on that portion of the project site prior to BART station completion in about 2028. In contrast, the potential new elevated Diridon Station envisioned by the Diridon Integrated Station Concept preferred Concept Layout would be developed adjacent to but outside of the project site. The elevated station Concept Layout is inconsistent with the preferred option for the proposed California High-Speed Rail system through the project area, meaning that differences in design concepts must still be resolved. Finally, the timing for both DISC buildout and high-speed rail service is far less certain than that of the BART extension. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, for more information.

Comment R.4

Chapter 2, Sections 2.6 Parks and Open Space and 3.12 Parks and Recreation

- Quimby Act requires 3 acres of park area for every 1,000 persons, the Envision San José 2040 General Plan policy provides for 3.5 acres per 1,000 population. Based on the projected population of 12,980, the acreage requirement would be between 38.94 (Quimby Act) and 45.43 (City policy). This project indicates 15 acres of park area of which, we understand, 10 acres are private land which will allow public access.
- The DEIR does not outline quantifiable mitigations to offset the disparity in meeting the park acreage goals especially within the project and surrounding area.

- It is our position that private land should not be counted to meet park requirements. How is the community assured that private land, if sold, will be retained as park space for the public?
- The DEIR states that "15 acres of parks and open spaces, in parks and plazas, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails …" (Page 3.12-44, first paragraph). It is our position that the highlighted items do not meet the park requirement.
- Page 3.12-48 indicates that the General Plan and DSAP identified the SJFD Training Center as a potential site for a new, approximately 5-acre community park plus a 1-acre plaza with an expansion to approximately 8 acres. This has been removed. How will this be replaced?
- How do the current planning efforts for High Speed Rail align with the proposed park land dedicated by Google?

Response R.4

As discussed on page 3.12-43 in Draft EIR Section 3.12, *Public Services and Recreation*, the proposed project would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance (Municipal Code Chapters 19.38 and 14.25), which are consistent with the Quimby Act and require either dedicating land to serve new residents, constructing new park or trail amenities, or paying fees to offset the increased costs of providing new park facilities for new development.

Developers may use a combination of the above methods to fulfill a project's parkland obligation. The City calculates and communicates the parkland acreage requirement and negotiates any in lieu fees necessary to meet the obligation. Dedication requirements are calculated using the estimated residential population of the proposed project, based on the types of dwelling units allowed and the average household size for the dwelling units, as indicated in the most recent available U.S. Census data. Final acreages and characteristics associated with any land dedications are determined by the City. The proposed project would include approximately 15 acres of open spaces (parks, plazas, trails, mid-block passages, semi-public spaces, and riparian buffers and corridors). Approximately 4.8 acres of the total space would be dedicated to the City for public parks and trails, and approximately 10.2 acres would be owned by the project applicant and managed by a third party. The project applicant would provide approximately 10.2 acres of privately-owned publicly accessible open space, approximately 7 acres of which would be further subject to restrictive covenants recorded against each open space that would ensure public access. The 7 acres of privately owned publicly accessible open space subject to a restrictive covenant would consist of the privately owned public parks, Los Gatos Creek Riparian Setback, and Los Gatos Creek Riparian Corridor. Each public access restrictive covenant shall ensure that each of the subject privately-owned publicly accessible open spaces is maintained and open for public use per the terms of the covenant until either: (i) the end of the useful life of the Building that triggers the specific privately owned publicly accessible open space, or (ii) the City Council approves or authorizes an alternate use of the specific open space, which approval or authorization will require a minimum two-thirds affirmative vote of the City Council. Applicant-owned open space would not receive credit against the project's parkland obligation, which may

be met by dedicating land, via credits for improvements to parks, trails or community center space, or via in lieu fees.

As stated in the comment, the Draft EIR, on page 3.12-42, evaluated the project's open space demand based on the project's anticipated residential population and General Plan service level objectives. However, the General Plan population-based service objectives are not intended to be a project-specific performance measure, nor does the City use of them establish a threshold for determining the significance of an impact under CEQA. Rather, they represent a goal, not a regulatory requirement. Moreover, as explained in footnote 100 on that same page, the EIR's parkland estimate does not reflect the proposed project's obligations under the City's Parkland Dedication Ordinance and Park Impact Ordinance, which is calculated based on specific housing types and housing type density in the U.S. Census. Based upon further consultation between City staff and the project applicant, the project's draft Development Agreement and Parkland Agreement (Exhibit E of the draft Development Agreement) assumes the development of 4,000 residential units of the 5,900 units analyzed in the Draft EIR.[105] The obligation generated by the first 4,000 units would be satisfied by the improvement and dedication of 4.8 acres of parks and trails, along with payment of an in-lieu fee if any portion of the obligation remains. If the project were to build more than 4,000 units, the project would pay in-lieu fees or apply for private recreation credits for residential buildings, as set forth in the Parkland Agreement (Exhibit E of the draft Development Agreement). If the project applicant were to move forward with the remaining 1,900 residential units, a new parkland agreement would be created to communicate the new parkland obligation generated by the newly proposed development. The addition of 4,000 residential units would generate a demand up to 23.21 acres based on the General Plan Service Level Goals.[106]

As described on page 3.12-40, requiring residential builders to dedicate land, pay park impact fees, or both, for development (including acquisition) or renovation of park facilities and recreational facilities (Municipal Code Chapters 19.38 and 14.25) is in accordance with the provisions of the General Plan. This requirement advances the General Plan's parks and recreation goals and policies. Additionally, as discussed on page 3.12-42, although there is an existing deficiency in the General Plan service level of neighborhood- and community-serving recreational lands, the proposed project would not result in a substantial impact by worsening this existing deficiency, because the service level would remain the same under existing plus project conditions. The service level of regional/citywide parklands would also remain above the General Plan service level goal under existing plus project conditions.

As discussed on page 3.12-41, the proposed project could have a significant impact on public services related to parks and recreation if the project would require the construction of new or

[105] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[106] This calculation is based on the specific unit mix proposed by the project applicant as of the date of publication of this First Amendment—3,288 high-rise residential units and 712 mid-rise units. In determining open space requirements under the Parkland Dedication Ordinance and Park Impact Ordinance, the City assumes 1.51 persons per high-rise unit and 2.34 persons per mid-rise unit. This results in a residential population of 6,631, or 1.66 persons per unit (a lesser density than assumed in the Draft EIR); multiplied by 3.5 acres per 1,000 persons, this results in an open space requirement of 23.21 acres.

physically altered governmental facilities in order to maintain acceptable levels of public services; and the construction or alteration of such facilities would result in a significant environmental impact. As discussed on page 3.12-45, physical impacts of construction of on-site parks and open space is analyzed throughout the Draft EIR and mitigation measures and City of San José Standard Conditions of Approval (SCAs) are included to reduce construction-related impacts (including impacts on parks and recreational facilities) related to air quality, biological resources, cultural and tribal cultural resources, paleontological resources, hydrology and water quality, hazards and hazardous materials, and noise and vibration to the extent feasible. As discussed on page 3.12-43, the park projects developed as a result of the Parkland Dedication Ordinance and Park Impact Ordinance (in addition to the approximately 15 acres of open spaces reviewed under this document) would undergo environmental review as they are identified. Appropriate measures would be identified and implemented as applicable to reduce any construction-related or operational effects of those facilities. Therefore, no additional mitigation would be required.

The draft Development Agreement provides assurances that the public would have access to privately owned publicly accessible open space over the long term. Approximately 7 acres of the 10.2 acres of privately owned publicly accessible open space would be further subject to restrictive covenants, which will set forth the categories and limitations on use for that open space, including the hours of operation and scope of permissible park use. Additionally, there are provisions relating to public events, private events, and temporary closures set forth in the draft Development Agreement. The remaining approximately 3 acres would be publicly accessible, as noted by the VTM conditions of approval.

The Fire Training site is approximately 4 acres. It was part of the DSAP's aspiration to build an 8-acre community park that would have included the Los Gatos Creek riparian corridor and privately-owned land to the southeast. Building the park would have required relocating the Fire Training Facility, cleaning up the site, and acquiring the remaining 4 acres of land, all of which made the project a financially challenging and long-term endeavor for the City.

In December 2018, the City agreed to sell the Fire Training site to Google and adopted an MOU with Google that states that their development project should not decrease the overall open space in the Diridon Station Area. The intention of this provision was to ensure an equivalent amount of parkland and open space in the Downtown West project and with implementation of the DSAP, as amended.

If approved, the Downtown West project would enable the relocation of the Fire Training facility, construct 4.8 acres of City-dedicated parkland, and construct half a mile of the Los Gatos Creek Trail, including a trail segment and publicly accessible open space on the Fire Training site. In addition, the Downtown West project would include 10.2 acres of privately owned, publicly accessible open spaces, of which about 4.2 acres would be parkland, with the remainder consisting of riparian setback and riparian corridor. Additionally, the Draft Amended DSAP proposes about 4 acres of public parkland and trails outside of the Downtown West project boundaries.

With regard to High-Speed Rail Authority planning efforts, as explained in Chapter 3, *Environmental Setting, Impacts, and Mitigation*, the Draft EIR analyzes the proposed project's potential impacts on the existing environment as of the time an NOP was issued, and considers potential impacts of the project in isolation and in combination with cumulative projects such as the DISC. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, for more discussion of coordinated planning around Diridon Station.

Comment R.5

Section 2.6-37 "Serviced pavilions, each up to 5,000 gsf in size, are anticipated to be located within Los Gatos Creek Park, Creekside Walk at South Autumn Street, and Northend Park. Un-serviced pavilions may include public restrooms, shared community meeting space, pre-cooked food and beverage, and educational/learning/exhibit space. Un-serviced pavilions, each up to 2,500 gsf, are anticipated in St. John Triangle and the Gateway to San José. Kiosks, no larger than 1,500 gsf each, may include commercial concessions, newsstands, food and beverage (pre-made), recreational rentals, and canopy structures, and would be located at approximately 10 locations throughout the project's open spaces." Who will maintain and service the "serviced pavilions"? Who will maintain the "un-serviced pavilions"?

Response R.5

Kiosks and pavilions are complementary open space design elements and are not required in the plan. Locations have been identified in the plan that suggest locations of kiosks and pavilions on both City-dedicated and private open space. Neither are required standards of the Downtown West Design Standards and Guidelines open space design. As described on page 2-37, an approximately 0.3-acre site located on Block F may be used as a maintenance office and outdoor yard to store maintenance supplies and equipment to service parks and open spaces on the project site. Final design and programming of City-dedicated parks will be subject to standard public process for public parkland development. The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR.

Comment R.6

Discovery Dog Park: A neighborhood amenity could be an upgrade on the dog park. It needs better lighting, a solid fence backing up to Caltrans property, doggy turf and upgrades similar to that of Del Monte Dog Park.

Response R.6

Discovery Dog Park is located on VTA owned property and, therefore, not within the scope of the project. The comment does not address the adequacy of the EIR and no further response is required.

Comment R.7

Chapter 3, Section 3.7 Hazards and Hazardous Materials

3.7-59-61 Site 15- Diridon Caltrain Station and Caltrain Parking Lots (65 Cahill Street): pg. 61 "However, the remaining soil and groundwater have concentrations above various soil and groundwater screening levels. It is unknown whether contamination from the prior uses has migrated east to the parcels of the proposed project. Therefore, these parcels have the potential to affect the project site parcels to the immediate east." How will this possible groundwater contamination affect the construction Downtown West has proposed in this area, and the time-line going forward?

Response R.7

As summarized on page 3.7-61, possible groundwater contamination beneath the Diridon Caltrain Station and Caltrain Parking Lots at 65 Cahill Street has the potential to affect the project site parcels. To address this, the Draft EIR requires Mitigation Measure HA-3c: Site Management Plan. This mitigation measure would be required for all parcels where soil and groundwater contamination may be present, which would include the project parcels adjacent to and downgradient of the Diridon Caltrain Station and Caltrain Parking Lots parcels.

Mitigation Measure HA-3c: Site Management Plan, includes protocols for managing contaminated groundwater if encountered. Site Management Plans (SMPs) would include "Protocols for the materials (soil and/or dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner." The mitigation measure specifies that for work at parcels that would encounter groundwater, as part of the SMPs, contractors shall include a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate, and lawful manner. Dewatering, if required, would be conducted as a routine part of the construction activities and would not be expected to substantially increase the construction time-line. (Refer also to additions to Mitigation Measure HA-3c in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment.)

Comment R.8

3.7-62 Site 20- Dariano & Sons 638 Auzerais Avenue: "Given the location, contaminated groundwater may affect the southernmost portion of the project site, such as APNs 264-15-17, 264-15-18, and 264-15-019. No off-site wells have been constructed between this site and the project site, indicating that it is unknown whether the groundwater contamination extends beneath the project site." How will this possible groundwater contamination affect the residential construction Downtown West has proposed in this area, and the time-line going forward?

Response R.8

As summarized on page 3.7-61, the possible groundwater contamination beneath the off-site Dariano & Sons property at 638 Auzerais Avenue has the potential to affect the project site parcels. To address this, the Draft EIR requires Mitigation Measure HA-3c, Site Management Plan. This mitigation measure would be required for all parcels where soil and groundwater

contamination may be present, which would include the project parcels adjacent to and downgradient of the Dariano & Sons parcel.

Mitigation Measure HA-3c, Site Management Plan, includes protocols for managing contaminated groundwater if encountered. Site Management Plans (SMPs) would include "Protocols for the materials (soil and/or dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner." The mitigation measure specifies that for work at parcels that would encounter groundwater, as part of the SMPs, contractors shall include a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate, and lawful manner. Dewatering, if required, would be conducted as a routine part of the construction activities and would not be expected to substantially increase the construction time-line.

Comment R.9

3.7-63 Summary of Off-Site Property Hazardous Materials Issues, and 3.7-93, 94 Hazardous Materials Sites explanations – Does not fully answer questions above. Please keep us informed about the progress.

Response R.9

Refer to Responses R.7 and R.8, above.

Comment R.10

Chapter 3, Section 3.9: Land Use

Section 3.9.1, 3.9.3 – In describing the land uses surrounding the Downtown West project site and the consistency analysis for policy LU-9.2, Google should recognize that the neighborhood adjacent to the project site is Delmas Park, which was organized in the early 2000s as part of the Strong Neighborhood Initiative program, and that Lakehouse, Park-Lorraine, and Auzerais-Josefa are sections of the Delmas Park neighborhood.

Response R.10

Regarding the commenter's request that the applicant recognize Delmas Park as the neighborhood adjacent to project site, this is discussed in the Draft EIR in Section 2.2.9, *Existing Land Use Context*, page 2-12, where it states the Delmas Park neighborhood (including Lakehouse, Park/Lorraine, and Auzerais/Josefa) is to the southeast of the project site. In addition, Draft EIR Section 3.9, *Land Use*, page 3.9-3, states the Lakehouse, Park-Lorraine, and Auzerais-Josefa residential neighborhoods are south of West San Fernando Street.

Comment R.11

Section 3.9.3 – A criterion of CEQA is that a project would not physically divide an established community or would not create a barrier that would physically sever two or more connected parts of a community. We believe that Impact LU-1 occurs at Block E1 and is a

significant impact requiring mitigation. The existing status is that Delmas Ave. is an open thoroughfare through Block E1 providing direct north-south access between W. Santa Clara St. and W. San Fernando St. The project proposal is for Delmas Ave. to be vacated and for a large office building to be built on Block E1, inhibiting north-south movement. The path would be closed to public vehicular traffic, and pedestrian and bicycle traffic from the south would have to travel around the perimeter of the building to access the Gateway Plaza area, the San Jose Water Company building, W. Santa Clara St., Arena Green, and SAP Center. This impact can be mitigated by incorporating a pass-through for pedestrian and bicycle traffic through the ground level of the E1 office building. This pass-through would be more consistent with Land Use Policy Goal LU-1.2, LU-1.3, and LU-5.4.

Response R.11

While the proposed project would close Delmas Avenue between West Santa Clara Street and West San Fernando Street to through traffic (as revised herein in this First Amendment (see Chapter 4, *Revisions to the Draft EIR*), the street would be "abandoned," not "vacated"), as described on Draft EIR page 2-38, privately owned but generally publicly accessible streets would be added north from West San Fernando Street along the alignment of Delmas Street between Blocks E2 and E3 and turning east to the Guadalupe River. In addition, as stated on Draft EIR page 3.13-44, north-south access connections through the project site in this area would be maintained via parallel routes on Autumn Street and Almaden Boulevard. Moreover, the proposed project would improve pedestrian access to Los Gatos Creek via a trail extension along the east side of Los Gatos Creek,[107] as well as a walking path, between Blocks E1 and E3 and the Guadalupe River. These changes would not physically divide an established community because, while vehicle traffic would have to use one of the parallel routes along Autumn Street or Almaden Boulevard to travel between West Santa Clara and West San Fernando streets, access between these streets and through the project site for pedestrians and bicycles would be maintained and improved.

Comment R.12

3.9-10 Shadow

St. James, Circle of Palms, Plaza de Cesar Chavez, Paseo de San Antonio how will the development affect these sites.

Include Del Monte Park and Cahill Park

Response R.12

As stated on page 3.9-47, the Draft EIR states the proposed project would increase shadow on Guadalupe River Park, but would not cast shadow on St. James Park, Plaza of Palms, Plaza de César Chávez, Paseo de San Antonio, or McEnery Park during the hours of 10:00 a.m., 12 noon, and 3:00 p.m. on the summer solstice (June 21), the spring/fall equinoxes (March 21/September 21), or the winter solstice (December 21). In addition, as shown in Appendix L to the Draft EIR, pages 9 to 37, new shadow from the proposed project would not reach Del Monte Park or Cahill

[107] Limited-access mid-block passages may be closed for special events or security reasons at the discretion of the project sponsor.

Park during the times of year analyzed. It is also noted that the City has no CEQA threshold of significance for these two parks or other parks other than the six major Downtown parks analyzed in the Draft EIR. Therefore, except for Guadalupe River Park, other parks downtown and in the vicinity of the project site would not be affected by the proposed project.

The shadow model was analyzed as a worst-case scenario, assuming all new project buildings would reach the maximum allowable height (180–290 feet) and would cover the entire footprint of each block on the project site, without required building setbacks at upper stories. Refer to Draft EIR pages 3.9-30–31 for more detail about the approach to shadow analysis.

Comment R.13

Section 3.9-20 / General Plan Policies

Given the projected development time, what process will be in place to ensure these policies and the spirit of these policies will be continued given the term limits of elected officials and the transitory nature of city employees?
Specifically, CD-1.15, IE-1.5 (identifies Berryessa), VN-1.7 (Visually connecting to surrounding neighborhood), PR-1.8 (should enhance Cahill Park)

Response R.13

The policies referred to in this comment are in the *Envision San José 2040 General Plan*, adopted in 2011 and last amended on March 16, 2020. These policies are established by the City of San José and are not specific to the proposed project or the Draft EIR. General plan consistency is regularly evaluated as decision-makers consider project entitlements. Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals,* for a description of the Conformance Review process that would be used following approval of the Downtown West Mixed Use Plan. No changes to the Draft EIR are necessary in response to this comment.

Comment R.14

Section 3.9-27

Enhance existing neighborhoods by keeping all fees local to provide funding for these enhancements

Response R.14

The comment requesting to keep all fees local to fund enhancements for existing neighborhoods is noted. The project would satisfy City requirements through in-kind commitments or project features, including a significant amount of affordable housing delivered on-site, as well as provision of 15 acres of parks and open spaces (including 4.8 acres of required parkland). These project provisions would benefit local neighborhoods in particular. In addition, the proposed project would pay fees to the Santa Clara Valley Habitat Plan and the City of San José, among other agencies, to reduce the severity of project-related impacts. Decisions regarding where fees are allocated are made by agencies consistent with their adopted standards and are separate from the CEQA process for this project. Thus, this comment does not pertain to the adequacy or accuracy of the Draft EIR.

Comment R.15

Section 3.9-43
Goal LU-10
Distribute higher residential densities throughout our city …
The development does not accomplish this - it actually takes units from identified urban villages which does the exact opposite

Response R.15

As noted in the comment and on Draft EIR page 3.9-35, as part of the project's consideration for approval, the City Council will consider an amendment to the General Plan to reallocate planned housing units and commercial/office uses (indicated in the General Plan as jobs capacity) from Horizon 2 and 3 Urban Village growth areas and other General Plan designated employment areas, such as the North Coyote Valley growth area, to Downtown. The City is also working to amend the DSAP to reallocate planned housing units and commercial/office uses from other General Plan growth areas to Downtown to accommodate growth in addition to the project. As stated on Draft EIR page 3.9-45, perfect conformity with every policy set forth in the General Plan is not required; rather, it is sufficient that the project would be in substantial conformance with the objectives, policies, general land uses and programs specified in the General Plan. The proposed project is consistent with and supports multiple General Plan Major Strategies, goals, and policies related to promotion of Downtown as a primary employment center in the region and the intensification of employment and residential uses in close proximity to transit facilities. Additionally, the proposed reallocation of planned housing and commercial/office uses to Downtown would not preclude high density residential or commercial projects in Urban Villages or in other General Plan growth areas. Furthermore, this comment is in regard to the City's process to amend the General Plan, which is separate from the CEQA process for this project. Therefore, this comment does not pertain to the adequacy or accuracy of the Draft EIR.

Comment R.16

Section 3.9-47
Shadow
It is completely ridiculous to include these parks with the exception of McEnery Park
They should be eliminated from the EIR
Cahill and Del Monte Parks should be included instead

Response R.16

This comment states the parks analyzed in Draft EIR Section 3.9, *Land Use*, with exception of McEnery Park, should not be studied in the EIR. The comment also states that Cahill and Del Monte Parks should be analyzed in the Draft EIR instead. Consistent with shade and shadow analysis procedures in the City of San José, the City identifies significant shade and shadow impacts as occurring when a building or other structure located in the Downtown area substantially reduces natural sunlight on six major public open spaces (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park and McEnery Park), but not Del Monte Park or Cahill Park. Furthermore, as shown in Appendix L to the Draft EIR,

pages 9 to 37, based on the worst-case analysis assumed in the shadow study, new shadow from the proposed project would not reach Del Monte Park or Cahill Park during the times of year analyzed, including the winter solstice, when shadows are longest. Therefore, Del Monte Park and Cahill Park would not be affected by the proposed project nor are these parks required to be analyzed pursuant to City shadow analysis procedures.

Comment R.17

Section 3.9-56
Why is Delmas Park not included as a neighborhood?

Response R.17

Refer to Response R.10, above.

Comment R.18

Chapter 3, Section 3.10: Noise and Vibration

Section 3.10.1, Pg. 3.10-8 and Fig. 3.10-2 – Noise levels at monitoring station LT-2 were monitored in February 2018, and the data were used as baseline noise environment for the site. The narrative states that no substantial development occurred in the area between the time of monitoring and the NOP date. However, during that time construction of a residential building occurred on the northeast corner of Park Ave. and Laurel Grove Lane, directly across Park Ave. from the LT-2 monitoring site. It is questionable whether the 2018 data represent accurate baseline data.

Response R.18

The commenter is correct that a new residential development at the northeast corner of Park Avenue and Laurel Grove Lane was under construction into the year 2020. However, monitoring station LT-2 was incorrectly mapped in Figure 3.10-2. Noise Monitoring Stations. As shown in the Integrated Final EIR for Downtown Strategy 2040 (Figure 3.12-1, Noise Measurement Locations, page 222), this monitoring location was actually approximately 200 feet west of Laurel Grove Lane, on the north side of Park Avenue and west of where the street begins to descend beneath the Caltrain rail bridge; the correct location was about 150 feet east of Sunol Street. Therefore, construction noise from work on the Laurel Grove Apartments and the Park Avenue Senior, on the parcel at Park Avenue and Laurel Grove Lane, would have been attenuated by distance and partially shielded by the existing multi-family residential buildings on the north side of Park Avenue at Georgetown Place, as well as by the dense landscaping along that side of Park Avenue. While noise levels at monitoring location LT-2 could have, at times, been louder than typical noise levels due to operation of construction equipment, it is not expected that construction noise would have substantially altered the baseline noise level at this location. To correct the location, Draft EIR Figure 3.10-2, page 3.10-7, is revised (see Chapter 4, *Revisions to the Draft EIR*, of this First Amendment), and Table 3.10-1, Existing Noise Environments in the Project Vicinity, page 3.10-9, is also revised, as follows (new text is <u>double-underlined</u>; deleted text is shown in ~~strikethrough~~):

TABLE 3.10-1
EXISTING NOISE ENVIRONMENTS IN THE PROJECT VICINITY

Long-Term (LT) Noise Monitoring Location	Noise Levels (dBA)				Primary Noise Sources
	Day-Night Noise Level	24-Hour L_{eq}	Daytime[a] Hourly Average L_{eq}	Nighttime[b] Hourly Average L_{eq}	
…					
LT-2: 50 feet ~~south~~ north from the center of Park Avenue	66	NA	NA	NA	Traffic on Park Avenue and rail noise

Comment R.19

Section 3.10 Noise and Vibration
3.10-31 Central Utility Plant
What remedies will be provided to the homes in the Historic Lakehouse district/suggest double paned windows and other sound limiting measures and air conditioning

Response R.19

Central utility plant impacts on existing receptors are addressed on Draft EIR page 3.10-31, and mitigation measures to address these potential impacts are identified on pages 3.10-33 and 3.10-34. Specifically, Mitigation Measure NO-1a, Operational Noise Performance Standard, would require the applicant to use a combination of techniques at the source, such as acoustical screening that can be applied to exterior noise sources of the proposed central utility plants and can achieve up to 15 dBA of noise reduction. Regardless of the techniques implemented, the mitigation measure requires that an acoustical study be prepared by a qualified acoustical engineer during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary design measures to be incorporated to meet the City's standards before the issuance of any building permit. Implementing noise control measures at the source is more effective than implementing controls at multiple receptors that may be affected, which would also require authority to access private property.

Comment R.20

Section 3.10-34
Impact NO-1B
Ban private diesel buses.
Allow only electric buses

Response R.20

The comment does not address the adequacy or accuracy of the Draft EIR and, therefore, no response is required under CEQA.

Comment R.21

Section 3.11 Population and Housing

Section 3.11-11, Policy IP-2.4

What is the definition of "pool" residential units?

Response R.21

This comment does not pertain to the adequacy or accuracy of the Draft EIR. For information, Draft EIR page 3.11-11 references Policy IP-2.4 of the City's General Plan, which is the policy that calls for a major review of the General Plan every four years. The review is intended to evaluate the City's progress towards its goals and assess any changes and trends in land use development. General Plan Policy IP-2.4 refers to a "pool" of residential units, saying "… determine the City's readiness to begin the next *Envision General Plan* Horizon or to modify the number of 'pool' residential units available for non-specific Urban Village areas within the current Plan Horizon." The General Plan establishes a Residential Pool which allocates 5,000 housing units to be used for projects within Urban Villages that have approved plans but are not within the current Plan Horizon, or for Signature Projects. Projects using the Pool policy must conform to the corresponding Urban Village Plan, the site's General Plan land use designation, and may not exceed the planned housing yield of the corresponding Urban Village Plan. If the "pool" is depleted, the 5,000 residential units may be replenished as part of the General Plan Four-Year Review process.

Comment R.22

Section 3.11-13

Why were 4,000 dwelling units transferred out of Urban Villages and other Growth Areas to DT?

How does this affect building heights?

Response R.22

The text on Draft EIR page 3.11-13 is part of a larger description of existing plans, policies, and regulations related to population and housing that form the existing context within which the proposed project must be evaluated. The City's *Downtown Strategy 2040* is one such plan, and the text describes how amendments to the City's General Plan that were part of the *Downtown Strategy* reallocated growth anticipated in other areas of the City, including 4,000 units of housing, to Downtown. The shift ensured that growth projections in Appendix 5 of the City's General Plan were large enough to encompass anticipated development in downtown.

Planned housing units from General Plan Urban Village Growth Areas are proposed to be reallocated to the DSAP General Plan Growth Area to accommodate proposed housing development as part of the Downtown West project. While height restrictions can affect the number of housing units that can be developed in an area, the proposed reallocation of planned housing units itself does not affect building heights; rather, it would be an increase in permitted building heights that would allow for greater development Downtown.

Comment R.23

Section 3.11-15
General Plan Growth Reallocation
Why is the city including housing from Urban Village growth areas in addition to Coyote Valley?

Response R.23

The text on Draft EIR page 3.11-15 explains that the proposed General Plan amendment being considered as part of the project (and analyzed in the Draft EIR) would amend the General Plan to increase the total amounts of residential and commercial growth anticipated in downtown San José by shifting growth assumed in other areas by 2040 to downtown. This General Plan amendment would affect Appendix 5 of the General Plan, which estimates the development capacity of various areas of the city and tracks the timing of projected development using three time "Horizons" for residential mixed-use development in Urban Villages.

Planned housing units from Horizon 2 and 3 General Plan Urban Village Growth Areas with limited transit service, are located in high Vehicle Miles Traveled (VMT) areas, and/or have less demand for development are proposed to be reallocated to the DSAP General Plan Growth Area to accommodate proposed housing development as part of the Downtown West project. Planned jobs from the North Coyote Valley General Plan Growth Area, where a 937-acre natural non-urban preserve was recently established, are proposed to be reallocated to the DSAP General Plan Growth Area to accommodate proposed employment development as part of the Downtown West project.

Comment R.24

Section 3.11-15
Construction Impacts
Where are the three construction phases defined?

Response R.24

The text on Draft EIR page 3.11-17 introduces the subject of construction impacts associated with population and housing by stating that the project would generate temporary employment during its three construction phases. These construction phases are described on Draft EIR pages 2-66 through 2-71.

Comment R.25

Section 3.11-25
Indirect displacement
Mayor's plan to build 10,000 affordable units by 2020
How many are currently built, have approved plans?
How will the number of actual affordable units impact displacement?

Response R.25

The text on Draft EIR page 3.11-25 discusses the potential for indirect displacement and concludes that "it is more appropriate to plan for new jobs and housing and address potential displacement at the citywide and regional levels" rather than at the project scale. This is because there is not currently a credible methodology for attributing displacement to specific projects[108] and city and regional planning enables "consideration of induced housing demand and regional economic trends."

In this discussion, the Draft EIR references the Mayor's plan to build 10,000 affordable units by 2020 as an example of a citywide effort to increase the supply of affordable housing, going on to explain other city efforts such as designating land to accommodate more than 95,000 units, and regulatory changes to encourage affordable housing and increase renter protections. Reference to the Mayor's plan for new units is illustrative, and while no accounting of the outcomes of this plan is needed to support conclusions of the analysis, since the Mayor unveiled his housing plan, as approved by the City Council, to create 10,000 new affordable homes by 2023, 1,539 housing units were completed, under construction, or entitled from July 1, 2019, to June 30, 2020. There are an estimated 3,977 prospective affordable units that are to be entitled and added to the pipeline. If the projects finalize their entitlement process and receive a funding commitment, the City would have accomplished 5,516 units, which would be 55.1 percent of the 10,000-unit goal.

As discussed in the Draft EIR Section 3.11, *Population and Housing*, the proposed project would construct up to 5,600 dwelling units, a portion of which would be deed restricted as affordable, developing the site in a way that is consistent with the City's goals and desires. The project would directly displace residents in one occupied dwelling unit. It would be speculative to assess indirect displacement that would occur as a result of the proposed project (either its market-rate or affordable component) because the impacts of one project cannot reasonably be segregated from ongoing regional trends and larger economic challenges.

Comment R.26

Section 3.13:

Delmas Avenue:

3.13-2 (clarification) Delmas Avenue is a two-way street where the project proposes a street closure between W. Santa Clara and W. San Fernando, but continues from W. San Fernando to Auzerais as a southbound one-way street.

Response R.26

The commenter's understanding of the project's proposed changes to Delmas Avenue are correct. As stated on Draft EIR page 2-25, proposed roadway network changes include the abandonment of Delmas Avenue between West Santa Clara Street and West San Fernando Street. The project

[108] Refer to discussion and source cited on Draft EIR p. 3.11-24.

does not propose any changes to Delmas Avenue south of West San Fernando Street and, as such, it would continue to operate in a one-way southbound configuration as it does today.

Comment R.27

Delmas Avenue should have a pedestrian passage running south to north on the ground floor of building E-1, with retail shops on both sides of the indoor mall, opening out to the Gateway.

As per Envision San José 2040 General Plan Policy:

- 3.13-20 LU-5.7 "Encourage retail, restaurant, and other active uses as ground-floor occupants …"
- LU-9.1 "prohibit the development of new cul-de-sacs …"
- 3.13-21 TR-2.11 "Prohibit the development of new cul-de-sacs …"
- 3.13-46 "Impact TR-4: The proposed project would not result in inadequate emergency access. (Less than Significant)"

Is there sufficient turn-around space on Delmas Avenue cul-de-sac for Emergency Vehicle use?

Response R.27

The commenter's recommendations regarding pedestrian access through Block E1 are noted. Specific site plans for each block have not yet been developed and the Downtown West Design Standards and Guidelines, which are provided in Draft EIR Appendix M, would govern development on the project site. As stated on Draft EIR page 2-20, Block E1 is currently envisioned to accommodate an event center that would be primarily for applicant use.[109] The proposed facilities would accommodate a variety of functions hosted or sponsored by the project applicant, such as product launches/announcements, corporate meetings, conferences, seminars, small conventions, and screenings year-round.

The private roadways/driveways that would provide internal vehicular access to Blocks E1, E2, and E3 would be accessible from West San Fernando Street and are illustrated in Figure 2-8, *Proposed Street Network Changes*, on Draft EIR page 2-39 (as revised herein in this First Amendment). As stated on Draft EIR page 3.13-47, any roadway extensions and new streets would need to comply, subject to allowances pursuant to Municipal Code Titles 13 and 19, with the City's Complete Streets Design Standards and Guidelines,[110] which include design specifications that consider emergency vehicle access requirements. Design requirements could include mountable concrete buffers, mountable curbs, and corner or sidewalk bulbs to accommodate turning of emergency vehicles. All new street segments would be designed in

[109] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[110] https://www.sanjoseca.gov/home/showpublisheddocument?id=33113.

accordance with City policies, would provide adequate emergency vehicle access, and would not impede access to the project site and surrounding area by emergency vehicles.

Comment R.28

Impact TR-1 *Bicycle and Pedestrian Facilities*

The proposed project would conflict with a bicycle-or pedestrian-related program plan or policy if it would create a hazardous condition that currently does not exist for pedestrians or bicyclists, or if it conflicts with planned facilities or local agency policies regarding bicycle and pedestrian facilities.

Several areas both within the project plan and adjacent to the project plan will have significant negative impacts on bicycle and pedestrian safety, conflicting with Envision **San José 2040 General Plan Land Use Goal TR-2:** "improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes. Although the Downtown West and adjacent areas will greatly improve pedestrian, bicycle, and other micromodality transportation modes due to the proposed improved network of streets and access to transit, the following locations need greater scrutiny to assure compliance with Safe Routes to Transit, San José Bike Plan 2020, and Vision Zero: Onsite Improvements

1. "Off-street path connections along Los Gatos Creek within the project site to fill in gaps in the existing trail, with an off-street path connection running along the western edge of Los Gatos creek between Auzerais Avenue and Park Avenue, as well as along the eastern edge of the creek from West San Fernando Street to West Santa Clara Street. These trail segments would be connected by on-street protected bikeways along Autumn Street between Park Avenue and the VTA tracks." A safe pedestrian and bicycle undercrossing is imperative here to assure safety for both recreational uses and transit access for commuters. This will be a major vehicular/bus intersection that will be incompatible with the heavy pedestrian, bicycle and other micromodality uses expected for the project area.

Response R.28

As noted in the comment, the project would result in an impact on bicycle and pedestrian facilities if it would (a) create hazardous conditions that currently do not exist or (b) conflict with local plans or policies. While the comment argues that the project does not provide sufficient off-site improvements to the existing crossing at Autumn Street, the project would in fact fund protected bikeways to facilitate bicycle traffic along this location, which is consistent with the City's various plans and policies regarding bicycle infrastructure. Accordingly, the project would not result in an adverse impact on pedestrian or bicycle facilities, and the effect would be less than significant.

The proposed project includes the development of a segment of the Los Gatos Creek Trail from north of West San Carlos Street to Park Avenue, through the project's Los Gatos Creek Park, as well as another extension of the Los Gatos Creek Trail from Barack Obama Boulevard along the north side of the VTA light rail corridor in Creekside Walk, which would connect to the existing

VTA updated bridge and continue to the east side of the creek. On the east side of the creek, the trail would turn north within Los Gatos Creek East and extend to West Santa Clara Street. The project analyzed in the EIR also includes an on-street connector between these segments and maintains the existing at-grade crossing along Barack Obama Boulevard (formerly South Autumn Street) to connect pedestrians and cyclists to the project's Los Gatos Creek trail extension. Barack Obama Boulevard is designated as a City Connector street in the Downtown West Design Standards and Guidelines. City Connector streets prioritize pedestrian and bicycle access while simultaneously allowing transit access. The project proposes adding a Class IV protected bicycle lane along this street. The City is planning a longer-term approach, as indicated in the draft DSAP Amendment.[111]

Comment R.29

2. The new bridge on West San Fernando Street over the Los Gatos Creek Trail should include a bicycle path undercrossing along Los Gatos Creek

Response R.29

Again, the comment is proposing an alternative to the on-street connection along Autumn Street which connects the two Los Gatos Creek trail extensions to the north and south. The requested undercrossing would be below the San Fernando Bridge proposed to be replaced as part of the project. The City is currently planning a long term vision for the trail connections, and the commenter's suggestion can be considered in that context. Because the comment does not relate to the adequacy of the EIR, no further response is required.

Comment R.30

3. "The project applicant proposes to construct mid-block passages at several locations to facilitate pedestrian and bicycle access through the project site and break up the scale of larger blocks."

As part of this effort to provide access and break up larger blocks, the commercial building along Santa Clara Street just to the west of the San Jose Water Company building also needs to include this feature.

Response R.30

The proposed project analyzed in the EIR includes new north-south access between Santa Clara and San Fernando Street through Block E. This includes the new trail extension along the east side of Los Gatos Creek that could be accessed from the remaining portion of Delmas Avenue or could be reached from the multi-use trail running along the north side of the VTA Light Rail off

[111] See the City's Diridon Station Area Plan webpage for additional information concerning the DSAP amendment process, including the draft DSAP Amendment and the Initial Study/Addendum to the Downtown Strategy 2040 EIR: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/area-plans/diridon-station-area-plan.

of West San Fernando Street. Refer also to Response R.11. Because this comment does not pertain to the adequacy of the EIR, no further response is required.

Comment R.31

1. "Controlled at-grade crossing (crosswalk and curb improvements) for the Los Gatos Creek Trail across West Santa Clara Street at or near Delmas Avenue. This crossing would connect the existing segment of the Los Gatos Creek Trail within Arena Green, along the west side of the creek, with a new portion of the trail to be developed as part of the project on the east side of Los Gatos Creek between the VTA tracks and West Santa Clara Street." This area is slated for a much more intense use than at present: an office building, two residential buildings, an events center, the adaptive re-use of the San José Water Building, a large plaza, the Los Gatos Creek Trail, the Guadalupe River Park Trail, plus Arena Green and SAP center all converge here. Simple controlled-grade crosswalk and curb improvements are grossly insufficient for this level of activity on both sides of West Santa Clara Street. We are aware that an undercrossing is unfeasible. An overcrossing needs to be studied for this location along with a more robust analysis of pedestrian and micromobility issues.

Response R.31

The project proposes a signal-controlled at-grade crossing at West Santa Clara Street that would close a gap in the existing (and proposed) trail network. This at-grade crossing would be constructed pursuant to the Downtown West Design Standards and Guidelines, the Complete Streets Design Standards and Guidelines, and the Title 13: Streets, Sidewalks, and Public Places of the City's Municipal Code. The Downtown West Design Standards and Guidelines designates West Santa Clara as a Grand Boulevard, which is a major transportation corridor that emphasizes pedestrian access. A signal-controlled crossing would be an upgrade from the existing at-grade crossing at Delmas Avenue across West Santa Clara Street, would provide a safe, transparent crossing for pedestrians and cyclists and is included in the list of Improvement Projects required by the City in response to findings of the LTA (Draft EIR Appendix J). The City is also planning for an alternative crossing (potentially above-grade) as part of the DSAP Amendment.

Comment R.32

2. West Santa Clara Street at Cahill Street is another location that will be unsafe for pedestrian and micromodalities. Two possible solutions might be to include a second BART station entrance at the north side of Santa Clara Street in front of SAP Center or an overcrossing.

Response R.32

Comment noted. The referenced location is outside the project limits and therefore not relevant to the project. The comment has been forwarded to the appropriate City department for consideration.

Comment R.33

3. Provide a detailed safety analysis with proposed solutions for Bird Avenue over Highway 280. The Gardner Academy on the south side of 280 in the Gardner Neighborhood includes an enrollment boundary north of Highway 280 and is

currently a pedestrian and bicycle nightmare. A parallel pedestrian/bicycle bridge may be the safest solution here.

Response R.33

The proposed project would be required to make a contribution to the Bird Avenue/I-280 crossing as indicated in the LTA (Draft EIR Appendix J2). Improvement projects included in the LTA were identified in response to the findings of that analysis, which does not address CEQA impacts. The I-280 crossing project will be designed by the City in consultation with Caltrans, other affected property owners, and other interested parties.

Comment R.34

4. West San Fernando Street between Race Street and the project area is proposed to be a protected bike lane and currently experiences heavy pedestrian, motorized scooter, skateboard, and other micromodality usage and the bikeway includes a portion of Cahill Park's promenade. The public safety issues with this bikeway is alarming. An analysis and safety recommendations for this section of West San Fernando Street must be made.

Response R.34

Comment noted. The referenced location is not part of the project. The comment has been forwarded to the appropriate City department for consideration.

Comment R.35

5. A detailed micromodality management plan needs to be produced with robust community involvement and input.

Response R.35

Streets within the project site would be designed to promote micromobility access and safety as reflected in the proposed *Downtown West Design Standards and Guidelines* mobility chapter, which is based on the City's *Complete Streets Design Standards and Guidelines*. Additionally, the project site is located within the boundaries of the City's on-going planning process for the Downtown Transportation Plan. The Downtown Transportation Plan began development in 2020, and is expected to be substantially completed by late 2021.

Comment R.36

Impact TR-2 Roadway Network Changes

"With the extension of Cahill Street and parallel Autumn Street, the project site would *maintain continuous north-south connections through the project site*."

Autumn Street and Almaden Avenue do not connect to a major highway, as does Delmas Avenue; this would potentially increase VMT and lead to driver confusion, especially with egress for SAP Center, a new project Events Center and Logistics Center. The Arena Traffic and Parking Management Plan is a very detailed document created with the input of the adjacent residential neighborhoods and for 30 years has worked flawlessly to minimize traffic impacts from SAP Center on said neighborhoods. Removing Delmas Avenue between West Santa Clara Street and

West San Fernando Street will have a significant negative impact from visitors to SAP Center, the new Events Center and the new Logistics Center. Google Maps and Waze, if not programmed properly, will automatically send drivers through residential neighborhoods in order to get to the nearest freeway onramp to the south of the project area, the Highway 87 southbound onramp at Delmas and Auzerais Avenues. The TPMP goals must continue to be met and the navigation apps must not send drivers into a residential neighborhood.

Response R.36

The closure of Delmas was analyzed as part of the project's LTA (Draft EIR Appendix J2). As a result of that analysis, the project would be required to monitor neighborhood traffic intrusions via preparation and implementation of a Neighborhood Traffic and Parking Intrusion Monitoring Plan. The City is also working with the SAP Center regarding circulation planning. Traffic congestion and local circulation are not CEQA impacts requiring further response.

Comment R.37

DANG recommends a pedestrian crossover on West Santa Clara Street: Elevated crosswalk with stairs, elevators and escalators for safe pedestrian crossing over W. Santa Clara close to Diridon Station.

Response R.37

Refer to Response R.31, above.

Comment R.38

DANG also recommends an elevated trail connection in the north end of the DSAP based upon the outcome of the DISC development. The final determination of the location and termination points would be coordinated with the public before the Diridon Station work has begun.

Response R.38

The commenter's recommendation for an elevated trail connection in the north end of the DSAP based on the outcome of the DISC development is noted. Because this comment does not concern the EIR, no response is required.

S. Jean Dresden (12/7/20)

Comment S.1

This letter will serve primarily as comments on the Downtown West EIR and Downtown West. Because the DSAP Plan and the Downtown West project are so inter-related, some comments may drift from a laser-focus on the EIR.

Today, I am writing as an individual who has been involved in a variety of community advocacy efforts, including park, riparian, and transit issues. By way of introduction to those who don't know me, I was recently awarded the Lifetime Achievement Award from the

League of Conservation Voters of Santa Clara Valley. I entered into heady company with that award, so I am quite proud and I share greater detail in the footnote.

It is completely unclear whether the Downtown West Design Guidelines are considered part of the project description. If so, they should have been discussed in greater detail within each of the sections of the formal EIR. Further, the sheer volume of pages and changes from longstanding established city policies suggest requires additional time for analysis. Significant impacts are potentially buried within 132 pages if design guidelines are not discussed further. This letter merely touches on the concerns.

Response S.1

The proposed Downtown West Design Standards and Guidelines is part of the proposed project, as stated on Draft EIR page 2-2:

> The project would also include the adoption of the Downtown West Design Standards and Guidelines, an enforceable series of design-focused standards, along with advisory guidelines, that would govern development on the project site and would be approved as part of the Planned Development Permit and Planned Development Zoning District …

This point is made several other times in Draft EIR Chapter 2, *Project Description*, which also includes a subsection, Section 2.12, *Downtown West Design Standards and Guidelines*, that provides a detailed summary of the standards and guidelines. The Downtown West Design Standards and Guidelines are presented in their entirety in Draft EIR Appendix M and are discussed throughout the Draft EIR.[112] The Downtown West Design Standards and Guidelines are referenced nearly 40 times in Draft EIR Section 3.3, *Cultural Resources and Tribal Cultural Resources*, as the document contains numerous standards and guidelines with respect to development adjacent and proximate to historical resources. The Downtown West Design Standards and Guidelines are also included prominently in Draft EIR Section 3.1, *Biological Resources* (12 references), which discusses controls related to protection of riparian resources and wildlife and limitations on lighting and noise, as well as the subsequent Conformance Review process. The Downtown West Design Standards and Guidelines are also referenced in Draft EIR Sections 3.1, *Air Quality*; 3.9, *Land Use*; and 3.11, *Transportation*, as well as in Draft EIR Chapter 5, *Alternatives*. Because the Downtown West Design Standards and Guidelines are specific to Land Use, Open Space, Buildings, Mobility, Sustainability, and Lighting and Signage, the standards and guidelines are not directly relevant to other aspects of environmental analysis (i.e., energy, geology and soils, greenhouse gas emissions, hazardous materials, hydrology, etc.).

[112] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment S.2

SCOPE

When and how will this EIR be revised or supplemented to reflect pending newest GP changes? Specifically, this Google EIR sets a unit and square footage ceiling. Recent actions at the General Plan task force suggest thousands of units will be shifted to downtown. What fraction are expected to be allocated to Google lands? Which to DSAP? Which to old Downtown? Will the allocation to Google/Downtown West be below their ceiling?

Circlepoint, the Environmental Consultant to DSAP argued in their letter accompanying the DSAP Administrative Draft that a simple addendum was necessary to that EIR[2]. How will the increases affect that argument for DSAP? Shouldn't the administrative draft be revised to be a supplemental, or a new EIR? Or should the ENTIRE Downtown Strategy EIR be revised to reflect the thousands of new units.

Response S.2

The Draft EIR for the Downtown West Mixed Use Plan assesses the potential impacts associated with a proposed General Plan Amendment for the project that would shift General Plan growth allocations from other areas of the City to Downtown, as explained on pages 2-25 and 3.11-15. The proposed General Plan Amendment would not shift more growth than is required for the proposed project, and it is anticipated that an additional shift or allocation will be considered for the balance of the DSAP area (i.e., areas outside the project site) as part of the DSAP Amendment process.

Growth projections, including Citywide projections of housing and job growth, are used in the cumulative analysis presented in the Draft EIR, as described in the introduction to Chapter 3, *Environmental Setting, Impacts, and Mitigation*, and again on page 3.13-27 in the transportation section.

Comment S.3

Thinking about Circlepoint's argument, how will unit increases allocated to Google lands affect this current EIR? Will revisions be made to this Google draft and re-circulated? Will an addendum or supplemental be required to reflect the increase?

Response S.3

The analysis in this EIR assumes the same development as that in the forthcoming CEQA review for the DSAP Amendment and vice versa. The only difference is in emphasis and approach: in this EIR, growth within the DSAP but outside the Downtown West project boundary is considered cumulative growth, whereas in the DSAP Amendment CEQA review, all growth within the DSAP, including that within the Downtown West site, is considered part of that project. This EIR fully analyzes effects of the Downtown West project's reallocation of growth to Downtown, while the overall shift to accommodate the DSAP Amendment is properly analyzed as part of this EIR's cumulative analysis.

[2] https://www.sanjoseca.gov/Home/ShowDocument?id=65899

Comment S.4

GENERAL PLAN AMENDMENTS

Google has submitted several General Plan Amendments.

The following one is both grammatically awkward and/or incorrect and its intent is unclear.

Specifically,

> LU-1.9 Preserve existing Public / Quasi-Public lands **or include parks and open space improvements in redevelopment projects** in order to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within the Residential Neighborhoods, Urban Villages and commercial areas, and to reduce the potential conversion of employment lands to non-employment use. **Public / Quasi Public lands located within the Diridon Station Area Plan may be re-designated to other uses provided that such uses will advance San José's employment growth or housing goals and include parks and open spaces within the development.**[3]

Please explain the intention of this amendment. What, if anything, does this have to do with the Fire Training Center? Does this amendment grant permission for current parks to be destroyed for a private community gathering spaces such as a church, a new hockey stadium, or a music amphitheater? Would park conversion rules (ie requiring an election) still apply?

Response S.4

The proposed General Plan amendment cited by the commenter (which has been revised somewhat from the version quoted in the comment; see below) is specifically intended for the site currently occupied by surface parking Lots A, B, and C adjacent to SAP Center, which have a General Plan land use designation of Public / Quasi-Public, as indicated in Draft EIR Figure 2-4, *Existing and Proposed Changes to General Plan Land Use Designations*, page 2-26. The amendment would permit Lots A, B, and C to be redeveloped as mixed-use under the Downtown West project (which otherwise would have only allowed public serving land uses under the Public/Quasi-Public designation).

As also indicated in Figure 2-4 and stated on Draft EIR page 2-25, the San José Fire Department training center is designated Open Space and is not subject to Policy LU-1.9, as this policy is only applicable to land designated Public/Quasi-Public. Like approximately half of the project site, this parcel is proposed to be designated Commercial Downtown. As further explained on Draft EIR page 2-25, in lieu of a community park on the Fire Department training site, the proposed project would provide for approximately 15 acres of parks and open space—in parks and plazas, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), landscaping, mid-block passages, semi-public spaces, riparian setbacks and corridors, and trails—that would be designated throughout the project site in the Planned Development zoning for the project. The 15 acres of open space proposed would exceed the up to 8 acres of open space that would have been provided by a community park on the fire training site.

[3] **Page 5. https://www.sanjoseca.gov/Home/ShowDocument?id=65118**

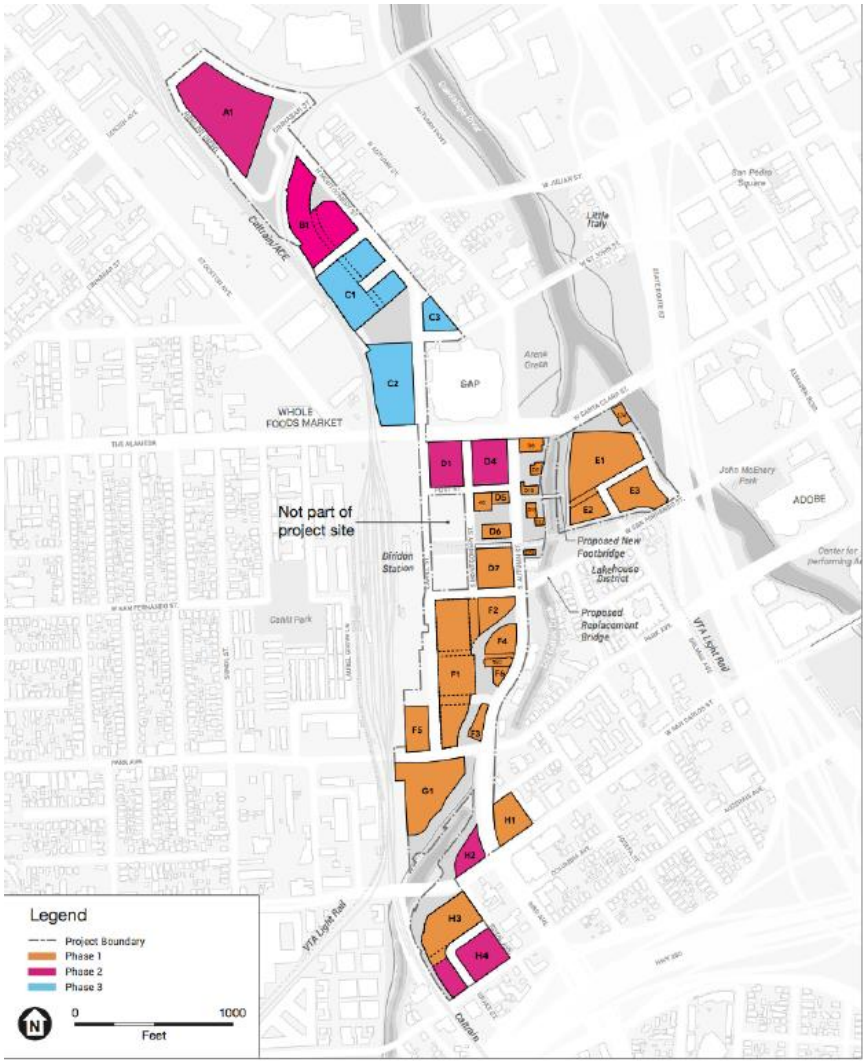
The text of the proposed General Plan amendment has been amended since publication of the Draft EIR and now reads:

> LU-1.9 Preserve existing Public / Quasi-Public lands in order to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within the Residential Neighborhoods, Urban Villages and commercial areas, and to reduce the potential conversion of employment lands to non-employment uses. **Lands designated Public / Quasi-Public located within the Diridon Station Area Plan may be re-designated to other land use designations provided that such uses will advance San José's employment growth or housing goals and any redevelopment projects include publicly accessible open space and other community amenities.**

Comment S.5

PHASING

The EIR Project description includes a phasing map. Recent community meetings show a different phasing. Please clarify.



Response S.5

The phasing plan presented in Draft EIR Section 2.13 is the most accurate plan that can be known at this time. This phasing plan presented conservatively assumes that the proposed project would be fully developed by 2031. This phasing is conservative, as stated on Draft EIR page 2-66, "because it compresses construction activities that might otherwise occur sequentially, and because near-term construction activities would not benefit from changes in technology and/or lower emissions standards that will reduce emissions over time."

Comment S.6

RIPARIAN

100-foot setback – Lifetime Opportunity

The Google project and the City of San José have failed to follow the policies and intent of the City's various General Plan policies. The General Plan calls for a 100 foot setback. The City certified that it substantially conformed the Santa Clara County Consortium's "Land Use Near Streams". The City's Riparian Study and the various Downtown Designs Guidelines suggest 30 feet may be appropriate under certain circumstances. Importantly, neither the Riparian Study nor the Downtown Design Guidelines envisioned a redevelopment project where a single owner would scrape 80 acres, close streets, create new streets, re-locate and re-align streets and utilities. The city is proposing cooperating with this by vacating street dedications and facilitating reconfiguration.

Throughout the country, when cities have had such a major redevelopment opportunity, they have chosen to improve the quality of the river habitat and setback. Why not San José? Not since the 1920s has there been such an opportunity to change the quality of this creek's habitat and its relation to built space. This is a rare, 100-year opportunity and San José is choosing to miss it and co-sign Google's choice for a minimum setback despite its protestations of nature as a priority.

What do regulatory agencies say about squandering this opportunity? How will their comments be integrated into the thinking on the EIR and the project?

How could Measure T funds (2018) for "Prevent flooding and water supply contamination" be used to increase the setback and protect the water quality?

Response S.6

Section 5.4.3 of the Draft EIR, *Creek Setback Alternative*, pages 5-19–5-20, explains why an alternative that would include 100-foot setbacks along Los Gatos Creek was not carried forward for detailed review. The City acknowledges the comment, which will be forwarded to the decision-makers, including the City Council, for consideration in deliberations on the proposed project. (As revised herein in this First Amendment [see Chapter 4, *Revisions to the Draft EIR*], certain streets would be "abandoned," not "vacated.") Also refer to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*, which discusses riparian setbacks for the proposed project.

Comment S.7

100-year flood levels

Valley Water released a report that indicates that the 100 year flood height will be higher, due partially to climate change and changes in the modelling methodology. The portion that was shared does not indicate the context of the forecast. That is,

> Is Valley Water's report a forecast for existing conditions? How will this forecast change over time with more peak concentrated events in individual watersheds, as shared by Valley Water at the Council Study session on Coyote Valley in 2018?

The report indicates that Google has options: replace West San Fernando bridge, remove plants from the stream and rehabilitate the vegetation, or use other flood mitigation. What are the impacts of each of the alternatives, not just Google's selection?

The EIR does not address what will happen over time, that is:

> What would happen to the flood heights if the channel were not cleared? In ten years? Is this clearing of the channel a one-time event? Is Google (and subsequent adjacent land owners) expected to clear the channel regularly? With what frequency? With what frequency will the water district update the model of the 100 year event?

Rehabilitation of the riparian corridor requires removal of invasive species and planting of replacements. In other habitat restorations, the removal of plant life has encouraged transient encampments. The requirement to form basins for watering creates a stair-step profile that is popular for campsites for the unhoused. Drip irrigation lines are frequently cut in order to be used as plumbing and structural supports for transient campsites. How will the applicant address these challenges? For how many years?

Response S.7

The comment poses a question as to how the (flood modeling) forecast will change over time. Recognizing that there are multiple dynamic factors (including climate change variables) that may contribute to changes to flood forecasts over time, it would be speculative to generate a conclusion to the specific question presented in the comment. Instead, the project uses the best available data, which supports the flood management evaluation presented in the EIR. The EIR relies on and incorporates by reference the detailed hydrological analysis and flood control measures developed for the Project (refer to Appendix H2). The EIR analysis (refer to Appendix H2) uses Valley Water's two dimensional hydraulic (HEC-RAS) model of Los Gatos Creek, which represents the best available floodplain data within the watershed. This notably represents a more accurate flood model because it relies on more recent (2009) Army Corps hydrographs as inputs and uses the 2019 Valley Water hydraulic model to determine a more accurate 100-year flood plain mapping, compared to the existing FEMA Flood Insurance Study, which relied on inputs from 1977.

Three scenarios (or design alternatives) are summarized in Draft EIR Section 3.8, *Hydrology and Water Quality*, and described in detail in Appendix H2. In the event that permits are not secured to conduct instream restoration, the project would meet the City's flood control requirements

through raising the first floor elevations of proposed structures as described in Draft EIR Section 2.11, *Flood Control Improvements*.

The comment pertaining to the use of the riparian corridor for encampments is acknowledged. Although this comment raises a concern that is not a CEQA issue and is beyond the scope of the environmental review, the comment will be considered by the project proponent and by decision makers tasked with review and potential approval of the project. Please also refer to Response R.2.

Comment S.8

Gravel Deposits

Los Gatos Creek carries significant gravel load. Changes in the gradient of the creek change deposition rates. How will the applicant protect gravel beds used as habitat?

Los Gatos Creek carries high loads of large debris during peak events, including boulders and concrete used for retaining walls. During peak events, there is high velocity. Due to scouring caused by these peak events, extensive repairs have been required within 2 miles of the project site. How will the applicant prevent scouring of creek bank?

Response S.8

The project's proposed instream channel rehabilitation is described in Draft EIR Section 2.11, *Flood Control Improvements*. However, note that the inclusion of channel rehabilitation would require regulatory approval and permitting, which has not been secured to date. In the event that channel rehabilitation does not prove to be feasible and is not included as part of the overall project design, there would be no instream work nor change to the channel gradient as a result of the project. (Refer to Appendix H2 for additional details regarding the project's approach to stream maintenance and flood risk.)

Comment S.9

Vesting Map and Underground Parking near Los Gatos Creek

The Vesting Map indicates that Google is reserving underground rights adjacent to Los Gatos Creek. What is this for parking garages? How close will it be to the creek? Will a 30 ft setback be maintained? If not, how will the stability of the bank be maintained considering most of the habitat/plant life will be removed? The soil reports indicated high erosive characteristics. How will the applicant protect the bank from erosion after it has been destabilized from building an underground parking garage nearby?

The hydrology report did not discuss the multiple layers of the underground water table. The upper layers of the underground water table have a high flow rate. (California High Speed Rail 2010 Tunnel Technical Appendix analysis showed that "shotcrete" would be difficult to pour— with much disappearing in the flow of the underground water table.) How will this high flow rate affect the dewatering for parking garage construction? The same report showed water depths of 4 to 18 feet in the Diridon Station Area. This is different from the EIR report

which states 25 ft to underground water. Please provide the dates and data for the EIR and explain the difference from CHSRA report.

During the summer, the Los Gatos Creek in the project area stays wet with one to three feet of water. It is fed by the adjacent water table. Underground structures change the flow of underground rivers. How will the construction of underground parking garages affect the depth of the water in the creek? How will the applicant maintain the depth of the water after the parking garages are constructed?

The prior holder of the entitlements on block E1 and E2 chose not to build over concerns of the interaction with the high water table and the parking garage causing the building to float. How will Google avoid this problem?

Response S.9

As noted in Draft EIR Section 3.5, *Geology, Soils, and Paleontology*, the project would implement standard measures for erosion control and measures to avoid and reduce impacts during dewatering (Draft EIR pages 3.5-16 and 3.5-17). Specifically, the following measure is included, which provides for a soils evaluation prior to construction:

> If dewatering is necessary during construction, a design-level geotechnical investigation shall be prepared to evaluate the underlying sediments and determine the potential for settlement to occur. If unacceptable settlements may occur, then alternative groundwater control systems shall be required.

Source data utilized to determine depth to groundwater in the project area is provided and referenced in Draft EIR Section 3.8, *Hydrology and Water Quality*. As noted and referenced in the groundwater discussion, depth to groundwater is based on City of San José data collected in 2018 for the SAP center groundwater monitoring report. Additional data was utilized from a 2019 report for the southern portion of the project site. Depth to groundwater is variable and fluctuates from year to year, mainly due to variability in annual precipitation. In the past decade, California has experienced extremes, both with drought conditions and with events yielding unprecedented high levels of rain. Climate change variability and extreme weather events can explain the differences in depth to groundwater noted in the comment.

The Downtown West Infrastructure Plan (Appendix K) contains details pertaining to proposed site grading and design conformity. Also refer to Appendix M, Downtown West Design Standards and Guidelines, for additional details regarding parking.[113]

Regarding Block E of the project site, it is noted that the relatively high water table cited by the comment exists throughout many of the Downtown West sites, and not only Block E. The project applicant intends to design basement parking structures to withstand the hydrostatic pressure associated with the water table that could otherwise result in building uplift. As explained on

[113] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Draft EIR page 3.5-24, the relatively shallow depth to groundwater means that dewatering would likely be required during construction for areas of the project site where subgrade parking or other basements would be constructed. Although buildings would be waterproofed and long-term dewatering at a large volume is not anticipated, it is typical for buildings with basements below the water table to include installation of a permanent sump and associated treatment equipment because basement waterproofing systems are seldom completely effective and some degree of water seepage into the subsurface levels would likely have to be removed over the long term. The final design of the waterproofing would depend on detailed site-specific geotechnical investigations, the basement/building design, and consideration of water-tightness versus treatment and discharge options.

Regarding underground parking structures and Los Gatos Creek, while underground structures could cause localized diversion of groundwater flow, it would not be anticipated to alter the overall prevailing flow of groundwater towards the creek. Moreover, groundwater extracted due to long-term, post-construction dewatering would be the result of anticipated seepage into subsurface structures and would not be at such a volume that the groundwater table or the flows in Los Gatos Creek would be meaningfully altered. It is also noted that underground structures would be required to be outside the 50-foot riparian setback.

Comment S.10

Vesting Map and Older Buildings on East Side of Autumn Street.

In the EIR's project description section Figure 2.7 shows that the applicant has the intention of maintaining several older buildings along Autumn Street labelled D8, D9, D10, D11, and D12. Several of these buildings are within the 30 feet setback, with D9 and D12 at the top of bank. In the vesting maps pages 7A, and 9A these are called Lots 17, 18, 19, 20, 21, 22, and 23.[4]

What are the long-term plans for these properties?
Is there anything in this plan that prevents a future application to demolish these buildings and construct something to the FAA and General Plan height limits?

Response S.10

The project applicant proposes to retain and reuse some of the small-scale buildings on the east side of Barack Obama Boulevard (formerly South Autumn Street), between the street and Los Gatos Creek, as described on Draft EIR page 2-18 (as revised herein in this First Amendment; see Chapter 4, *Revisions to the Draft EIR*) and depicted in Draft EIR Figure 2-3, *Proposed Land Use Plan*, page 2-15. Some of these buildings would be demolished and/or replaced with other buildings relocated from within the project site. While it is true that the project applicant proposes that the height limit in this area be increased to approximately 265 to 270 feet, the Downtown West Design Standards and Guidelines, which would establish legally enforceable development standards for the proposed project, would limit (in Standard 5.6.2) replacement structures and vertical additions to existing structures in this area to 40 feet in height outside the 50-foot riparian setback from Los Gatos Creek and to a single story within the 50-foot riparian setback, with the

[4] Downtown West Google Map. https://www.sanjoseca.gov/Home/ShowDocument?id=65148

exception of Block D8 (450 West Santa Clara Street), where vertical addition(s) could achieve a height of up to 60 feet outside the 50-foot creek setback. Moreover, any proposal to develop new buildings at or approaching the much greater zoning height limits would change the parameters of the proposed project by increasing the potential development, and therefore such a proposal would be required to undergo subsequent environmental review. It is also noted that any new construction between Barack Obama Boulevard and Los Gatos Creek would be constrained by the relatively narrow east-west dimensions of the area.

Comment S.11

The Downtown West Design Guidelines states (page 85) for S4.8.3

> Los Gatos Creek Riparian Setback. Downtown West shall maintain a 50-foot riparian setback from the Los Gatos Creek Riparian Corridor for new building construction, consistent with the Riparian Corridor Policy Study Guideline 1C and City Policy 6-34 Section A. 1)-3).
> If existing structures encroach on the Los Gatos Creek Riparian Setback, replacement structures are permitted subject to standards of Sections 5.5 and 5.6.
>
> In section 5.5.7 (page 178) "If structural assessment reveals existing structures at Creekside Walk at Autumn Street (See Section 4.16) cannot reasonably be retained, replacement structures shall be permitted. Existing structures include blocks D8, D9, D10, D11, D12, and D13. Replacement structures shall not exceed existing block footprints within the 50-foot Los Gatos Creek Riparian Setback. Replacement structures shall be subject to applicable standards in Sections 5.6, 5.7, 5.8, and 5.13."

If a new building, of any size, were built to replace these buildings, what setback would they have to conform to? Would the new buildings be allowed to have a zero setback and other intrusions within the 30-foot setback? If intrusion into the 30 ft setback is allowed, how is that compatible with the stated goal of environmental enhancement?

Response S.11

Please refer to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*. As explained in Chapter 1, *Introduction*, of this First Amendment, the project applicant has revised the project since publication of the Draft EIR such that all new construction would be outside a 50-foot riparian setback from both Los Gatos Creek and the Guadalupe River, thereby complying with City Council Policy 6-34 and exceeding the minimum 35-foot riparian setback in Condition 11 of the Santa Clara Valley Habitat Plan.

Comment S.12

Pedestrian Bridge

Multiple maps show a pedestrian bridge located between West Santa Clara Street and the light rail tracks. Google's Design How far is the pedestrian bridge from the West Santa Clara Street and the light rail tracks' bridge? Ho w far is it from the West San Fernando bridge?

How does a pedestrian bridge conform to City of San José Riparian Study Guidelines[5] and Santa Clara County Consortium Land Use near Streams?[6]

San José's guidelines state that no bridges that are within 500 feet of another crossing are allowed.

Response S.12

Concerning the *Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County*, adopted by many Santa Clara County municipalities including the City of San José, this document states that new and replacement bridges should preferably be clear-span structures (i.e., no in-stream footings), if feasible.[114] Both the proposed new pedestrian bridge and the proposed replacement bridge at West San Fernando Street would be clear-span bridges (Draft EIR pages 2-62 and 3.2-48). The *Guidelines and Standards for Land Use Near Streams* also states that, where a new footbridge is constructed, loss of riparian or aquatic habitat should be mitigated as close to the new bridge as possible. Draft EIR Mitigation Measures BI-1a, General Avoidance and Protection Measures (page 3.2-35); BI-1b, In-Water Construction Schedule (page 3.2-36); BI-1c, Native Fish Capture and Relocation (page 3.2-37); and BI-2a, Avoidance of Impacts on Riparian Habitat (page 3.2-50), would ensure that adequate mitigation is undertaken for bridge construction.

City Council Policy 6-34 (Riparian Corridor Protection and Bird-Safe Design) allows for a stream crossing or interpretive node at every 500 linear feet along the creek corridor. However, Policy 6-34 also states that the setbacks specified in Section A.1 "are intended to provide general guidance for site design. For actual setback and buffer dimensions, the specific setback sections in Chapter 3 of the [1998 Riparian Corridor] Policy Study should be consulted."[115] The Policy Study, also approved by the City Council, states, on page 44, "Interpretive nodes and paths may penetrate riparian areas at intervals not to exceed **an average of** one every 500 linear feet of riparian corridor" (emphasis added). Therefore, there is no absolute requirement for spacing of 500 feet between creek crossings and/or interpretive nodes. The Policy Study (page 28) also states that "Bridges designed to provide crossings of public streets and roads possess their own set of issues and regulations which are not incorporated into this document." For this reason, road bridges are excluded from the Policy Study and, by extension, Policy 6-34, for purposes of calculating the 500-foot average distance between crossings and/or interpretive nodes.

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5 City of San José Riparian Corridor Policy https://www.sanjoseca.gov/home/showdocument?id=15579 Table on Page 35 Interpretive Nodes/Riparian Corridor/Stream Crossings > 500 foot Intervals Page 44 "Guideline 4D: Interpretive Nodes and Paths. Interpretive nodes and paths may penetrate riparian areas at intervals not to exceed an average of one every 500 linear feet of riparian corridor. This guideline allows for paths to cross creeks at sufficient intervals and provides opportunities for trail users and others to experience the creek environs while minimizing impacts to biotic resources"

6 Land Use Near Streams. https://www.valleywater.org/contractors/doing-businesses-with-thedistrict/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-usenear-streams

114 Water Resources Protection Collaborative, Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County. Available at https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams. Accessed January 8, 2021.

115 City of San José, *Riparian Corridor Policy Study*. Approved by City Council May 17, 1994; revised March 1999. Available at https://www.sanjoseca.gov/home/showdocument?id=15579. Accessed March 3, 2021.

Comment S.13

Various Google documents use different language to describe this bridge and the plans. Please clarify what is intended. There are different environmental impacts from each design as well as different permitting requirements. According to Land Use Near Streams, more regulatory agencies are involved it support structures go inside top of bank.

One document has "The bridge will be a single span, with piers located outside of the TOB [top of bank] to the extent feasible." A separate document (DW Design Guidelines S4.8.6, page 87) has

> **S4.8.6 Creek footbridge design.** A new Los Gatos Creek crossing shall be permitted within the Project between West Santa Clara Street and West San Fernando Street. This crossing shall use low impact design strategies. Examples of low impact design strategies include but are not limited to:
>
> - Columnless, clear span footbridge within the riparian corridor.
> - Perforated materials for sunlight and stormwater permeability.
> - Footbridge footings, abutments, and construction ground disturbance to be outside the TOB to the extent feasible, and any disturbance of the creek bank to be restored to a natural condition.

The Diridon Station Area Plan Draft (DSAP) makes clear that a trail is expected to be constructed on the east side of the Los Gatos Creek between West San Fernando and West Santa Clara. However, it also states that due to the volume of pedestrians and potential for user conflict, the DSAP plan calls for a flyover trail from West San Fernando to West Santa Clara7 to serve trail users instead of office workers.

Please clarify the property ownership of the footings of the bridge. Will it be a pedestrian pathway from a Google property to another Google property? How is it appropriate to destroy public riparian habitat by providing a privately-owned walkway from one private property to another?

Frequently, unhoused persons use bridges footings and the loss of plant life to gain access to creek beds to build encampments. If Google gains approval to violate the City's Riparian Policy AND gains permission from various other government agencies to build the private and redundant pedestrian bridge, how will Google design the bridge so that transient access to the creek bed is minimized?

Viewing Stations and Decks and Kiosks

The City of San José affirmed that its riparian policies are substantially in compliance with the Land Use Near Stream policies which specifically articulates that overhangs and decks are not allowed.[8] The Downtown West Design Guidelines describe extensive decking, boardwalks and overlooks. The City's Riparian Setback policy calls for minimizing structures within the riparian setback with separations of 250 feet. The policy rejects multiple trails

[8] Land Use Near Streams page 3.9. III.A Overhang Top of Bank Decks, pathways, buildings or any other structures (excluding road crossings, outfalls, and bank protection structures) may not overhang or encroach beyond or within the top of bank.

within the riparian setback. Applicant describes a plan for riparian enhancement, yet they plan to construct many structures and walking trails in addition to the multi-use trail. For what purpose are there so many structures? If applicant is desiring to educational facility, what other locations within San José, with more robust Creekside habitat would be able to absorb this intensification of use? To what extent would the decking and boardwalk structures serve as construction materials for transient encampments? How will multiple foot paths serve to provide access to the creek bed for inappropriate access to the riparian habitat by both those seeking to explore the creek bank and those who wish to carve a campsite on the bank? How will that increase in access serve to further degrade the riparian habitat?

Response S.13

The analysis in the EIR is based on the description of the project as provided in Draft EIR Section 2.11, *Flood Control Improvements*. Specific details for the proposed West San Fernando Street Bridge replacement are provided in this section. Although the structure would be privately developed, the replacement bridge would be ADA compliant and publicly accessible, and the new bridge would be dedicated to the City. The bridge would serve as a pedestrian pathway. Note that an 85-foot-long clear span bridge would not have piers in the creek; therefore, such a design would allow for fewer obstructions and would be consistent with an approach supporting riparian habitat. Note that although installing a replacement bridge is the preferred approach, this alternative has not been determined to be feasible. Furthermore, such an approach is contingent on consistency with existing and future permits and approvals, which have not yet been secured. Therefore, the project has presented other options which are also consistent with City of San José Policies for maintaining flood control. These design scenarios are summarized in Section 3.8, *Hydrology and Water Quality*, and presented in further detail in Draft EIR Appendix H2.

Regarding viewing stations (viewing platforms), decks, and kiosks, as stated on Draft EIR page 2-37, kiosks and program decks, along with pavilions and maintenance structures, would be permitted within project open spaces. However, all of these active uses would be required to be located outside the 50-foot riparian setback, consistent with City Council Policy 6-34 and the Santa Clara Valley Habitat Plan, and thus operation of these facilities would not adversely affect the Los Gatos Creek riparian corridor. As stated in Response K.22, the construction of viewing platforms could entail removal of vegetation within the creek; these potentially significant impacts would be reduced to a less-than-significant level by Mitigation Measure BI-2a. Viewing platforms could be placed in the project's Los Gatos Creek Park and Los Gatos Creek East open spaces, but would not be required elements, according to the Downtown West Design Standards and Guidelines.[116] The Downtown West Design Standards and Guidelines (Standard 4.8.4) would permit up to a maximum of three viewing platforms to extend as much as four feet over riparian corridor, but without any footings placed on the creek side of the top of bank. These platforms may be no more than 25 feet in length, as set forth on Draft EIR page 3.2-47. Given the limited number, the scale, and the anticipated use of these viewing platforms, effects of the viewing platforms would be less than significant with implementation of Mitigation Measures BI-1a

[116] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

(General Avoidance and Protection Measures) and BI-2a (Avoidance of Impacts on Riparian Habitat), as stated on Draft EIR page 3.2-55.

Comment S.14

Shade, Riparian Habitat and Re-Oaking

The applicant proposes constructing large buildings adjacent to the Los Gatos Creek. They provide a shade analysis for the structure bordered by West Santa Clara and Delmas Avenue. It gives a hint on the possible shade impacts to the re-oaking project and the renovation of the Los Gatos Creek bed. In addition, large buildings are planned to surround the creek north of West San Carlos. What shade impacts will there be? How will that affect the biotic productivity of the creek? How will shady habitat impact insect populations that are needed for birds and fish? If insect populations in the creek drop, will birds and fish still be attracted to the creek? How will buildings be designed to ensure a minimum of four hours per day of filtered sunlight on the creek? How will the creek rehabilitation be impacted by extensively shaded creek environment? What reduction in herbaceous growth is expected?

Response S.14

As stated in the comment, the Draft EIR analyzes shade impacts from new buildings constructed at the setback from the riparian corridor under Impact BI-2 (Riparian Habitat). The Los Gatos Creek riparian corridor is composed of a fairly dense riparian canopy of mature trees, which shades the creek, and the Draft EIR discusses the potential for building shading to decrease the extent of riparian vegetation cover, resulting in an increase in water temperature, which could affect fish and insects in particular. Identification of what those effects would be, if any, would be speculative at this time. However, Mitigation Measure BI-2c, Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature, requires monitoring of aquatic temperatures and riparian cover, minimum performance criteria, and habitat enhancement measures to mitigate for loss of existing riparian habitat should the minimum performance criteria not be met.

Shade impacts on the riparian corridor were analyzed based on the project information currently available. The project would be constructed in three phases over roughly 10 years. A detailed analysis of the effects of shading on the riparian corridor is provided in Draft EIR (beginning on page 3.2-63), which included appropriate mitigation such as long-term aquatic and riparian monitoring, and enhancement measure to ensure the retention of biotic productivity in Los Gatos Creek.

Comment S.15

Applicant writes that re-oaking is a value and wishes to plant oaks in the riparian enhancement zones. However, the applicant's documents do not indicate which species will be selected nor how that species will be successful in a highly shaded environment. Applicant's consultant has verbally indicated that Valley Oak (Quercus lobata) will be planted. It does well when there is a water table within reach of its roots. This oak requires year-round access to water and forms large root structures to carry its above ground

structure. Specimens are known to have dropped roots 25 feet to reach water. However, oaks that absorb too much water toss off limbs.[9] What acorn source will be used to maintain genetic integrity? What successful stands of oaks have been planted in urban environments when surrounded by highrises that shade the environment most of the day? Quercus lobata's growth habitat is large and spreading with heavy branches. How will long periods of shade impact the density and strength of the wood as the tree gets larger? Will trees have to be regularly harvested so that they don't get too big? What research analysis has been done on oak tree wood quality/density when raised in shade? Considering that soil studies by BART and CHSRA of Downtown West discovered locations where the water table was at a depth of as little as 4 ft, how will the oaks be protected from absorbing too much water? If oaks are planned for being on top of parking structures, how will the depth of soil be calculated to support the large canopy?

Response S.15

The comment does not address the adequacy or accuracy of the Draft EIR. Therefore, under CEQA, no response is required. For information, the Downtown West Design Standards and Guidelines (Section 4.11) has been updated to show Valley Oak as a riparian planting.[117] The comment is noted, any decisions to plant Valley Oak would be made by qualified landscaping professionals and/or arborists.

Comment S.16

PARKS and OPEN SPACE

In this section, the discussion focuses on key questions—

What's a Park? What's the role of Commercial operations in parks?
Will there be adequate PARK land to meet resident's needs for recreation?
What's the role of the Design Guidelines within the EIR process?
When are the Design Guidelines finalized?
Will the public's needs for park and recreation be served?
What acreage meets those parks and recreations needs?
Will commercial plans conflict with fulfilling park needs?
What entity operates the parks and Google properties?
What entity decides what meets the public's needs at construction and over time?

What makes a park in an urban environment?

New York City has much experience with an urban environment. The New York State Supreme court wrote this definition of a park when residents pushed back against the City of

[9] Re-Oaking Silicon Valley. https://www.sfei.org/sites/default/files/biblio_files/Re-Oaking%20Silicon%20Valley%20SFEI%20August%202017%20med%20res_B.pdf and Oak Woodland Management Plan for Santa Clara County https://www.sccgov.org/sites/dpd/DocsForms/Documents/CEQA_OaksPlan.pdf and California Native Plant Society CalScape https://calscape.org/Quercus-lobata-(Valley-Oak)

[117] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

New York's establishment eating and drinking establishment within Manhattan's 3.7 acre Union Square Park.

> "A park is a pleasure ground set apart for recreation of the public, to promote its health and enjoyment. Parks facilitate free public means of pleasure, recreation and amusement and thus provide for the welfare of the community. They must be kept free from intrusion of every kind which would interfere in any degree with their complete use for this end.[10]

They also wrote,

> "Park purpose" is an esoteric concept rather than a set formula, and divining it is an art rather than a science. Some uses are obviously more "park" than others; but on what side of the "park-versus-non-park" dividing line does a particular use fall? … [S]ome uses clearly are proper; some uses clearly are not; and some uses depend on the particulars. Furthermore, all uses could be plotted on a spectrum, from, at one end, unvarnished, pristine nature, undisturbed by civilization, to, at the other end, private pecuniary interest and common-denominator commercialism."

The court considered whether the use would be "open to all" and whether the commercial operations would displace other more unique park activities. They were untroubled by casual commercial operations, such as a snack bar providing refreshments that served in support of the activities that were only able to be performed in the park, such as jogging or playing an active game. They opined that they were troubled by expensive restaurants and a holiday market that "is pure, crass commercialism" and "the very antithesis of park use."

With this in mind, how will the City's parks stay focused on park and recreation and not be impaired by commercial activities that take from the primary purpose of parks.

Response S.16

As discussed on page 3.12-43 in Draft EIR Section 3.12, *Public Services and Recreation*, the proposed project would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance (Municipal Code Chapters 19.38 and 14.25) and require either dedicating land to serve new residents, improving park or trail amenities, or paying fees to offset the increased costs of providing new park facilities for new development. Approximately 4.8 acres of improved, turnkey public parks and trail would be dedicated to the City to satisfy a portion of its parkland obligation. The City defines park facilities as community parks, neighborhood parks, and the neighborhood and community-serving elements of regional parks. The City defines recreational facilities as recreational improvements that are not typically provided in either a neighborhood park or a community park such as trails or community gardens. Recreational facilities also mean recreational improvements, such as community centers or sports fields, that are not located in either a neighborhood park or a community park (refer to Municipal Code Chapters 19.38 and

[10] *Union Square Park Community Coalition v. New York City Department of Parks and Recreation*, 2013 N.Y. Misc. LEXIS 81; 2013 NY Slip Op 30020U (1/25/2013). Quoted in Law Review, June 2013. George Mason University.

14.25). Final design and programming of City-dedicated parks will be subject to standard public process for public parkland development.[118]

Also refer to Response R.4 regarding parks and open space.

Comment S.17

Design Guidelines

Importantly, it is completely unclear whether the Downtown West Design Guidelines are intended as part of the EIR/Land Use and therefore something that will be accepted or rejected within the EIR. There has NOT been robust engagement on the specifics within the Design Guidelines which are overly proscriptive with very little flexibility to meet future needs. Please explain the relationship of the Downtown West Design Guidelines with the EIR. Please explain what, if any, robust discussion of design guidelines will be held? Will there be a charrette? Will the public be allowed to participate? Will individual public parks within the project go through a community outreach process or is what Google wrote the final decision to be accepted or not by the City Council? How will the guidelines be allowed to change over time? How can they be amended? Is any of this open for discussion?

Further, the Downtown West Design Guidelines split guidelines for parks and open space across multiple chapters. It makes the appearance of trying to hide something. The park/open space design guidelines should be collapsed into a single chapter for ease of reference—even if it means some standards are published twice. Electronic storage is cheap. For what reason were these standards separated? How does separating the park standards into separate chapters serve to enlighten and facilitate review by the public, the City staff and Council and future facility designers?

Who decides what the final elements and amenities will be in the Google-owned Private Parks? What entity is the final arbiter of design?

Response S.17

Concerning the incorporation of the Downtown West Design Standards and Guidelines as part of the proposed project, refer to Response S.1. While open space and parks are discussed in various chapters of the Downtown West Design Standards and Guidelines, Chapter 4 specifically describes the location, size, design, and intended programming for open spaces and parks.[119] The City has hosted multiple meetings to-date on the project, including the Downtown West Design Standards and Guidelines.

The Downtown West Design Standards and Guidelines would establish mandatory standards and recommended guidelines. Any standard reflecting open space programmatic elements would be

[118] It is noted that the New York Supreme Court (the trial court in New York State) ruling cited by the commenter in support of this comment was reversed by the Appellate Division of the Supreme Court, and that reversal was upheld by the New York Court of Appeal, the highest court in New York State.

[119] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

required in the project's open spaces, while elements included in guidelines are recommended. As explained on Draft EIR page 2-79, subsequent individual development within the project site would undergo a Conformance Review process; Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*.

City-dedicated parks would have additional community engagement when the parks reach the design stage. There would be community meetings to discuss the design and name options and a Parks and Recreation Commission meeting to recommend approval of the design and name.

Comment S.18

Inflated Acreage Numbers

The applicant commingles park acreage, riparian setbacks, habitat enhancement and walkways that facilitate pedestrian movement between buildings as though they are a single unit. They advertise **15 acres** of parks and open space, yet a deeper look shows a meager 4.8 acres of **public park land** to serve up to 5900 resident units (6000 to 10,000 people) and untold number of employees and visitors.

Please provide a sample calculation demonstrating how 4.8 acres meets the Parkland Dedication Ordinance, using assumptions of units, credits for private recreation, turnkey construction credits and which, if any, of the Google-owned "open space" qualifies for park credits.

"St John Triangle" at 1.51 acres is included within the 4.8 acres of public park land. However, this property is currently part of the SAP parking lot and owned by the City. Has the city sold this property to Google so that Google can dedicate it back to the city? If it has not been sold, please explain why this land is not being retained by the city so that it is not dedicated back at an inflated value?

The vesting map indicates that Lot 15 (or Lot 14 depending on the page in the document) will be on top of an underground parking garage. When did the City change from accepting dedication of only those properties that are *fee simple*? The complexities that the underground garage caused with the Hayes Mansion sale gave the Council another opportunity to remind staff that such future entanglements should be avoided.

Applicant's Proposed distribution of unbuilt space.

City Dedicated Park and Trail		**4.8 Acres**
Los Gatos Creek Trail	0.53 acres	
City Park	4.27 acres	
Privately Owned Publically Accessible Park		**4.12 Acres**
Semi-Public Open Space		**2.02 Acres**
Los Gatos Creek Riparian Setback		**2.20 Acres**
Los Gatos Creek Riparian Corridor		**0.29 Acres**
Mid-block Passage		**1.57 Acres**

TOTAL ACREAGE OF "PARK" –only 8.9 acres.

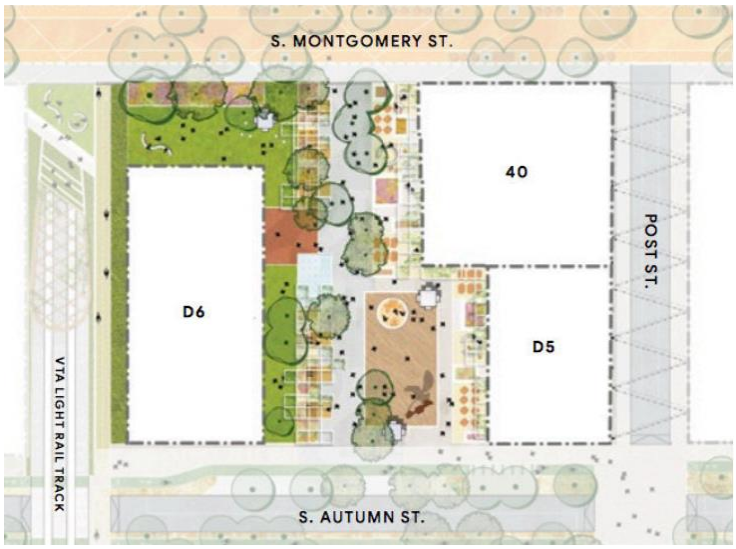
The **privately owned publically accessible parks "*may have more limited hours of public access than City-dedicated parks***"[11] Nowhere is there a published statement of access. Will the public be allowed one day per week? One day per month? One day per year—like Gramercy Park in New York City? Will this property be closed for Google events, such as conventions or sales trainings or retreats? Who decides when it is open or closed? Who decides when it is *too limited?* How does limited access promote equity, a key principle of both San José's General Plan Park policies and *Activate SJ*?

As an example of a specific concern, the "Los Gatos Creek Multi-Use Trail" (0.28 acres) is within the Google-owned "Los Gatos Creek Park" which is comprised of 2.21 acres and is subject to Google's closure and limited hours. How will the City's Multi-Use trail stay open if Google controls the operating hours of all of the surrounding land? Will trail users be expected to detour? What reduction in park credit will be made as a result of limitation?

Semi-Public Open Space is described as property that is adjacent to City-dedicated park or privately owned park and used for commercial activities *such as* outdoor seating for restaurants and/or landscaping buffers. Google indicated that this was a strategy for activation. What other things could be placed in this private space? Open air stores? T-mobile booths? Who decides what is appropriate? How would this commercialization immediately adjacent to the park land potentially impair the use of parkland for recreation, for example, who/what prevents the restaurant users from spilling into the recreation area? What if people want to kick a ball or play tag? How will user conflict be resolved? Will the commercial properties needs take priority over other users?

By way of example, the "Social Heart" is designed so that it is nearly completely surrounded by this commercial activity—the semi-public open space. The proposed public park (0.57 acres—just over the bare minimum for dedication) is irregularly shaped with a shared use path along Light Rail, a small buffer lawn, and a plaza that could be activated. Its primary focus is the commercial activities (0.22 acres) in the *semi-public open spaces* along the building edges. How does this property's design compare to the definition of a park as illuminated by the New York court? How is the shared path along light rail any different from a typical easement next to a building and why should it qualify for parkland credits? It is a sidewalk. If the walkway is dropped from the dedication, does the remaining public park drop below 0.5 acres? If so, that is below the City standard for parkland dedication and the city should not accept its dedication. The 60% hardscape makes this space hot and unpleasant. Considering it is on top of a parking lot, it's more like a retail mall and better operated by a private entity.

[11] Downtown West Design Guidelines. Page 71.



Los Gatos Creek Riparian Setback, Los Gatos Creek Riparian Corridor, Walkways Walkways are just that, walkways. The City is cooperating with the removal of streets for more buildable area. Walkways are not "open space;" they allow for the movement of people. They are cold channels of travel between tall buildings. They do not belong in a chart of "open space" but rather in a transportation and circulation chart.

Los Gatos Creek Riparian Corridor is a type of open space, but not useable and not a gift of Google to the citizens of San José. It is disingenuous to brag about the open space that Google is providing by including in proclamations "the project brings 15 acres of parks and open space." The creek was already there. It will be there long after Google ceases to exist.

Los Gatos Creek Riparian Setback. Although Google makes a big deal of the setback, it is a required element and not a special gift. They are retaining the right to rebuild with the reduced setback when the old, non-historic buildings are not removed. Further they plan to add to these buildings. Although they intend to improve the landscaping, there is no improvement to the setback over the current setbacks because they are keeping all the buildings and adding to them. It is disingenuous to claim "open space" for landscaping around buildings that intrude deeply into the minimum riparian setback (in some cases to the top of bank). Further, San José Riparian Corridor policy calls for very limited passive recreation within setbacks, specifically trails. The additional elements proposed within the setback violate the policy and should not be built or installed.

Response S.18

As discussed on Draft EIR page 3.12-43, the proposed project's Parkland Dedication Ordinance and Park Impact Ordinance obligation may be met by dedicating land for parks and/or trails, and also through receipt of credits from improvements to parks, trails, or community center space in the development area. On-site parks, open space, and/or trails could be dedicated and improved as needed based on project phasing through a parkland agreement with the City.

Approximately 4.8 acres of improved, turnkey public parks and trail would be dedicated to the City to satisfy a portion of the parkland obligation. The obligation would be met through parkland dedication and parkland improvements, as well as in lieu fees if any obligation remains; dedicated parkland would be delivered to the City as turnkey, public parks, while in-lieu fees would count towards the project's parkland obligation. The City manages and approves the parkland acreage requirement and establishes any in lieu fees necessary to meet the obligation. The project's draft Parkland Agreement (Exhibit E of the Draft Development Agreement)[120] sets forth the project's parkland obligations.

It is important to clarify that only City-dedicated parks and trails would be used to meet the project's parkland obligation. The 10.2 acres of project applicant-owned open space would not receive any credit against the parkland obligation. Other features of the draft Parkland Agreement include the following:

- Riparian setbacks would not receive any parkland credit, but could be used as passive recreation areas;
- The riparian corridor would not receive parkland credit, but would help achieve environmental goals and ActivateSJ's guiding principle of nature;
- Semi-public open space would not receive parkland credit, but commercial uses near parks can activate the space and increase safety through the presence of observers;
- Mid-block passages would not receive any parkland credit, but they would allow circulation between and act as an extension of open spaces; and
- Privately owned public parks would not receive parkland credit, but they would be open to the public and largely function as a regular park. The draft Parkland Agreement (Exhibit E of the draft Development Agreement) includes the hours of operation, code of conduct, and temporary closure standards for these parks. These spaces would be subject to restrictive covenants, meaning they would remain publicly accessible parks forever, even if they change ownership.

More information about the types of open space are detailed in the draft Development Agreement and Parkland Agreement (Exhibit E of the draft Development Agreement).

It should also be noted that the proposed project would not worsen the City's existing parkland service levels. The City's General Plan sets a goal of 3.5 acres of neighborhood- and community-serving recreational lands per 1,000 residents and 7.5 acres of regional/citywide parklands per 1,000 residents. As stated on Draft EIR page 3.12-42, for 2018, the City's service level for neighborhood- and community-serving recreational lands was 2.9 acres and 14.9 acres for regional/citywide parklands. With the project, the City service level for neighborhood- and community serving recreational lands would be unchanged and the service level for regional/citywide parklands would be 14.7 acres. The project's proposed open space and parks, along with compliance with the Parkland Dedication Ordinance and Park Impact Ordinance will

[120] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

provide valuable parkland and recreation amenities for the Diridon Station area and for the City at-large to enjoy.

Also refer to Response R.4 regarding parks and open space.

Comment S.19

Diridon Integrated Station Concept

The DISC may take some land from Google. Google has shown that 20% of their project is parks and open space and that 20% of the land taken would be parks and open space. They have declared this far and equitable. However, community calculations show that ALL of the parkland that would be taken is city-owned parkland. How is this equitable? Please confirm. Also please address the truth of the following analysis:

> If the city accepts the park dedication, its highest and best use becomes Parkland and will be worth less than when Google dedicates it. This, combine with the inflation of land values, the money received would buy much less land—if it is available.

Would it be accurate to say that Google has shifted the risk of parkland loss entirely to the city and the city mostly likely will have less parkland if the DISC is built?

Please explain this language about DISC land taking from page one of the Vesting Map.[12] Why with the City get less land?

> **NOTE RELATING TO DISC PROCESS AND POTENTIAL CONDEMNATION**
>
> 1. ANY MODIFICATION TO LOTS, PUBLIC EASEMENTS OR IMPROVEMENTS SHOWN HEREON AS A RESULT OF THE PROCEDURE DESCRIBED IN DWDSG STANDARD S5.5.4 RELATING TO CONDEMNATIONS SHALL BE PERMITTED WITHOUT THE NEED TO AMEND THIS VESTING MAP OR APPROVAL OF A SEPARATE TENTATIVE MAP OR VESTING TENTATIVE MAP.
> 2. LOTS A & B SHALL BE IRREVOCABLY OFFERED FOR DEDICATION TO THE CITY AS OPEN SPACE PURSUANT TO THE ASSOCIATED PHASED FINAL MAP. AS OF THE APPROVAL OF THE VESTING MAP, IT IS ANTICIPATED THAT LOT A & B WILL BE 0.93 ACRES, AND THAT SUBDIVIDER WILL PROVIDE AN EXECUTED GRANT DEED TO THE CITY CONCURRENT WITH THE ASSOCIATED PHASED FINAL MAP AT THE TIME OF APPROVAL OF SAID MAP TO TRANSFER LOTS A & B TO CITY.
>
>   a. IN THE EVENT THAT THE CITY ACCEPTS THE DEDICATION OF LOTS A & B, AND LOTS A & B INCLUDES 0.93 ACRES, SUBDIVIDER SHALL BE PERMITTED TO REDUCE THE SIZE OF ANY OF LOTS P,Q, R OR A PORTION OF LOT 14 (FUTURE AIRSPACE PARCEL) ON FUTURE PHASED FINAL MAPS BY 0.26 ACRES, OR TO OFFSET THE AMOUNT OF ANY PAYMENTS TO CITY PURSUANT TO CHAPTER 19.38 OF THE MUNICIPAL CODE THAT WOULD OTHERWISE BE REQUIRED PURSUANT TO THE [*PARKLAND AGREEMENT BETWEEN THE CITY AND SUBDIVIDER DATED _____, 2021*] IN AN EQUIVALENT AMOUNT.
>
>   b. IN THE EVENT THAT ANY PORTION OF LOTS A & B ARE CONDEMNED PRIOR TO THE CITY'S ACCEPTANCE OF LOTS A & B, SUBDIVIDER SHALL DEDICATE THE NON-CONDEMNED PORTION OF THE AREA SHOWN HEREON AS LOTS A & B TO THE CITY, AND SHALL COOPERATE AS NECESSARY WITH THE CITY

[12] Vesting Map. https://www.sanjoseca.gov/Home/ShowDocument?id=65148

TO EFFECTUATE THE DEDICATION, INCLUDING, BUT NOT LIMITED TO, BY PROVIDING A REPLACEMENT GRANT DEED IF REQUIRED.

Response S.19

The project proposes new park spaces adjacent to the existing and future rail alignment in three locations: North End Park, St. John Triangle, and Los Gatos Creek Connector. The Diridon Integrated Station Concept (DISC) Plan intends to elevate the rail tracks and structure, providing new opportunities to connect to these parks and other destinations from the west side of the current rail alignment.

Timing and phasing of the DISC project, associated transit/rail projects (e.g., High Speed Rail), and the Downtown West Project are all yet to be finalized. Options for realizing the full build out of park space and transit/rail improvements are anticipated to be put forth to achieve maximum community benefit and cost-effectiveness over time. That said, conceptual engineering for the integrated station and associated rail corridor have progressed, including via collaboration among the DISC partner agencies and the Downtown West project team. The details of the anticipated rail corridor footprint and potential relationship between DISC and proposed parks are included in the draft Development Agreement and Parkland Agreement (Exhibit E of the draft Development Agreement).[121]

Comment S.20

NORTH END PARK AND DISC

The north end of the Google project is surrounded by three railroad tracks. The DISC would elevate the tracks. What rules does the Federal Railroad Administration have for setbacks from elevated heavy rail? The DSAP indicates the possibility of using land underneath the tracks for recreation. Does the FRA allow this? UPRR possible an RFP in 2017 for a short-haul freight line for two of those tracks. Does short-haul freight fall under the Federal Transit Administration or the FRA? If under the FTA, do they have different rules? If the FRA allows recreation under heavy rail, please provide an example. If they do not, please provide information on how users of the park will be shielded from the noise from elevated freight? What noise levels will be created? If the park is built before the DISC is constructed, might the newly elevated track have to conform to Federal standards and provide specialized noise mitigations? Or will it be considered pre-existing?

Response S.20

As stated on Draft EIR page 3-12, the California High-Speed Rail Authority published the Draft EIS/EIR (DEIS/R) for that project's San José to Merced Project Section. The DEIS/R evaluated four alternatives in addition to a No Project Alternative. Three of the alternatives would entail construction of elevated tracks through the Diridon Station area and an elevated station. The

[121] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Authority's Preferred Alternative, Alternative 4, envisions at-grade tracks through the Diridon Station area and an at-grade station.

As acknowledged in the DEIS/R, "The ongoing multi-agency Diridon Integrated Station Concept (DISC) planning process is a separate planning process and decisions about future changes to the Diridon station and the surrounding, Caltrain-owned rail infrastructure and corridor are the subject of multiple planning and agreement processes that are proceeding independently from the High-Speed Rail environmental process." The DISC Plan is currently being prepared in a joint effort by the City of San José, the Peninsula Corridor Joint Powers Board (Caltrain), BART, VTA, the California High-Speed Rail Authority, and the Metropolitan Transportation Commission. At present an endorsed conceptual layout for the DISC Plan has been developed. This conceptual layout does not indicate any specific structures below the elevated tracks. With respect to impacts from noise and vibration, the Federal Railroad Administration (FRA) acknowledges the methodologies within the Federal Transit Agency's (FTA) document *Transit Noise and Vibration Impact Assessment*. This document acknowledges that receptors may be closer than 50 feet from the centerline of the railroad tracks.

However, in coordination with the other DISC partners, the City's proposed DSAP Amendment states that when the rail system through this area is elevated, the use of the space under the elevated tracks will be considered for public spaces and parkland but that these spaces may not be traditional green park space. Specifically, the City has recommended active greenways be included along and under the elevated railways in certain areas; these active greenways would also provide for bicycle and pedestrian transportation and/or recreation. Other areas under the tracks may be used for recreational amenities. The proposed elevating of the tracks would have to be approved by both FRA and FTA, as well as the rail corridor owner, which would consider the appropriateness of surrounding land uses and the ability to maintain and operate the rail corridor.

All freight rail operations in the United States would be subject to controls of the FRA, inclusive of short-haul freight. Freight lines that currently share tracks with Caltrain and are elevated in the Cities of San Carlos and Belmont have multiple under-crossings for automobile, pedestrian, and bicyclist use. Noise levels at uses below the overcrossings would be shielded by the overcrossing structure. A noise survey conducted at the San Carlos Train station recorded instantaneous maximum noise levels generated by train pass-by events ranged from 82 to 97 dBA at a distance of 20 feet from the rail centerline.[122] Recreational space of the proposed project would be constructed adjacent to rail tracks, such as St. John Triangle. Any development under the elevated tracks would occur under the DISC project, and not the Downtown West project evaluated in this EIR.

Comment S.21

North End Park and Design

This park has the **only** active recreational elements of all 10 of the parks and parklets in the project application. It is adjacent to a Google office building and as far away as possible from the proposed housing. It has the appearance that Google is proposing this park with these

[122] Illingworth and Rodkin, San Carlos Train Depot Site Noise and Vibration Assessment, 2006.

amenities to meet the needs of their workers rather than the new residents of DSAP. For what reason was the largest park with the most active amenities placed next to the office building?

It is bisected by a perimeter road, reducing the usability of the space. For what reason was it design with such a wasteful and curving perimeter road? Why not access the office building parking lot via Lenzen and not the realigned perimeter Cinnabar street? There has been some discussion of opening either Lenzen or Cinnabar to Stockton Avenue after the DISC is built. If so, consideration should be made of the impacts of the increased traffic through the park if Cinnabar is opened. Further, the portion of the park that is adjacent to the southern branch of the railroad track is a useless property. At one point Google proposed a dog park, but the city has experience with linear dog parks and has found that they are underutilized (Discover Dog Park). Now, they are suggested a maintenance facility for the parks department. The Parks Department has a yard at Guadalupe Gardens and does not need a facility here. A better solution to this dead space is re-think the perimeter road. Alternatively, move one of the high rises to this location and in its now vacant footprint, dedicate a park that is closer to the residents, will not suffer from train noise and is not bisected by a perimeter road.

Response S.21

The comment concerning the location, programming, and design of Northend Park refers to the merits of the proposed project and does not address the adequacy of the Draft EIR; accordingly, no response is required under CEQA. Moreover, as explained in Section 4.11 of the Downtown West Design Standards and Guidelines, the open space diagrams and illustrations in that document are "illustrative examples of the approximate location, size, frequency, and orientation of its identified programmatic elements." Actual design and programming of individual open spaces would occur as each open space is permitted, and would be subject to City review and approval based on compliance with the Open Space Design Conformance Review Checklist included in Appendix C.2 of the Downtown West Design Standards and Guidelines. It is also noted that the proposed open spaces farther south within the project site, most notably Los Gatos Creek Park, are intended to build upon the City's approved Master Plan for Reach 5 of the Los Gatos Creek Trail in recognition of the fact that the "trail and ecosystem of Los Gatos Creek provide essential connectivity within Downtown West and bolster City-wide and regional networks" (Downtown West Design Standards and Guidelines, Section 4.4). The comment will be forwarded to the decision-makers, including the City Council, for their consideration in their deliberations on the proposed project.

Concerning the perimeter road, as explained in First Amendment Chapter 1, *Introduction*, the project applicant has revised the project since publication of the Draft EIR such that the proposed Northend Park is no longer bisected by a roadway. Refer to the revised Figure 2-3, *Proposed Land Use Plan*, in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment. Refer also to Response S.20.

Comment S.22

North Montgomery Pocket Park 0.35 acres

Bound by block B1 to the west north and south with maximum heights. Please calculate how many minutes of sun will this park get each day at different times of the year? How heavily used are pocket parks with very limited sun? How will the lack of use by traditionally housed persons lead to use by unhoused community members. Considering the "Re-oaking plan" proposed for the site can Valley Oaks survive the very limited hours of sunlight?

Response S.22

The North Montgomery Pocket Park is a component of the proposed project and therefore, does not yet exist. As such, this open space is not part of the baseline physical conditions from which environmental impacts of the proposed project and the alternatives to the project are measured to determine whether an impact is significant. As stated in Response R.12, the City has no CEQA threshold of significance for these two parks or other parks other than the six major Downtown parks analyzed in the Draft EIR. Therefore, no further analysis is required under CEQA.

For information, the North Montgomery Pocket Park would receive sun in the morning hours because it would have existing low-scale development to the east. However, this open space would be largely or entirely shaded during the afternoon hours, depending on the time of year. As stated in Response S.15, any decisions to plant Valley Oak (and other species) would be made by qualified landscaping professionals and/or arborists.

Comment S.23

Phasing

The posted project documents give one set of phases while presentation have been giving another set of phases. Please clarify. Also please clarify the approximate flow of park fees and land dedication. From most recent presentations, it appears that the North End park is scheduled for phase 3, long after the residential units are built and certificates of occupancy are issued. Please clarify whether the park would be built or put on hold until the DISC is built? If DISC timing is more like 25 years, will the North End park not be built? What happens to the park dedication if Google decides to abandon the project after Phase 2 and never build phase 3? Will there be no park? When does the City take possession of the dirt?

Response S.23

Refer to Response S.5.

Comment S.24

Census Data

The EIR includes an analysis of census data with respect to school age children, concluding there were few children. There's a flaw with this analysis. Multi-unit affordable housing built with 2 and three bedroom units are full of children. In the 2010 census, downtown multi-unit buildings (mid-rises and high-rises) were not built with inclusionary affordable units. Google

has made some commitments about inclusionary affordable housing. How might this change the profile of tenants? Will Google be choosing to build only studios and one-bedroom apartments? If so, there will be no/few children. Families need bedrooms. Google controls whether there will be children by choosing the number of bedrooms in each unit. There is nothing inherent in high-rises that preclude children.

The EIR Census Data should be updated to include the demographics of the housing type—what is the ratio of men vs. women?

Response S.24

The project applicant has not specified the size of dwelling units (i.e., number of bedrooms) proposed as part of the project and the Draft EIR makes the reasonable assumption that the unit mix will resemble the mix that is already present in Downtown, resulting in a similar average household size of 2.2 residents per dwelling unit, which is the residential density in three Downtown Census Tracts (refer to Draft EIR page 3.11-17). The project would include affordable units, and would have a mix of unit sizes, so some units would have multiple bedrooms and more residents, and others would be studios and one bedrooms with fewer residents. The commenter is correct that larger units would likely accommodate families with children.

The analysis of school capacity starting on Draft EIR page 3.12-25 uses a student generation rate rather than Census data to determine the likely number of school aged children in the multifamily housing proposed as part of the project. This student generation rate is derived from the EIR that was prepared for the City's *Envision San José 2040 General Plan*, and is lower than the rate that would be used for single family (rather than multifamily) housing.

The Draft EIR does not provide the gender ratio of residents in Downtown or estimate the gender ratio for the proposed project because this has no bearing on the analysis of environmental impacts.

Comment S.25

Privacy Concerns

Google originally planned to construct a similar project in Toronto.[13] It became embroiled in many conflicts including privacy concern. Data collection devices were to be embedded into the structures. Does Google (or its corporate affiliates or consultants) plan to collect data on the community's use of the public spaces? How will it collect data? Will measuring devices be embedded into the infrastructure? Will users get real-time feedback for their presence, eg an advertisement? If some sort of monitoring program is put into place, will buildings and parks have signage warning users that they are being monitored? Will there be a way for them to opt out? Without turning off their smart phones?

[13] Alphabet is Google's parent company. Sidewalk Labs is a subsidiary. https://www.businessinsider.com/alphabet-sidewalk-labs-abandons-project-for-quaysidetoronto-neighborhood-2020-5 https://www.bloomberg.com/news/articles/2018-09-07/whats-behind-the-backlash-over-sidewalk-labs-smart-city https://www.fastcompany.com/90327859/sidewalk-labs-built-this-free-app-for-peoplewatching

Response S.25

The comment does not address the adequacy or accuracy of the Draft EIR and, therefore, no response is required. However, for information, the following is provided.

Sidewalk Labs was selected by the City of Toronto as a development partner on the project referenced by the commenter, and the project included use of digital technology and infrastructure as part of its objectives. In contrast, the Downtown West project is a private development initiated by Google for reasons described in Draft EIR Section 2.14, *Project Objectives*—namely to provide for the company's long-term growth in the Bay Area, and to meet other stated objectives such as housing and vibrancy.

While technology and innovation are central to Google's product offerings, Google aims to develop a vibrant, safe, and inclusive public space, and no specific plans are contemplated in the project for surveillance or data collection in publicly accessible areas of the site.

Comment S.26

Operations

In contrast to the overwhelming proscriptive detail about park design, there is nothing revealed about park operations and management? How will be the parks be managed? What group will make decisions? Will it be a single organization? How will it be funded? How will the interface be handled between commercial operations and park operations? How will maintenance be handled? What group will activate the park? What is the role of the community in the process in the decision-making process, if any? What role will the community have once there is a management group? Will neighbors be able to participate in a feedback loop or will they be told by the management group, "go away?" How will they City ensure that all city residents and visitors are treated equitably by the management group?

Response S.26

The comment pertains to programming and management of on-site parks. Approximately 10.2 acres of open space would be developed and owned by Google with a public access agreement. This land would remain under private ownership, and the landowner would be responsible for maintenance; refer to Response R.4 for more information.

Final design and programming of City-dedicated parks would be subject to standard public process for public parkland development. There would be, at a minimum, a community meeting and a Parks and Recreation Commission Public Meeting. The community meeting would take place prior to start of design to present the space, and would detail the design guideline concepts for the space and receive community input for the parks' design and name. The Parks and Recreation Commission meeting would give the Commission the opportunity to review, comment and recommend acceptance of the design and park name.

The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR.

Comment S.27

COVID and POST-COVID

The COVID pandemic has changed human behavior. There has been increased park usage documented by many agencies throughout the world.[14] Locally, the Open Space Authority counted a 600% increase in usage. Despite closed playground, many San José parks experienced strong use patterns by walkers and family groups with imaginative play. Some bloggers are beginning to write how design will have to change so that parks and public spaces can meet human needs. No one knows whether we return to our prior behaviors, or have we fundamentally change. Will we want less density, more nature, options to step back from strangers and stay just in our pod? The bloggers suggest that park managers and designers need to improve flexibility in our existing and future parks so that they can meet the need of the next pandemic as well as whatever preference the community holds after this pandemic resolves. How is Google looking at their park design guidelines through the lens of COVID and POST-COVID?

Response S.27

Refer to Section 3.2.5, *Master Response 5: COVID-19*.

Comment S.28

EQUITY OF ACCESS and CULTURE

Google's values statements indicate an interest in equity and a valuing of what makes San José. However, the nuts and bolts of Downtown West Design Guidelines do not reflect these values in the parks. By way of example, the park designers are told to stick with the Google project palette. This suggests the parks will be uniform in appearance. That is so NOT San José. The guidelines for each park don't even hint at access for children, elderly, disabled, poor, language minority. With such a prescriptive set of design guidelines, the absence of mention is surprising. As one participant stated in a November community meeting, even the names of the parks are not culturally sensitive to the strong Latinx culture of San José. Photos and illustrations do not reflect San José's cultural diversity. How will Google reach out to specialized communities in a meaningful way to get feedback on the individual designs? This would mean deep focused discussions and interactive conversation, not hour-long overviews about Google.

Response S.28

The comment concerns the merits of the proposed project and does not address the adequacy of the Draft EIR; accordingly, no response is required under CEQA. The comment will be

[14] Parks and the pandemic, Trust for Public Land Special Report https://www.tpl.org/sites/default/files/Parks%20and%20Pandemic%20-%20TPL%20special%20report.pdf https://kinder.rice.edu/urbanedge/2020/04/10/covid-19-era-renewed-appreciation-our-parksand-open-spaces https://gehlpeople.com/blog/managing-public-space-in-the-new-normal/ https://norcalapa.org/2020/07/equitably-resolving-public-space-in-the-time-of-covid-19/

forwarded to the decision-makers, including the City Council, for their consideration in their deliberations on the proposed project.

For information, it is noted that one of the open space objectives in the Downtown West Design Standards and Guidelines (Section 4.1) states, "Distribute a myriad of functions and design features that support a vibrant and **inclusive public realm** for residents, employees, and visitors that relates to the nearby context" (emphasis in original).[123] According to the project applicant, open space elements in the Downtown West Design Standards and Guidelines were designed in response to a large amount of community participation across diverse groups. The design framework is intended to allow many programs and uses, appropriate for many different demographics and needs, and rather than be restrictive, sets a general programmatic framework that could be built upon in later design phases. Future park and open space design and names would be part of subsequent design phases, in which the community will have the opportunity to participate through both the City and project applicant. City-dedicated parks would have the standard community outreach and Parks and Recreation Commission meeting to ensure the community has input in the design. The San José Parks, Recreation, and Neighborhood Services Department also has plans for parks surrounding the project (shown in the Amended Diridon Station Area Plan) to complement the parks within the Project boundary.[124]

Comment S.29

TRANSPORTATION and PARKS

The underlying theory of Downtown West and the DSAP is that people who live and work there will be able to meet their needs without a car. How will the parks meet that need? Where can residents or workers go after work and play soccer? Play basketball? Go running? Commune with a forest? Play volleyball? Climb a wall? How do they get to the wilder spaces like those in Alum Rock Park? Kelley Park? The Open Space Authority Parks? How do they do it without a car? Until there are realistic answers to those questions, the recreational needs of the people who live and work at Downtown West will not be met without a car. The current proposed parks' designs don't even come close.

Response S.29

As discussed on Draft EIR page 2-33, the project would include approximately 15 acres of new parks, plazas, open space, riparian setbacks, and mid-block passages on the project site, for use and enjoyment by area residents, employees, and visitors alike. Parks and open spaces would be located to provide open space connections both within the project area and between the project site and the rest of the city. Generally, the proposed project includes open spaces and park

[123] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[124] See the City's Diridon Station Area Plan webpage for additional information concerning the DSAP amendment process, including the draft DSAP Amendment and the Initial Study/Addendum to the Downtown Strategy 2040 EIR: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/area-plans/diridon-station-area-plan.

facilities that could accommodate an array of potential recreational uses. The project site is within a dense, urbanized area that has different park needs than suburban areas.

Parks located within approximately 0.75 miles of the project site, including those containing basketball courts, soccer fields, volleyball courts, lighted softball fields are described on Draft EIR pages 3.12-34 and 3.12-35. In addition, the City is looking to acquire more parkland surrounding the project site (as outlined in the draft amended DSAP). It is the City's vision to have these parks be on the larger scale and support a range of activities that would complement the parks within the project site. The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR.

Comment S.30

HEAT ISLAND EFFECT

The early pages of the Downtown West design guidelines mention parks as a strategy to counteract the heat island effect. With this in mind, it is surprising that there is a high percentage of hardscape, impervious and semi-pervious surfaces in the designs. How can parks serve to capture heat when they have been designed with 60% (or more) hardscape? In what ways could the percentage of hardscape be reduced?

Response S.30

As presented in Draft EIR Chapter 2, *Project Description*, and Section 2.6, *Parks and Open Space*, the proposed project includes approximately 15 acres of parks, plazas, and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), landscaping, mid-block passages, semi-public spaces, riparian setbacks and corridors, and trails. This is about 20 percent of the total project site area of 80 acres, which is a substantial portion for a downtown infill land use development. The riparian setback and corridor would be primarily softscape, while some on-site open spaces would include hardscaped surfaces. The commenter claims that 60 percent or greater of the parks and open spaces would be hardscape, impervious and semi-pervious surfaces. However, even hardscape areas would include some form of landscaping and trees. Tree canopies above hardscape areas would serve to minimize the heat island effect as show in the Downtown West Design Standards and Guidelines, Figure 4.60.[125]

All shaded areas of the site would serve to reduce the heat island effect of the project, because they would cool the air by providing shade, transpiring water from plant leaves, and evaporating surface water. Buildings tend to absorb and re-emit the sun's heat more than natural landscapes, creating the heat island effect. However, it is also the case that the existing condition of the site comprises an extensive area of asphalt-paved parking lots, whereas the proposed project would replace portions of this impervious and heat-reflective surface with open space and landscaping.

[125] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

As stated on Draft EIR page 2-72, the proposed project would reduce impervious surface on the project site by about 9 percent, compared to existing conditions.

T. Guadalupe River Park Conservancy (12/8/20)

Comment T.1

The Guadalupe River Park Conservancy (GRPC) submits the following comments on the Draft Environmental Impact Report (DEIR) for the Downtown West project in the Diridon Station area of Downtown San Jose, adjacent to the Guadalupe River Park. Our mission is to promote the Guadalupe River Park as a natural resource and civic greenway that connects the community to ecology in the heart of Downtown San Jose.

We appreciate the opportunity to address some details of the DEIR as they relate to parks, both existing and proposed, building orientation, connectivity, and riparian corridor impacts. The Guadalupe River Park is a park chain along the Guadalupe River that includes a multi-use public trail and four parks Downtown, including Arena Green. Arena Green is a 15-acre stand-alone park on both sides of the Guadalupe River that includes public art, picnic tables and benches, tennis courts, and a playground and carousel that have been closed for a few years, but that we hope to reactivate soon.

Inadequate Quality of Figures
Our first comment is related to the quality of the figures and the level of detail provided on the development proposal in the DEIR, which were not adequate to determine the aesthetic components of the project. As the site is located in an area sensitive to impacts to biological resources, the plans should be complete and understandable to the general public and decision makers.

Impacts to the riparian corridor and Guadalupe River Trail are dependent on detailed building information. Photo simulations and/or complete architectural renderings of the final intended building design would been immensely helpful in understanding the aesthetic nature of the project and impacts to parks, especially Arena Green, which is located in the heart of the project area. We ask that the Final SEIR include graphics that can provide an accurate level of detail for the determination of aesthetic impacts and impacts to parks, the trail, and riparian corridors.

While we understand the project team's process of submitting information at the master plan and design guidelines level, without more clarity on what and where specific building architecture or open space features are intended, it is difficult to provide the level of feedback that would be most helpful to the process. Additional clarity of building details and open space features, particularly around how this project would affect riparian corridors and other natural resources, recreation potential, and the surrounding community, should be vital for project approval.

Response T.1

Refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*. Note that the Draft EIR analyzes impacts to surrounding parks with regard to shadows cast by development of Downtown West (see Draft EIR pp. 3.9-47 to 3.9-53 and Appendix L, Shadow Analysis). The shadow analysis evaluates shadow impacts on surrounding parks, including Guadalupe River Park and its Arena Green, based on maximum potential height of new buildings and covering the entire footprint of each block on the project site for a conservative estimate of the project's impact. Impacts to the riparian corridor are analyzed in Draft EIR Section 3.2, *Biological Resources*, shadow impacts from buildings are analyzed on Draft EIR pp. 3.2-63 to 3.2-64. Any shadow impacts to the riparian corridor would be reduced to a less-than-significant level by Mitigation Measure BI-2c, Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature.

Comment T.2

Parkland Dedication and Public Open Space

We agree with the improvements being considered by the project to design a public realm that optimize connections to nearby regional transit services, enhance local walkability, and improve cycling linkages to adjacent neighborhoods and regional trails. However, we also have a number of concerns around the ambiguity of parkland dedication and public access to open spaces proposed in this project.

The proposed amount of public parks acreage is only 4.8 acres when the project's requirement per the City's Parkland Dedication Ordinance and the Quimby Act is for just under 39 acres. It appears from Section 3.12 of the DEIR that this requirement is not being met by the project, but could be met in the future; however, the environmental review for the additional parks is not included in the DEIR. It is our understanding that CEQA requires the whole project be evaluated, including future plans meant to mitigate impacts of the current project.

We are concerned that 15 acres of new parks and open space created will be in the form of hardscape plazas, "midblock passages", and riparian setbacks. From the submitted plans it appears that project elements such as plazas, mid-block crossing, stormwater zones, riparian setbacks, adjacent spaces supporting commercial activities, and landscaped areas are being counted as parkland. While parks certainly can have many of those elements, these proposed open space uses need to lead with parks as the primary use to be considered parkland.

We also have other questions and concerns regarding the discussion of parks and recreation in the DEIR. For example, is "semi-private open space" and "project sponsor-owned open space" considered to be public? The explanation for how the amount of sponsor-owned open space to be provided can be "adjusted" (Appendix M) is confusing.

Without this information, it is difficult to determine how these requirements will be met, and how the community should expect these mitigation measures to come. If there will be new parks in the future, is land set aside for its future development? Would the project pay the fee instead? What are the provisions for the how those fees will be used? Would those fees be

used in the project area for new public parks or improvements to existing parks? We contend that if there are no new public parks planned, the fees need to be used within the project area and surrounding open spaces to meaningfully reduce the local impact to a less than significant level.

The discussion of impacts to recreation in Section 3.12 is concerning. The section seems to state that because the project includes 15 acres of "recreational open space", most of which is not for public use, and a one-mile "on-street" bicycle facility, the "the proposed parks and open spaces would absorb a substantial part of the demand for parks and recreational facilities by new residents, employees, and visitors, as well as that of nearby residents and users.". The requirement is actually for approximately 39 acres open space and parks which is not being met by the project. The section also seems to state that there is room for improvement in the Guadalupe Gardens, which could also help meet the need. We agree and would welcome Google's active participation in the development of the 120-acre Guadalupe Gardens Master Plan area.

Whichever direction the project decides to pursue (new parklands or payment of fees), the documents need to reflect that direction and plan for those mitigation measures. We look forward to working with Google to ensure that this required element of the project is adequate and successful.

Response T.2

As discussed on Draft EIR page 3.12-43 in Section 3.12, *Public Services and Recreation*, the proposed project would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance (Municipal Code Chapters 19.38 and 14.25) and require either dedicating land to serve new residents, constructing new park or trail amenities, or paying fees to offset the increased costs of providing new park facilities for new development. However, as explained in Response R.4, the General Plan's population-based service level objective for open space represents a goal, not a requirement, and the City does not use it as a threshold for determining the significance of an impact under CEQA. The proposed project's obligation may be met by dedicating land for parks and/or trails, and also through receipt of credits from improvements to parks and trails that are dedicated to the City. Please refer to Responses R.4 and S.18.

Comment T.3

Park and Trail Design

Again, the level of detail in the document makes it extremely difficult to determine where actual parks will be located or what their specific designs entail. Figure 2.9 of Appendix M only shows "high" and "low" levels of "active use areas". We would need more detail for this important element of the project, which is critical to allow for a determination of whether the project is consistent with the recently released ActivateSJ Strategic Plan, which includes the City's vision for parks in the City as well as guidelines for the design and development of new parks.

We support trail connections along Los Gatos Creek, but we observed that those connections appear to be on-street and cannot be considered to be open space areas. We would like any future planning for trails and trail connections to focus on trails actually along the River and Creek. Further, we would support an evaluation to determine whether a trail connection could be constructed as part of the re-construction of the vehicle bridge over Los Gatos Creek to allow an on-creek trail.

Response T.3

Section 2.9 of Draft EIR Appendix M (Downtown West Design Standards and Guidelines) provides a high-level overview of the proposed open space and parks.[126] The impacts from construction and operation of the proposed open space and parks are analyzed in the DEIR. Parks that will be dedicated to the City would be constructed according to City standards and requirements.

The proposed project includes the development of a segment of the Los Gatos Creek Trail from north of West San Carlos Street to Park Avenue, through the project's Los Gatos Creek Park, as well as another extension of the Los Gatos Creek Trail on the east side of the Creek from the VTA light rail tracks to West Santa Clara Street. The project analyzed in the EIR includes an on-street connector between these segments and maintains the existing at-grade crossing along Autumn Street to connect pedestrians and cyclists to the project's Los Gatos Creek trail extension. This on-street connection is not included in the project's open space areas. Additional on-creek trail connections are noted and will be shared with the City as part of a longer-term plan, as indicated in the ongoing DSAP amendment process.

It is the City's long-term vision to have the Los Gatos Creek trail be fully off-street. Please refer to the draft amended Diridon Station Area Plan for more information about the Los Gatos Creek Trail long-term vision.[127]

Comment T.4

Riparian Setback and Riverfront Design

We feel strongly that riparian corridor setbacks cannot be counted towards the project's parkland requirement. These very sensitive wildlife and vegetation habitats are protected by the City's Riparian Corridor Policy. While the policy allows reduced setbacks Downtown rather than the City-wide standard of 100 feet, the priority of these areas must be to preserve and maintain the health of the corridor and reduce the potential for impacts to bird and aquatic species due to poor water quality, excessive noise, and human intrusion both in the long-term and during construction.

[126] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[127] See the City's Diridon Station Area Plan webpage for additional information concerning the DSAP amendment process: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/area-plans/diridon-station-area-plan.

The GRPC supports the development of the project site; however, it appears from some of the materials in Appendix M, that some of the future buildings along the Guadalupe River and Los Gatos Creek will put their "backs" to the River and Creek. Again, from the plans, it is very difficult to determine if this is the case. In order for a creek trail system to be inviting and activated, workers and residents must have appealing and convenient access to it. Loading docks, trash dumpsters, and other "back-of-house uses must be located away from the creek and trail due to their noise and intrusion impacts. Building frontages and public and private spaces have an opportunity to embrace both Los Gatos Creek and the Guadalupe River. We recommend the project team seriously consider elements of *Envision San José 2040 General Plan* – Goal PR-5 – Grand Parks, and the *Guadalupe River Park & Gardens Urban Design Guidelines* (2003) for development in proximity to the Guadalupe River, particularly between Santa Clara and San Fernando Streets.

We can find no project objective that supports limiting impacts to the riparian corridor habitat, and inclusion of bird safe design features. We highly recommend that such objectives be considered to better allow an accurate comparison of project alternatives. We fully support the use of bird safe design as required by the City of San José and the American Bird Conservancy. We support the "stepping back" of buildings from the riparian corridors to reduce these impacts.

Response T.4

Connection to existing natural elements in the project site, including the riparian corridors, is a key element of the project vision. Buildings and parks near the riparian setbacks are not intended to be designed with their back facing the project or the creek or river. The project applicant would not receive parkland obligation credit for riparian setbacks or portions of the riparian corridor on the project site. Rather, these areas would be part of the project's privately owned, publicly accessible open space and would not be referred to as parkland.

The Downtown West Design Standards Guidelines (Section 5.17) include specific standards and guidelines for buildings located adjacent to the Los Gatos Creek riparian corridor, including bird-safe design Standard 5.17.5, which was added subsequent to publication of the Draft EIR.[128] This standard would supplement Standard 4.4.2b of the Downtown Design Guidelines—which requires bird-safe façades proximate to riparian corridors where the façade is 50 percent or more glass—by expanding the bird-safe façade requirement to façades with less than 50 percent glazing if they have uninterrupted glazing segments larger than 24 square feet. Please also refer to Chapter I, *Introduction*, and Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*, where it is explained that the project applicant has revised the project since publication of the Draft EIR to increase the Los Gatos Creek riparian setback.

[128] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment T.5

Noise Impacts to the Riparian Corridor and Adjacent Parkland

As project construction is anticipated to extend for many years, we need more clear recommendations on how noise impacts will be addressed, particularly as it relates to its impact on riparian wildlife, and for various events hosted in Arena Green. Coordination and a noise mitigation process is needed to ensure that Arena Green remains a flexible and desirable location for events and festivals. Limiting construction noise, particularly in the evening, will not only benefit the nearby residents, but also allow for the local wildlife periods of respite as they migrate to and through the riparian corridor.

Aesthetic treatments of noise barriers should also be considered. To ensure that the walking and biking experience of the trail and connecting sidewalks is inviting during the construction period, we recommend barrier treatments such as artwork, education posters, timed spotlights, and a Guadalupe River Park map to encourage trail use throughout the construction period.

Response T.5

Potential construction-related noise impacts to riparian habitat were analyzed in Impact BI-2 based on the project information currently available. Noise effects on the riparian corridor are expected to be less than significant due to compliance with General Plan Policy EC-1.7 (requires noise reduction devices on construction equipment and, for projects lasting longer than 12 months such as the proposed project, a construction noise logistics plan) and Standard Condition of Approval NO-1 (requires generally limiting construction to daytime hours, constructing noise barriers, prohibiting unnecessary idling of internal combustion engines and a number of additional construction noise reduction measures as described in the Draft EIR Section 3.10, *Noise and Vibration*). As further confirmed in Response K.50, work in riparian corridors will only occur during daylight hours. For demolition, construction, and renovation on the blocks closest to the riparian corridor (Blocks E1, E2, E3, G1, H2, H3, H5, and H6, as the block configuration is revised herein), mitigation measures are included to avoid construction-related noise (and lighting) impacts on nesting birds and bats. If building plans provide new details that need to be analyzed further or require changes to the mitigation measures, City staff will identify these in the Conformance Review process and supplemental environmental review will be required; refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*.

Furthermore, Mitigation Measures NO-1a, Operational Noise Performance Standard; NO-1b, Traffic Noise Impact Reduction; and NO-1c, Master Construction Reduction Plan, would mitigate noise caused by project construction and operation that could impact the vicinity of the project, including Arena Green. To the extent the comment addresses aesthetic impacts relating to noise barriers, the comment does not address the adequacy or accuracy of the Draft EIR; therefore, no response is required under CEQA. However, the comment will be forwarded to the decision-makers, including the City Council, for consideration in their deliberations concerning approval of the proposed project. It is noted that Arena Green is physically separated from the project site by the SAP Center on the west and by the approximately 100-foot width of West Santa Clara Street on the south, both of which would serve to reduce potential construction noise

within this area of the Guadalupe River Park. Moreover, because project Block E is anticipated to be developed early in the project's construction phase, those new buildings would further serve as a noise barrier between Arena Green and construction on the remainder of the project site.

Comment T.6

Shadow Impacts

Section 3.9 of the DEIR (Land Use) includes an analysis of how the proposed 180- to 209-foot-tall buildings will shade existing parks and publicly accessible open spaces. The analysis states:

> "the maximum effect of the proposed project would increase the area shaded by 3.5 percent of the park area, at 3 p.m. on the winter solstice. At the other times analyzed, the increase in the area of Guadalupe River Park shaded would range from 0 percent to 1.8 percent. Because shadow cast by the proposed project would amount to less than 10 percent of the area of Guadalupe River Park at all times analyzed, the impact would be less than significant."

We are unsure if this determination of "less than 10 percent" is comparing the impact to the entire Guadalupe River Park (over 11.5 million square feet), or only to Arena Green (slightly over 653,000 square feet). McEnery Park is also part of the Guadalupe River Park open space network, yet was considered to be a stand-alone park that was qualitatively evaluated. If the entire river park was considered, the percentage is significantly diluted and the analysis incorrect. Direct impacts to Arena Green, a stand-alone park, must be evaluated for a significant shadow impact. Arena Green requires a complete quantitative analysis of its very own to evaluate significant impacts. As the only major green space in and around the project area, shadow impacts to Arena Green would have a significant impact to how residents, workers, and visitors use the site, and affect its viability as an event space in the future.

Additionally, the cumulative impacts of the project with the previously approved development on the San Jose Water Company property must be evaluated; however, we cannot find this discussion in the DEIR.

Response T.6

Consistent with the City of San José's shadow analysis procedures under CEQA, as disclosed in the Downtown Strategy 2040 EIR, shadow was quantified for six major public open spaces (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park), but not separately for Arena Green. Since Arena Green is part of the Guadalupe River Park, shadow impacts on Arena Green were included in the quantitative analysis of shadow on the Guadalupe River Park in Table 3.9-4, *Summary of Proposed Project Shadow on Guadalupe River Park*, Draft EIR page 3.9-48. Therefore, no further analysis is required in response to this comment. For information, it can be seen in Draft EIR Appendix L, Shadow Analysis, that project shadow on Arena Green would be relatively minimal between the hours of 10:00 a.m. and 3:00 p.m. except around the winter solstice in December. At this time of year, the project would shade more than 10 percent of Arena Green. However, because Arena Green is not evaluated as a separate park pursuant to the City's approach to shadow analysis, this conclusion does not rise to the level of a significant impact. As stated in Response R.12, the shadow analysis

assumed a worst-case scenario, assuming all new project buildings would reach the maximum allowable height (180–290 feet) and would cover the entire footprint of each block on the project site, without required building setbacks at upper stories.

This comment also suggests that previously entitled development at the San Jose Water Company site (374 West Santa Clara Street) should be evaluated as a cumulative project in the shadow analysis. As described on page 2-19 of the Draft EIR, the previously approved development on the former San Jose Water Company site is no longer being pursued as a separate project. Instead, the property is incorporated into the project site and would be developed with residential uses as part of the proposed project. Because the shadow analysis in the Draft EIR analyzes the impacts from development of buildings up to 280 feet in this location, the analysis includes all reasonably foreseeable shadow impacts from development on this site given that the previously entitled development at this site is no longer being pursued as a separate project. No further analysis is required.

Comment T.7

Local Transportation Impacts

GRPC is encouraged by the proposed improvements that will allow trail connectivity. We believe that these improvements will make the trail more accessible to local workers and residents and increase bicycle commutes. Again, we are assuming that trail access and thorough travel will not be adversely affected, however, the site plan makes it difficult to determine. The project also includes a new footbridge over Los Gatos Creek, which we welcome as it appears that the bridge will be clear span and any impacts to the riparian corridor will be mitigated. We do want to be sure that the new bridge will allow public travel by both pedestrians and bicyclists.

Response T.7

As explained in the Draft EIR beginning at the bottom of page 2-15, all project open spaces, including trails through those open spaces, "would be intended to improve pedestrian spaces and enhance connectivity to regional transit available in the immediate vicinity (Caltrain, ACE trains, planned BART service, and proposed high-speed rail); enhance local pedestrian circulation; and improve bicycling linkages to Downtown San José, adjacent neighborhoods, and regional trails for residents and visitors." That is, all trails created as part of the proposed project would be publicly accessible, whether on land owned by the project applicant or land dedicated by the applicant to the City of San José.

Regarding the proposed new footbridge, this bridge would, indeed, be a clear-span structure, as stated on Draft EIR page 3.2-48. And the bridge, while intended primarily for pedestrians, would allow bicyclist use, although it would not formally be designated as a bicycle route (Draft EIR page 2-38, footnote 53).

Comment T.8

Mitigation Plan Recommendations

We believe that all planned mitigation for project impacts should be adjacent to or in proximity to the project area. The key to mitigation success in this area is enhancements to water quality and native vegetation and trees, ongoing maintenance of these corridors through invasive and plantings management, and ongoing removal of litter, illegal dumping, and other sources of trash and pollutants. We propose that all mitigation for impacts within the riparian corridor be conducted in the project area along either the Guadalupe River or Los Gatos Creek or both.

We also recommend that planting, design, and ongoing maintenance of the project area integrates the Guadalupe River and Los Gatos Creek, either through complementary plantings, opportunities for people to view/engage with the river, maintenance to remove non-native and invasive species, reduce litter from entering the waterways, and environmental awareness opportunities. These measures will connect workers, residents, and visitors to the importance and interconnectedness of the Guadalupe River and Los Gatos Creek.

Response T.8

The mitigation site performance standards described under Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, prioritize the return of native vegetation cover and no net increase in invasive vegetation cover at restoration and compensation sites. The Riparian Habitat Mitigation and Monitoring Plan described under the same Mitigation Measure will require approval of the regulatory agencies in coordination of permit issuance and will outline a planting plan, weeding/vegetation management plan, monitoring methods and schedule, and an adaptive management approach.

Regarding the comment suggesting that mitigation for project impacts be adjacent to or in proximity to the project area, Santa Clara Valley Water District has noted in its comments on the Draft EIR that Valley Water property is reserved for mitigation of Valley Water projects due to Valley Water's significant on-going mitigation needs; therefore, on-site mitigation opportunities for the Project along Los Gatos Creek are expected to be limited. However, the third sentence of the fourth paragraph of Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, Draft EIR page 3.2-51, is revised as follows (new text is <u>double-underlined</u>):

> … Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. <u>Mitigation for project impacts shall be undertaken within the City of San José and, to the extent practical, shall be adjacent to or in proximity to the project area (i.e., along the Guadalupe River, Los Gatos Creek, or other local waterway and in a location where, in the opinion of a qualified biologist, comparable riparian habitat exists or can successfully be created).</u> At a minimum, the restoration or compensation sites shall meet

the following performance standards by the fifth year after restoration or as otherwise required by resource agency permits: …

Regarding the second comment pertaining to measures that will connect workers, residents, and visitors to the importance and interconnectedness of the Guadalupe River and Los Gatos Creek, the comment does not address the adequacy or accuracy of the analysis in the Draft EIR; therefore, under CEQA, no response is required. However, the comment(s) will be forwarded to the decision-makers, including the City Council, for consideration in their deliberations concerning approval of the proposed project.

Comment T.9

Public Life & Environmental Awareness

We believe a key measure of the success of how a development benefits the local community is its ability to promote public life at the intersection of development and the River Park. We recommend that the project development team factor certain elements into the project that foster public life and inspire environmental awareness, particularly to the thousands of new workers and visitors to the development.

- Ensure physical and visual connection from the Downtown and DSAP area to our natural resource. This may be achieved through architectural interventions, planting selection, art, or other treatments to the ground floor experience;
- As the River Park is a public park, and thus, is publicly accessible; we request to ensure that the ground floor of the project area is accessible as well, especially during park hours;
- Where possible, increase the amount of bike parking, bike repair features, and strategically located public seating (particularly when a view of the river is available). The latter ensures that users of all ability-groups and ages have a comfortable experience exploring the Guadalupe River Park;
- Incorporate native plantings and informational signage within the ground floor project boundary to highlight elements of the River Park, Los Gatos Creek, and local ecology;
- Contribute capital and maintenance capacity improvements to Arena Green that supports increased use from new workers and visitors to the development, and enhance the quality of life to the nearby community.

Response T.9

The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no response is required. However, the following information is provided for consideration. The project has been planned with special consideration of its adjacency to riparian areas and existing park networks, and builds on the existing circulation network by adding to the Los Gatos Creek Trail and building upon City plans to extend the bike network. Gateway Plaza is planned as an open space that frames the Water Company building as well as creating relief in the urban fabric for connectivity to Arena Green, a part of the Guadalupe River Park.

The proposed project's ground floor is conceived in concert with its open space network, to ensure lively street-level activation. The Downtown West Design Standards and Guidelines

would require certain minimum active ground-floor areas, including along the blocks immediately adjacent to or fronting Arena Green, a part of the River Park. The Downtown West Design Standards and Guidelines would also incorporate standards relative to native planting palettes as well as wayfinding and signage.

Comment T.10

Social Equity for Park Accessibility

The project will create many benefits to nearby neighborhoods and businesses, and these benefits should also be enjoyed by those currently living and working in our community. We also believe that doing so would provide more benefits to the project, particularly for the food and retail establishments, and the park, through increased connection of diverse neighborhoods.

- Signage directing community members to and through the project and to the Guadalupe River Park or Arena Green should be in multiple languages (minimum Spanish, Vietnamese, and English);
- As part of the project's private security portfolio, we recommend contracting with homeless service case managers, and partnering with the City's park rangers to address the complex conflicts that may occur in this area;
- Consider opening up space to host local nonprofits, neighborhood meetings and events, and storage for local events and river/trail clean ups, to facilitate ongoing community capacity building and park stewardship;
- Consider retail and commercial options that serve building tenants, the local community, parks and trail users, and programs that connect the tenants, neighbors, and River Park.

Response T.10

The comment does not address the adequacy of the Draft EIR; therefore, no response is required. However, it should be noted that the team appreciates the feedback, and is committed to broad accessibility in the project's open spaces. The project's open space objectives, as described in the Downtown West Design Standards and Guidelines, include supporting "a vibrant and inclusive public realm" and "improv[ing] access" to recreation. This is further described in the project's draft Development Agreement, which sets forth requirements related to public access of privately owned open spaces, including allowing members of the public "to enjoy the park during the hours of operation" and "to enjoy and participate in public, community curated events that do not require payment." The project's intent is further described in the project's Social Infrastructure Plan, which states that the ground floor of the project's buildings would "mak[e] room for the local nonprofits, creators and businesses who reflect San José's diversity" through "a range of affordably sized spaces, pop-up and incubation opportunities." More details will be developed as the project progresses.[129]

[129] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines, the draft Development Agreement, the Social Infrastructure Plan, and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

U. Law Foundation of Silicon Valley (12/8/20)

Comment U.1

The Law Foundation of Silicon Valley provides comments to the Google EIR. Specifically, the Law Foundation wishes to address the inadequacy of the EIR's analysis of potential indirect displacement as a result of the Google development. We request that the City reanalyze the environmental impacts of the potential displacement that the Google development will have, in order to fully access the mitigation measures necessary to address the indirect displacement.

We are strongly concerned that the EIR concluded that there would be no substantial indirect displacement given that the Google Project will bring nearly 30,000 jobs to the Downtown Core, and, as the EIR predicts, potentially 80,000 related jobs to the Downtown Core.[1] Without adequate housing commitments, it is a foregone conclusion that there will be people who live in San José who will be displaced by this development. The sweeping conclusion that no indirect displacement will occur is based on many assumptions made in the EIR without data to support those allegations. Given the massive size of the Project, we are troubled that the EIR concludes that there will be no indirect displacement as a result of the project.

Specifically, the EIR assumes that many of the construction and Google jobs will be held by San José residents, or that transportation will exist to get to support residents who live out of San José. There is no data to support that the near 30,000 Google jobs will be filled by people who already live in San José, or that the construction jobs will be held by those that live in San José. The EIR has no information about Google employees, and whether Google hires locally or outside the area. It is well-known that the growth of tech companies has led to displacement in Silicon Valley. To conclude bringing a huge campus of over 30,000 employees in a community where there is already a lack of affordable housing will not lead to displacement is troubling and unsupported by the data provided in the current EIR.

While we acknowledge that Diridon is a transportation hub, there is no information in the EIR that supports that individuals either working at Google or in jobs created by Google will be able to use public transportation for commuting, especially given the fact that Google has only committed 5000 homes in the Downtown core area. The lack of public transportation options is especially stark for low-income communities in San José who are facing displacement into the Central Valley. There is no analysis in the EIR about whether those residents who are being displaced will be able to affordably use transit options from Diridon to the Central Valley.

Additionally, there are assumptions that both Google's housing commitment and the City's Anti-Displacement policies will mitigate any potential displacement. First, despite the City's efforts, the City is well below its RHNA obligations for low, very-low, and extremely-low

[1] DRAFT EIR, 3.11-22.

income families.[2] The EIR specifically states that the project represents 37% of job growth predicted in San José, but only 4.8% of the housing unit growth.[3] While the City is certainly planning for additional housing, given that the City continues to fall below its RHNA obligations for affordable housing at low, very-low, and extremely low levels, the EIR is making a huge assumption that enough housing will be built to mitigate the impact of that many new jobs created in the Downtown core. The EIR should look at the feasibility of housing development at all affordability levels in determining whether or not the influx of at least 30,000 workers in the Downtown core will conclusively be mitigated.

Therefore, we ask the City to reconsider the indirect impacts of displacement at Diridon in its EIR. We welcome the opportunity to discuss these comments with you further by contacting me at Nadia.aziz@lawfoundation.org or (408) 280-2453.

Response U.1

The Draft EIR (page 3.11-21) estimates direct and indirect job growth likely to occur as a result of the project, noting two things:

- Many of the approximately 31,000 new jobs on site and the 80,000 indirect and induced jobs by project employment could be filled by existing residents of San José or the larger Bay Area, and
- Any of the new jobs that are filled by employees who are new to the region, would result in new housing demand.

The first statement indicating that many permanent indirect and induced jobs created as a result of the project could be filled by people who already reside in San José or the region is a reasonable one, particularly given job losses attributable to the COVID-19 pandemic.

With respect to local hiring, the project applicant has indicated that it would make deliberate efforts to create onsite employment opportunities for local residents, workers, and businesses. The opportunities include but are not limited to:

a) targeting 30 percent local hire of all new on-site construction employment opportunities and working with on-site commercial building services vendors to promote local hire for open positions

b) hosting career development workshops targeted at economically disadvantaged communities and underrepresented workers;

c) encouraging vendors that provide services to Google to notify local workforce agencies when hiring for positions that service the commercial office buildings;

d) targeting 10 percent of the total cost of all commercial office construction contracts to be awarded to qualified local and diverse contractors, subcontractors, suppliers and/or consultants, and promote with local and diverse businesses contracting opportunities for ongoing operations services (e.g., maintenance, janitorial, landscaping, security, etc.) to the project commercial buildings; and

[2] Housing Element Progress Report, 2019, available at https://www.sanjoseca.gov/home/showpublisheddocument?id=56616.
[3] DRAFT EIR 3.11-20.

e) hosting an annual construction fair to bring together prime/general contractors in an effort to increase diversity and inclusion on major construction projects including informational sessions targeted to local and diverse businesses interested in providing goods and services to the project commercial buildings.

The Draft EIR's indirect and induced employment projection is based on analysis by Economic and Planning Systems Inc. (EPS); the EPS report cited in the Draft EIR (footnote 51, page 3.11-21) projects that these more than 80,000 indirect and induced jobs would be created in Santa Clara County; hence, it is reasonable that many would be created in San José, which is the county's (and the Bay Area's) largest city. Importantly, however, the Draft EIR does not attempt to quantify the number of jobs that would be filled by San José residents, because this would depend on economic conditions at the time the jobs are created, as well as the nature of the jobs, the qualifications of likely job applicants, and other factors. Nonetheless, it is safe to assume that *at least some* of the new jobs will be filled by people who reside in San José or within a commutable distance, such that they would not contribute to the demand for new housing. This assumption is not only supported by the applicant's proposal to build new housing units on the site, including some housing units that are deed-restricted as affordable, but also by the project site's location at a major transportation hub, the applicant's commitment to transportation demand management (TDM) measures, including potential subsidies, to encourage transit use (Mitigation Measure AQ-2h), and the diverse and talented workforce residing in the region.

The second statement indicating that employees who are new to the region would result in new housing demand prefaces a discussion of indirect displacement, for which the Draft EIR also provides context in the form of a description of socioeconomic trends (page 3.11-8), and a discussion of direct displacement (page 3.11-23). The Draft EIR's discussion of indirect displacement starts on page 3.11-23 and does not conclude that "there would be no substantial indirect displacement" as suggested by the commenter, or that the proposed housing and the City's anti-displacement policies "will mitigate any displacement." Instead, the discussion concludes that it would be speculative to determine with any specificity the amount of indirect displacement that could or would occur as a result of the proposed project because the impacts of one project cannot reasonably be segregated from ongoing regional trends and larger economic challenges. A technical memo (Appendix N2) and multiple citations are provided in the Draft EIR to support this discussion and its conclusion.

The Draft EIR explains that it is more appropriate to plan for new jobs and housing and address potential displacement on a citywide or regional level rather than at a project scale (page 3.11-25), while noting the city's recent track record for housing production in downtown (page 3.11-4), and observing that the project supports the City's goals as stated in the General Plan, DSAP, and Downtown Strategy 2040 to shift the City from a housing-rich to jobs-rich by increasing the ratio of jobs to housing (Draft EIR page 3.11-25). Examining the feasibility of housing development at a citywide scale as suggested by the commenter would be one such planning exercise and is beyond the scope of CEQA. The Draft EIR explains (page 3.11-26) that the relevant inquiry from a CEQA perspective is whether there are reasonably foreseeable secondary, *physical* effects of indirect displacement, such as additional VMT or GHG emissions. However, attributing a certain amount of indirect displacement to a specific project and then

attributing the secondary impacts of that displacement to that project would be speculative and thus no further analysis is required (CEQA Guidelines Section 15145).

Despite the Draft EIR's well-supported conclusions regarding indirect displacement, the analysis of cumulative impacts concludes (page 3.11-27) that by contributing to job growth called for in the City's General Plan and helping to achieve the City's goal of a jobs-to-housing ratio of 1.1, the project would contribute to a significant unavoidable cumulative impact related to the citywide jobs/housing imbalance identified in the 2040 General Plan EIR. No mitigation measures are available to lessen the project's contribution to this impact, although several alternatives presented in Draft EIR Chapter 5, *Alternatives*, would do so.

Increasing the amount of housing proposed under the project as suggested by the commenter could reduce or eliminate the project's contribution to the citywide jobs housing imbalance significant impact. However, the addition of new housing would generate other issues. Specifically, it would not be consistent with the City's goals of increasing the ratio of jobs to housing as expressed in the General Plan, the DSAP, and the Downtown Strategy 2040, and increasing housing as part of the project as well as other proposed project uses would be difficult or impossible to accommodate under existing height limits, and would increase the severity of significant impacts identified in the air quality and noise sections of the Draft EIR (Draft EIR pages 5-18 and 5-19).

It should be noted that the project proposes substantially more housing than under the approved 2014 DSAP and the previously approved project on the San Jose Water Company site, in which the area encompassing the Downtown West project site would have permitted and accommodated up to 625 dwelling units and up to 4.9 million gsf of office (Draft EIR page 5-23). Instead, the proposed project would deliver up to 5,900 units of housing consistent with the terms of the MOU, which established a goal for 25 percent of the housing units delivered within the Diridon Station to be affordable housing (Draft EIR page 2-14). The project applicant is working closely with the City to develop the affordable housing package and City decision-makers will ultimately decide on the number of units (not to exceed 5,900), the percent of the units that will be affordable, and the level of affordability required. The project's affordable housing commitments are specified in the draft Development Agreement, to be provided to the City decision-makers for approval concurrent with other project approval actions. As stated in EIR Section 2.14, *Development Agreement*, added herein in this First Amendment (refer to Chapter 4, Revisions to the Draft EIR), the draft Development Agreement for the proposed project sets forth a combination of mechanisms, such as land dedication, moderate-income inclusionary housing units, development fees, and other funding sources for affordable housing production and preservation within the boundaries of the Diridon Station Area Plan, as well as voluntary contributions by the project applicant to benefit affordable housing.[130]

[130] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

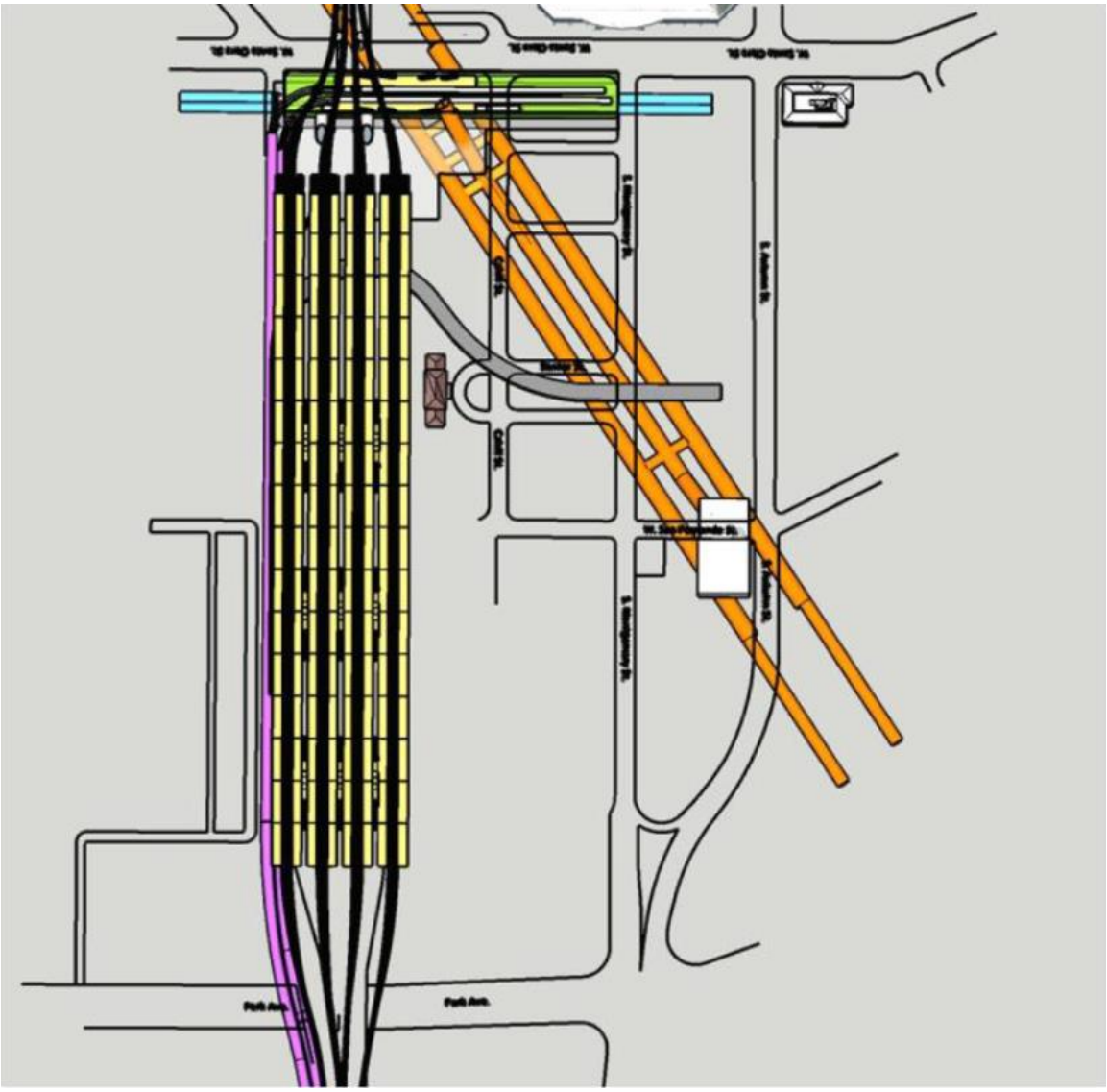
V. Roland Lebrun (12/8/20)

Comment V.1

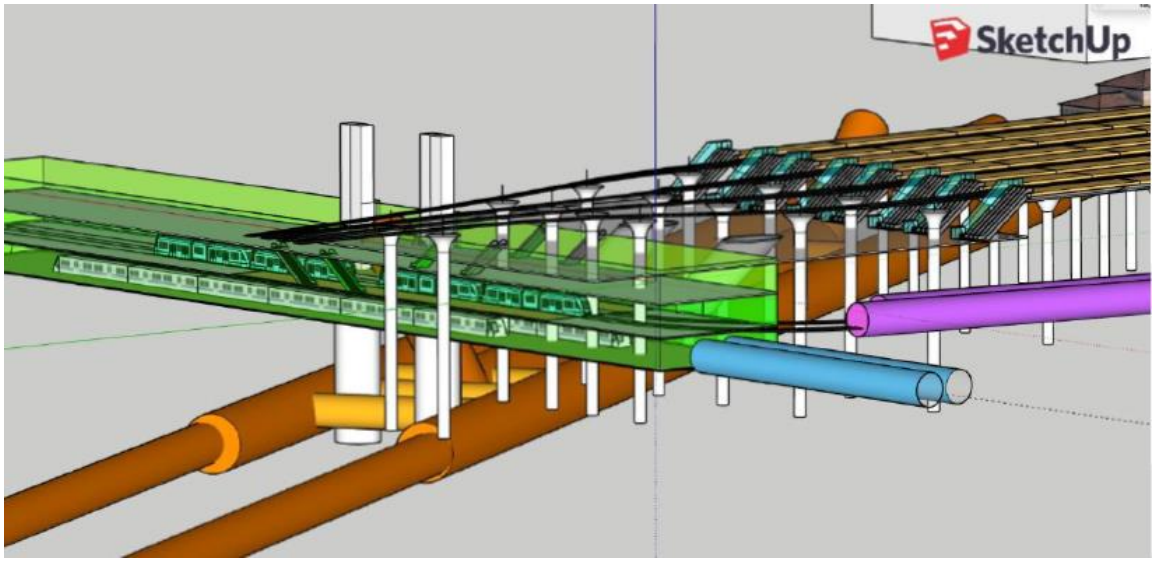
Further to my November 22nd 2019 scoping comments https://www.sanjoseca.gov/Home/ShowDocument?id=65095 (page 69), thank you for the opportunity to comment on the Downtown West DEIR with the introduction of a station configuration alternative designed to eliminate conflicts, including the requirement to demolish the Southern Pacific depot Main Building Landmark.

The proposed elevated station will have 6 main entrances (3 on each side):

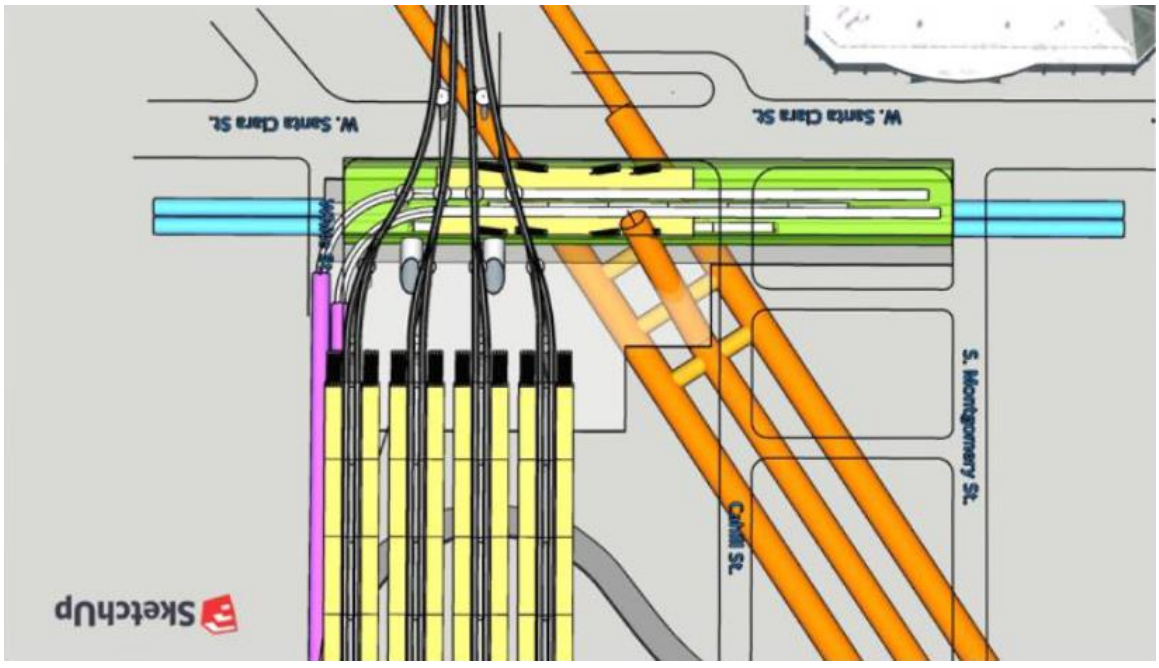
- Santa Clara (public transportation)
- Paseo de San Fernando (active transportation)
- Park (private transportation)



Construction phasing will start with the relocation of the light rail tracks to a tunnel (purple) between Sunol and White Street to the light rail (yellow) platforms located between the concourse and the BART (green) platforms (this configuration is similar to the MUNI Embarcadero station).

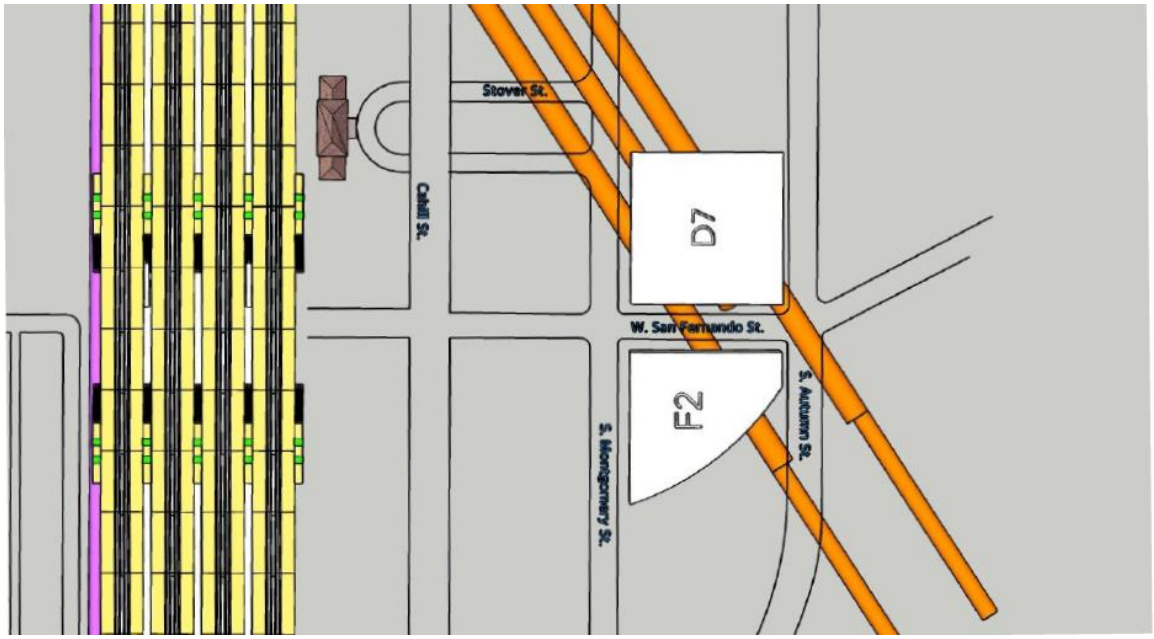


Next, the two west-most heavy rail tracks and platforms will be raised above the area currently occupied by the light rail station and tracks.



Please note that the extended heavy rail platforms will be centered between Park and West Santa Clara to eliminate conflicts with Parcels A, B & C. Additionally, the number of elevated station tracks will be reduced from 10 (or 11 as currently proposed) to 8 to eliminate throat expansion(s) beyond the existing right of way.

The 9th and 10th tracks will be located underground, one on each side of the future Airport connector concourse (orange). This concourse will connect to the West Santa Clara BART/LRT concourse (above) and a southern entrance at the West San Fernando/Autumn intersection (within building F2 and/or D7).



Response V.1

In his scoping comments, the commenter made a number of remarks about the project's proposed street network changes and recommended that the project incorporate into one of its buildings at West San Fernando Street and Barack Obama Boulevard (formerly South Autumn Street) an entrance to a potential future transit connection to Mineta San José International Airport. The City of San José, along with the cities of Cupertino and Santa Clara and the Valley Transportation Authority (VTA), have been exploring the potential for such a potential future airport connector; however, there is no selected design or identified funding source at this time. The commenter also recommended that the proposed project utilities be coordinated with the airport connector.

The comment presents an alternative configuration for heavy rail (Caltrain, ACE, Capitol Corridor, Amtrak, and Union Pacific Railroad) and light rail (VTA) tracks to that included in the Diridon Integrated Station Concept (DISC) Preferred Layout that is discussed on Draft EIR page 2-10 (as revised in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment). The comment also includes the commenter's previous recommendation that the project incorporate into one of its buildings an entrance to the potential future airport connector. The comment is largely directed at the separate DISC process and does not address the adequacy or accuracy of the Draft EIR. Accordingly, no additional response is required.

W. PG&E (12/8/20)

Comment W.1

Pacific Gas and Electric Company (PG&E) appreciates the opportunity to review the Google Draft Environmental Impact Report (DEIR) for the Downtown West (Google) Project. PG&E provides additional details and comments regarding the PG&E work that will be needed to interconnect and serve electricity to Google's project. The Downtown West (Google) Project is expected to require new transmission-level or distribution-level electric service and upgrades to existing electrical utility facilities. Two options for service are presented in the DEIR.

Since PG&E's facilities are under the jurisdiction of the California Public Utilities Commission's (CPUC), PG&E will need to seek separate authorization from the CPUC in order to construct the necessary upgrades. Permitting for the construction of transmission facilities under CPUC jurisdiction can take a considerable amount of time; however, the CPUC's General Order 131-D provides utilities an exemption from CPUC permit requirements for certain projects that have undergone environmental review by another agency as part of a larger project, such as the Downtown West (Google) Project, and have found less-than-significant impacts from construction of PG&E's facilities. For projects that qualify for the exemption, a much shorter noticing process is required.

To avoid delays and added costs in the CPUC permitting process, PG&E recommends adding the following information to the Google project's environmental analysis in an effort to qualify the interconnection work for an exemption from CPUC permitting. Because the CPUC has control over its own permitting practices, however, PG&E makes no representations as to the adequacy of this information for purposes of CPUC permitting or exemptions.

A. Expected Electric Service

As noted above, two options for service are presented in the DEIR. While both options are discussed in most sections of the DEIR, only the first option is mentioned at page 3.4-20 in the DEIR's Energy chapter. The second option should be added to the analysis in this chapter.

The following paragraphs provide additional detail concerning the two options:

Option 1: New 115 kV switching station dedicated to Google

- **Switching Station:** PG&E would construct a new switching station, dedicated to Google's project, with a 115 kV bus and control room. The 115 kV bus and control room would be housed in a new building located on property within the Google development with adequate land and access rights. The new building is proposed to be approximately 80 feet x 100 feet x 35 feet tall with a basement. It is anticipated to be located next to the Google substation.
- **PG&E 115 kV Transmission Lines:** The switching station would receive 115 kV power from PG&E's El Patio-SJ Station A 115 kV Transmission Line, which would be extended and looped into and out of the proposed switching station building through a new 115 kV bus. The existing overhead transmission line from El Patio Substation would transition from overhead to underground near West San Carlos Street and

enter the basement of the PG&E building. The existing overhead transmission line from San José Station A would transition underground at or near the southern property line of Station A and also enter the basement of the PG&E building. It is anticipated that the underground routing of the circuits would follow the existing overhead routes until both turn eastward towards the PG&E switching station. PG&E will require equivalent land rights for the underground circuits.

At Google's request, PG&E would place approximately 1,500[1] feet of the existing SJ Station A – SJ Station B Transmission Line underground starting just north of Station A and transitioning back overhead at the northern Project Area boundary. PG&E will require equivalent land rights for the underground circuits.

At the locations where the existing overhead transmission lines transition to underground, a steel monopole transition structure will be required for each circuit. During the final design phase, PG&E will determine if communication and system protection equipment will be required at any or all transition structures.

The heights of the transition structures will vary as necessary to maintain required ground to conductor clearances. The heights of the two existing towers at West San Carlos Street and at the southern property line of SJ Station A are 135 feet and 90 feet respectively. The heights of the two existing power poles on the SJ A-SJ B lines are 51 feet and 82 feet. The new transition poles will likely have roughly similar heights to the existing structures they replace. The transition structures will require reinforced concrete pier-type foundations approximately six to eight feet in diameter. If communication and system protection equipment are required, a fenced area of approximately 50 feet by 50 feet may be required at any or all the transition structures.

- **115 kV Transmission Lines to New Development:** Two new 115 kV circuits would be constructed from the switching station to provide electrical power to the adjacent Google-owned substation. At the Google substation, transmission-level voltage would be reduced to distribution level to serve the new development. The proposed design is to route these circuits from the basement of the PG&E building underground into the adjacent Google substation.

  Minor modifications within the existing El Patio and San José Station A substations would be required to support the project.

Option 2: Equipment replacement at PG&E's San José Station A

- **Station A:** PG&E would replace the 115 kV, 12 kV and 4 kV buses, three existing transformers, and the existing control room within the existing substation property. The new 115 kV bus and control room would be housed in a new building, and the new 12 kV and 4 kV buses would be housed in metal-clad switchgear buildings. The transformers would be located on outdoor concrete pads. No new property would be required.
- **PG&E 115 kV Transmission Lines:** Station A would continue to be fed from both the El Patio and San José Station B 115 kV lines. Substation modifications would be required to align the circuits with the new equipment, and temporary transmission line reroutes would be needed for PG&E to complete construction while continuing to supply electric service to customers in the area.

  As described under Option 1, the existing SJ Station A-SJ Station B line would be placed underground between Station A and the northern Project Area boundary, a distance of approximately 1500 feet. New transition structures, related equipment,

[1] Please note that the DEIR indicates "approximately 1,300 feet" (see, e.g., DEIR at 2-57), but PG&E has determined that 1,500 feet is more likely.

and equivalent land rights for the underground circuits would be required. (See Option 1 for additional details.)

- **12 kV Distribution Lines to New Development:** Up to four 12 kV circuits would be constructed underground from PG&E's existing substation to provide electrical power to the Downtown West (Google) Project. PG&E would provide either 12kV service (primary service) that Google could step down in voltage behind the meter at the Google substation, or 120/240/480-volt service (secondary service).

Minor modifications within the existing El Patio and San José Station B substations would be required to support the project.

Option 2 has the advantage of not only serving the Downtown West (Google) Project's needs at 12 kV distribution voltage, but also increasing Station A's capacity to serve the area's forecasted increased electrical demand. In contrast, installing a new switching station dedicated to the Google project under Option 1 would serve the Google project's demand but would not increase area electrical capacity to serve other loads. As a result, Option 1 would require PG&E to construct additional facilities at Station A or elsewhere in the area to serve other area demand.

Response W.1

Discussion of the second option has been added in the Draft EIR as indicated below. The second option for the proposed electrical switching station within PG&E Station A would not have an effect on the analyzed energy impacts, which primarily assesses the Project's energy use and demand and not the infrastructure required for the transmission of electricity, which is discussed separately in Draft EIR Section 3.14, *Utilities*. As indicated in Section 3.14, impacts associated with the construction of utilities, including the options described by the commenter, would be addressed by mitigation measures included for Impact UT-1 (Draft EIR page 3.14-12).

The following change has been made on Draft EIR page 3.4-20 and is included in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment:

> Electrical power for the proposed project is expected to be provided by ~~SJCE or~~ PG&E at transmission voltage (115 kV) to a project area substation in the Southern Zone for District Infrastructure. The 115 kV electricity would be stepped down at the substation to 12.47 kV or 21 kV and distributed to the various buildings on the project site through new on-site distribution lines (i.e., a "microgrid"). Modifications to three PG&E substations for the transmission infrastructure (such as protection services) would be required, and a new electrical switching station would be installed. Alternatively, the switching station may be located within the San José A substation, allowing for direct PG&E distribution service from San José A. In this option, the project would not require a new on-site substation and switching station, and would be served with 12 kV supplies directly from San José A. San José A would be upgraded to accommodate direct distribution needs for the project. The electricity use is expected to be the same, regardless of the transmission option chosen, therefore, the following analysis applies to both options. The project is also considering the addition of up to two central utility plants to efficiently manage utility infrastructure in a centralized location. Refer to

Chapter 2, *Project Description*, for details on the existing and planned utility infrastructure.

Comment W.2

B. Comments Applicable to Either Option

1. Large-truck access to PG&E's existing substation

For either of the options presented, access for large trucks to PG&E's existing San José Station A substation would need to be retained in the City's plans. Figures 2.3 and 2.8 indicate that Otterson Street, which is the only vehicular access route into Station A, will be removed and become a pedestrian path. In order to operate and maintain the substation, PG&E requires access to Station A by trucks hauling trailers that may be 50 feet long and require a large turning radius. Adequate access to Station A for large trucks must be accommodated in any plan to remove Otterson Street.

Response W.2

Comment noted. The truck access point for Substation A would be from the new Cahill Street extension between Park Avenue and San Fernando.

Comment W.3

2. Spacing Requirements Between Underground Transmission Circuits

During the engineering phase, the routing of the underground transmission circuits will be determined. PG&E's standard utility practice requires a minimum of 15 feet between parallel circuits to prevent reliability issues due to mutual circuit heating that could impact the ratings of the cables or potential dig-ins hitting both circuits. This standard could most likely impact space and land rights requirements in two locations under Option 1: (1) the extension of the El Patio-San José A circuit into and out of the PG&E switching station and (2) the two underground 115 kV circuits extending from the proposed switching station to the Google substation.

Response W.3

Any routing of 115 kV circuits would be designed to PG&E specifications and land would be made available to allow for adequate spacing. The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed project.

X. Plant 51 Homeowners Association (12/7/20)

Comment X.1

- **Construction-Related Noise**: The DEIR correctly recognizes the environmental impact of construction- and demolition-related noise to nearby residences. In this regard, we concur that preparation of a Master Construction Noise Reduction Plan (Mitigation Measure NO-1c) is warranted. However, this plan should be prepared

now and be included as part of the DEIR so that its effectiveness and enforceability as a mitigation measure can be adequately evaluated. Moreover, the Master Construction Noise Reduction Plan should also address the following concerns so that it sufficiently mitigates potential noise impacts to our community:

- The Master Construction Noise Reduction Plan should regulate noise generated by construction of the Project's new public and private infrastructure, such as new roadways and subsurface utilities. As currently worded, the Plan would only address noise generated by construction of new buildings.
- Noise monitoring station locations should be identified now. Given our proximity to the Project Site, we believe that a monitoring station should be installed on our building so that noise that can be adequately monitored during the 10-year construction period.
- The term "extreme noise-generating activities" is undefined. Absent this term being defined in the DEIR, the enforceability of the Master Construction Noise Reduction Plan is suspect since the basis for enforcement is not established.
- The Master Construction Noise Reduction Plan indicates that the "contractor(s) shall consider means to reduce the use of heavy impact tools, such as pile driving …" There is no question that pile driving will result in excessive noise levels for Plant 51 residents since the Project's tallest buildings—those requiring pile driving—will be constructed on the parcels nearest our community. As such, instead of requiring the Applicant to "consider" alternative methods of pile installation, the DEIR should require alternative methods be implemented (i.e., pre-drilling of piles and use of wood blocks to reduce metal-to-metal contact noise).
- The applicant's selected noise complaint liaison/community liaison should be accessible by email and texting, in addition to telephone, so that a written record of complaints can be maintained and audited if not acted upon in a reasonable period.

Response X.1

The commenter makes a number of suggestions to modify Mitigation Measure NO-1c on Draft EIR pages 3.10-43 to 3.10-45. In the first suggested addition, the commenter suggests that the requirement for a Master Construction Noise Reduction Plan (MCNRP) be expanded to be inclusive of the Project's new public and private infrastructure, such as new roadways and subsurface utilities. In response to this comment, the text of Mitigation Measure NO-1c is revised as indicated below to be inclusive of the Project's new public and private infrastructure.

With regard to the second suggested addition, the commenter suggests that the entirety of the MCNRP as well as the monitoring station locations be identified as part of the Mitigation Measure. As written in the Draft EIR, Mitigation Measure NO-1c would require preparation of the MCNRP prior to the issuance of the first building permit. This allows for project specific details related to construction, such as the location of building footprints and the necessity of construction techniques (e.g., pile driving), to be fully developed so that the monitoring locations and overall applicability of the MCNRP requirements can be reasonably assessed and included in the Plan.

With regard to the third suggested addition where the commenter requests a definition of the term "extreme noise-generating activities," a footnote is added to reduction measure two in Mitigation Measure NO-1c to provide such definition, as indicated below.

With regard to the fourth suggested addition, the commenter requests that the term "require" be used instead of "consider" for alternative pile installation methods. Foundation types and their associated installation methodologies are identified as part of a building-specific geotechnical report. When a pile installation is a recommended requirement, the available methods of installation will depend on a number of factors including subsurface conditions and the required depth of support to be determined by a structural engineer. Consequently, while alternative methods of pile installation are preferable to the surrounding receptors they are not always possible or practicable. Consequently, use of the term "consider" with respect to such methods is appropriate for reduction measure nine in Mitigation Measure NO-1c.

With regard to the fifth suggested addition, the commenter requests that the noise complaint liaison/community liaison should be accessible by email and texting, in addition to telephone. In response to this comment the text of Mitigation Measure NO-1c is revised as follows to include e-mail and, if feasible, text messages for such communications (additional changes are made below in response to Comment BB.3; new text is double-underlined; deleted text is shown in ~~strikethrough~~):

Mitigation Measure NO-1c: Master Construction Noise Reduction Plan

Prior to the issuance of the first demolition, grading, or building permit for new construction within the project site or for any of the project's new public and private infrastructure, the project applicant shall prepare a Master Construction Noise Reduction Plan, to be implemented as development occurs throughout the project site to address demolition and construction ~~of buildings~~ within 500 feet of residential uses, or within 200 feet of commercial or office uses, or areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval, and implementation of the identified measures shall be required as a condition of each permit. This Master Construction Noise Reduction Plan shall include, at a minimum, the following noise reduction measures:

1. **Noise Monitoring:** The Master Construction Noise Reduction Plan shall include a requirement for noise monitoring of construction activity throughout the duration of project construction, at times and locations determined appropriate by the qualified consultant and approved by the Director of Planning, Building and Code Enforcement, or the Director's designee.
2. **Schedule:** Loud activities such as rock breaking and pile driving shall occur only between 8 a.m. and 4 p.m., every day (with pile driving and rock breaking to start no earlier than 9 a.m. on weekends). Similarly, other activities with the potential to create extreme noise levels exceeding 90 dBA shall be avoided where possible. (Extreme noise-generating activities consist of those activities that independently generate noise in excess of 90 dBA. These activities include impact pile driving, vibratory pile driving, deep dynamic compaction, rapid impact compaction, and the breaking of concrete using a hoe ram.) Where such activities cannot be avoided, they shall also occur only between 8 a.m. and 4 p.m. Any proposed nighttime (defined as 10 p.m. to 7 a.m.) construction activities,

such as nighttime concrete pours or other nighttime work necessary to achieve satisfactory results or to avoid traffic impacts, shall undergo review, permitting, and approval by the Director of Planning, Building and Code Enforcement, or the Director's designee.

3. **Site Perimeter Barrier:** To reduce noise levels for work occurring adjacent to residences, schools, or other noise-sensitive land uses, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor, a noise barrier(s) shall be constructed on the edge of the work site facing the receptor(s). Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater.

4. **Stationary-Source Equipment Placement:** Stationary noise sources, such as generators and air compressors, shall be located as far from adjacent properties as possible, and no closer than 50 feet from the Los Gatos Creek riparian corridor. These noise sources shall be muffled and enclosed within temporary sheds, shall incorporate insulation barriers, or shall use other measures as determined by the Director of Planning, Building, and Code Enforcement, or the Director's designee, to provide equivalent noise reduction.

5. **Stationary-Source Equipment Local Barriers:** For stationary equipment, such as generators and air compressors, that will operate for more than one week within 500 feet of a noise-sensitive land use, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor, the project contractor shall provide additional localized barriers around such stationary equipment that break the line of sight[footnote omitted] to neighboring properties.

6. **Temporary Power:** The project applicant shall use temporary power poles instead of generators, where feasible.

7. **Construction Equipment:** Exhaust mufflers shall be provided on pneumatic tools when in operation for more than one week within 500 feet of a noise-sensitive land use, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor. All equipment shall be properly maintained.

8. **Truck Traffic:** The project applicant shall restrict individual truck idling to no more than two consecutive minutes per trip end. Trucks shall load and unload materials in the construction areas, rather than idling on local streets. If truck staging is required, the staging area shall be located along major roadways with higher traffic noise levels or away from the noise-sensitive receivers, where such locations are available.

9. **Methods:** The construction contractor(s) shall consider means to reduce the use of heavy impact tools, such as pile driving, and shall locate these activities away from the property line, as practicable. Alternative methods of pile installation, including drilling, could be employed if noise levels are found to be excessive. Piles could be pre-drilled, as practicable, and a wood block placed between the hammer and pile to reduce metal-to-metal contact noise and "ringing" of the pile.

10. **Noise Complaint Liaison:** A noise complaint liaison shall be identified to field complaints regarding construction noise and interface with the project construction team. Contact information inclusive of a telephone number (including for text

messages, if feasible) and e-mail address shall be distributed to nearby noise-sensitive receivers. Signs that include contact information shall be posted at the construction site.

11. **Notification and Confirmation:** Businesses and residents within 500 feet shall be notified by certified mail at least one month before the start of extreme noise-generating activities (to be defined in the Construction Noise Reduction Plan). The notification shall include, at a minimum, the estimated duration of the activity, construction hours, and contact information.
12. **Nighttime Construction:** If monitoring confirms that nighttime construction activities substantially exceed the ambient noise level (to be defined for receptors near each nighttime construction area in the site-wide Master Construction Noise Reduction Plan) and complaints occur regularly (generally considered to be two or more per week), additional methods shall be implemented, such as installing additional storm windows in specific residences and/or constructing additional local barriers. The specific approach shall be refined as the construction activities and noise levels are refined.
13. **Complaint Protocol:** Protocols shall be implemented for receiving, responding to, and tracking received complaints. A noise complaint liaison shall be designated by the applicant and shall be responsible for responding to any local complaints about construction noise. The community liaison shall determine the cause of the noise complaint and require that measures to correct the problem be implemented. Signage that includes the community liaison's telephone number shall be posted at the construction site and the liaison's contact information shall be included in the notice sent to neighbors regarding the construction schedule.

Comment X.2

- **Construction-Related Air Quality**: The DEIR identifies a significant and unavoidable impact with regard to the Project exposing sensitive receptors to substantial pollutant concentrations, including residents within 1,000 feet of the Project Site, such as the Plant 51 community. As it pertains to construction emissions, it is imperative that the efficacy of the proposed construction-related mitigation measures be continually monitored over the 10-year construction period as to minimize the impact to our community. To this end, we request placement of air quality monitoring station(s) on our building to gauge air pollutants during construction.

Response X.2

As required by CEQA, and the MMRP, the project's mitigation measures will be monitored and enforced over the lifetime of project construction and operations. With regard to construction, Mitigation Measure AQ-2a, Construction Emissions Minimization Plan, requires that the project applicant, before starting each phase of on-site construction activities, shall submit a Construction Emissions Minimization Plan to the city for review and approval. This plan must indicate how the project applicant and/or its contractor will meet the requirements of the mitigation measure. The plan would be made available to the public for review on-site during working hours. Further, the project applicant shall submit annual reports to the city documenting compliance with the plan.

There is no Draft EIR mitigation measure that includes the installation of air quality monitoring stations on any community building, including those located in the Plant 51 community.

Installing air quality monitoring stations would not directly mitigate any environmental impact produced by the proposed project, and is therefore not required by CEQA. In addition, BAAQMD has a network of air quality monitoring stations throughout the bay area. The closest station to the Plant 51 community is located at San José–Jackson station, approximately 0.95 miles northeast of the project site (approximately 1.3 miles northeast of the Plant 51 community). Table 3.1-1, Draft EIR page 3.1-2, presents air quality monitoring values for 2014–2018 at this location.

The Draft EIR finds that after mitigation, the health risk impacts to existing off-site sensitive receptors would be significant and unavoidable (Draft EIR pages 3.1-136 to 3.1-139). This is based on health risks identified for the maximally exposed individual receptor (MEIR); for cancer risk, the MEIR is located east of the project site, north of Park Avenue; for $PM_{2.5}$ concentrations, the MEIR is located along North Montgomery Street, east of the project site. The MEIR locations are all east of the site because the predominant wind direction is westerly. The Plant 51 Community is located to the west of the project site, and will therefore be exposed to lower emissions than those receptors located to the east. It should be noted that the Draft EIR did assess health risks for residential sensitive receptors in the Plant 51 Community: the mitigated maximum health risks for a residential receptor at the Plant 51 community would be a lifetime excess cancer risk of 6.2 and an annual average $PM_{2.5}$ concentration of 0.17 $\mu g/m^3$, which are below BAAQMD's thresholds of significance of 10 cancer risk and 0.3 $\mu g/m^3$ $PM_{2.5}$ concentration, respectively. Therefore, the project would not have a significant health risk impact on Plant 51 community residents.

In addition, any individual air quality monitoring station is unable to determine the source contributions to monitored pollutant concentrations. In other words, if an air quality monitoring station reports a 24-hour PM_{10} concentration of 30 $\mu g/m^3$, it is impossible to distinguish the contribution from project emissions sources (like construction equipment) from all other nearby and regional emissions sources, including on-road vehicle traffic, the Caltrain station, the I-280 freeway, and permitted stationary sources like generators and gas stations. This is because pollutant concentrations become well-mixed in the atmosphere shortly after they are emitted from the source, especially in dense urban areas with many emissions sources such as at the project site. Therefore, the air quality monitoring station would be unable to monitor specific emissions and concentrations from the project-related construction or operational activities. This is the purpose of Mitigation Measure AQ-2a.

Finally, the Draft EIR analyzes the cumulative impact of the proposed project's TAC emissions within the context of all background regional TAC emissions sources on human health risk (refer to Impact C-AQ-2 at Draft EIR pages 3.1-146 through 3.1-164). The Draft EIR found that the impact on the offsite MEIR would be significant and unavoidable, due to an annual average $PM_{2.5}$ concentration of 0.19 $\mu g/m^3$ for the project (during year 2025 for construction plus interim-buildout operations) and 0.99 $\mu g/m^3$ for cumulative background sources for a total of 1.18 $\mu g/m^3$, which exceeds BAAQMD's cumulative significance threshold of 0.8 $\mu g/m^3$ (Draft EIR Table 3.1-24). However, the annual average $PM_{2.5}$ concentration for a residential receptor at the Plant 51 community would be 0.17 $\mu g/m^3$ for the project under mitigated conditions (during the operations at full buildout) and 0.44 $\mu g/m^3$ for cumulative background sources for a total of 0.62 $\mu g/m^3$, which would not exceed BAAQMD's cumulative significance threshold of 0.8 $\mu g/m^3$. Therefore,

the project would not have a significant cumulative health risk impact on Plant 51 community residents.

Comment X.3

- **Light and Glare**: The DEIR does not appear to analyze whether the project would result in new sources of substantial light or glare which would adversely affect day or nighttime views in the area. Specifically, as we have previously noted in our scoping letter, since it can be anticipated that many of the new structures will incorporate glass curtain wall sheathing, the potential impact of solar reflectivity to our easterly-facing condominium units should be analyzed since such an impact could adversely affect daytime views of these residents and peaceful enjoyment of their homes (by forcing them to close window blinds to avoid glare).

  It is noted that the *Downtown West Design Standards and Guidelines* incorporate guidance regarding glare reduction in new Project buildings. However, the DEIR should review adequacy of these guidelines to determine if they are sufficiently enforceable and effective to limit the impact of new sources of light and glare that may be incurred by the Project.

Response X.3

In response to this comment, the project applicant has added an additional Guideline 5.13.3 to the Downtown West Design Standards and Guidelines that states, "New development should be analyzed by an environmental consultant to assess glare risks. Strategies to mitigate glare may include but are not limited to louvers, brise soleil, vertical projections and recesses, and other shading features, as well as frit, films, and other glazing treatments."[131]

Refer also to Section 3.2.9, *Master Response 9: Non-CEQA Issue—Aesthetics*.

Comment X.4

- **Transportation/Circulation**: We understand that level-of-service (LOS) degradation, in and of itself, is no longer an environmental consideration under CEQA. However, a substantial reduction in operational efficiency of an intersection can have second-order effects beyond mere vehicular congestion. The DEIR's Local Transportation Analysis, indicates that The Alameda/Stockton intersection will fall to a LOS 'F' with implementation of the Project.

  Existing traffic volumes presently result in unacceptable waiting periods for pedestrian crossings at this intersection. Moreover, this intersection already contributes to excessive queuing on The Alameda (eastbound) that obstructs a mid-block pedestrian crossing at Bush Street. By worsening this current condition, the Project would conflict with various State, regional, and local policies described in the "regional framework" pertaining to safe and convenient pedestrian mobility.

While *Mitigation Measure AQ-2h*, requiring preparation of an "Enhanced Transportation Demand Management Program" is appreciated as a means to reducing vehicular trips generated by the Project, physical mitigation is also required to address our concerns.

[131] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Specifically, the DEIR should incorporate a mitigation measure requiring the Applicant to reconfigure The Alameda/Stockton intersection to eliminate signal control to White Street and reconstruct the White Street entrance to a single-lane driveway (solely to service Grand Prix Glass and railway operations).

White Street is no longer a public street, having been vacated to adjacent owners by the City in 2001 (see enclosed documents). Eliminating signal control and reconfiguring the entrance as a driveway will allow a more seamless pedestrian crossing and improve overall operation of the intersection. This will allow for reduced waiting times for pedestrian crossings in all directions, in furtherance of State, regional, and local policies. Lastly, to prevent excess vehicular queuing on The Alameda from obstructing the mid-block pedestrian crossing at Bush Street, we also request that "KEEP CLEAR" markings be installed on The Alameda (eastbound) at the intersection with Bush Street.

Response X.4

Chapter 9 of the Local Transportation Analysis (Draft EIR Appendix J2) provides a level of service (LOS) and queuing analysis for 14 study intersections, all located within the Downtown Core, which does not have an established LOS threshold. Note that the operational analysis was conducted for City development application purposes and not for CEQA purposes (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). The analysis includes the intersection of The Alameda/Stockton Avenue, and on page 192 the Local Transportation Analysis identified capacity improvements for the intersection to help alleviate queue spillback. However, consistent with the City's multimodal goals and the Project's Transportation Demand Management (TDM) goals, the vehicle capacity enhancing improvements were not recommended. Instead, the proposed project would implement a robust TDM plan (Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program) to encourage multimodal travel and discourage single-occupant vehicle trips to/from the project site. Specifically, Mitigation Measure AQ-2h would achieve a non-single-occupancy vehicle mode share of 65 percent, which is estimated to be equivalent to a 27 percent reduction in daily vehicle trips from the City's Travel Demand Forecasting Model following completion of service enhancement related to Caltrain electrification and BART service to Diridon Station by 2040. Specific vehicle trip reduction strategies included in Mitigation Measure AQ-2h are discussed on pages 3.1-101 to 3.1-105, and as revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*).

The commenter's suggestion for pedestrian improvements to White Street at The Alameda relates to an existing condition, and does not address the adequacy of the Draft EIR. The City does not currently have any plans to modify the existing signals or pedestrian crossings. Furthermore, it is not clear how removal of signal control and roadway reconfiguration would improve pedestrian

crossings at this location; rather the removal of protected pedestrian signal phases that are currently provided would introduce more hazardous conditions to pedestrians at this location.[132]

Pedestrian crossing and wait times at The Alameda/Stockton Avenue intersection would not substantially change with increased vehicular traffic, as they are guided by signal timing plans. While the project could contribute to additional vehicle queuing at The Alameda/Stockton Avenue intersection, it would not create a hazardous condition for the mid-block crossing at Bush Street. The Bush Street pedestrian crossing includes several pedestrian crossing facilities that increase the visibility of pedestrians at that location; including pedestrian activated crossings, high-visibility paint markings, and a median refuge island.

Y. Preservation Action Council of San José (12/8/20)

Comment Y.1

The Downtown West (Google) Draft EIR identifies **nine** CEQA-eligible historic resources within the project site itself, and an additional **four** historic resources listed or eligible for listing in the City of San José's Historic Resources Inventory (HRI). Within 200 feet of the project site, the DEIR identifies an additional **27** CEQA-eligible historic resources and **10** HRI-listed or eligible historic resources. While HRI-listed properties are not considered historic resources under CEQA, both the 2014 DSAP EIR and the *Envision San José 2040 General Plan* require projects to explore all feasible alternatives to demolition of these HRI resources as a condition of development approval (see *Downtown West Draft EIR*, 3.3-60).

As proposed, the Downtown West (Google) Project is slated to demolish **five of the nine** CEQA-eligible historic resources and all **four** HRI-eligible historic resources within the project area, along with at least **30** additional buildings, some more than 100 years old, not found to qualify as historic resources. **The Preservation Action Council of San José (PAC*SJ) strongly opposes the sheer scope of these proposed demolitions and finds the required preservation alternatives analysis included in the Draft EIR to be disappointingly cursory, fundamentally incomplete, and insufficient to justify the project's approval as currently proposed.**

Response Y.1

The commenter notes that there are 36 CEQA-eligible historic resources located on, or within 200 feet of the project site, including nine on the site itself. An additional 14 properties are eligible for inclusion on the HRI, but do not qualify as historic resources for the purposes of CEQA. Across the project site there are other buildings that meet the 45-year age threshold, but do not qualify for listing at any level as historic resources. Impact CU1 on Draft EIR page 3.365 concludes that demolition would result in a significant and unavoidable impact to historical resources as defined by CEQA. However, since publication of the Draft EIR, the project applicant

[132] Separate from the proposed project, the Diridon Integrated Station Concept Layout proposes alterations to the intersection of Stockton Avenue and The Alameda. Under the Concept Layout, this intersection would be brought up to grade as part of the decision to raise the tracks. Also, the Concept Layout proposes a plaza on the west side of the station on the south side of The Alameda.

has made several revisions to the proposed project—in consultation with the commenter—that would somewhat reduce the project's adverse impacts on CEQA historical resources and buildings otherwise eligible for the City's Historic Resources Inventory. These project changes are described in Chapter 1, *Introduction*, of this First Amendment, and summarized here:

- The applicant would relocate to a site on the east side of Barack Obama Boulevard (formerly South Autumn Street) between the Valley Transportation Authority light rail tracks and Block D8 (the existing building at 450 West Santa Clara Street) the group of three residential buildings at 559, 563, and 567 West Julian Street that together comprise a historical resource under CEQA. These buildings were proposed for demolition as part of the project described in the Draft EIR.
- The project applicant would salvage, for reuse elsewhere in the project, the main Art Moderne-style entryway, along with the three arched window openings to either side, of the Sunlite Baking Co. building at 145 South Montgomery Street, a historical resource to be demolished as part of the project.
- The project applicant would salvage and retain on-site a metal hopper tower, added outside the period of significance, that rises above a non-historic portion of the Kearney Pattern Works and Foundry complex, installing the tower within 75 feet of the historic building proposed to be relocated about 30 feet south of its current location, and maintaining the height of the tower relative to the relocated building.
- The project applicant would relocate an existing residence, deemed eligible as a Structure of Merit, at 35 Barack Obama Boulevard to a site at 74 Barack Obama Boulevard, where an existing non-historic building would be demolished (Block D13).
- The project applicant would provide partial funding for off-site relocation to the River Street City Landmark District (Little Italy) of another Structure of Merit at 91 Barack Obama Boulevard, a former single-family residence that was relocated in the 1950s and that currently houses the Poor House Bistro.

The above changes would reduce the project's impact on historical resources—the project would now retain and adaptively reuse five of the nine CEQA resources on the site—but not to a less-than-significant level. In addition to mitigation measures to address this impact and others related to historic resources, Draft EIR Chapter 5, *Alternatives*, analyzes a no project alternative (Alternative 1, No Project/DSAP Development Alternative), two preservation alternatives (Alternative 2A, Historic Preservation Alternative, and Alternative 2B, Historic Preservation/CLUP Noise Compliance Alternative), and a reduced-intensity alternative (Alternative 5, Reduced Intensity Alternative), as well as an alternative that would reduce impacts to specific historic architectural resources (Alternative 3, 150 South Montgomery Street Preservation Alternative). These alternatives all reduce, and in some cases eliminate, impacts to historic architectural resources in accordance with CEQA Guidelines Section 15126.6(a).

Refer to Responses L.8, L.18, L.19 and Y.7 for more information regarding specific preservation actions and alternatives. Also refer to Chapter 1, *Introduction*, of this First Amendment for an explanation of revisions to the proposed project since publication of the Draft EIR.

Comment Y.2

With a few notable exceptions addressed below, PAC*SJ generally concurs with the determinations of historic eligibility included in the Draft EIR and appreciates the thorough documentation undertaken by project consultant Architectural Resources Group included as DEIR Appendices E1-E3. However, we respectfully request a reassessment of the following properties by the City's Historic Preservation Officer and/or qualified consultant:

- **Kearney Pattern Works and Foundry (40-53 S. Autumn St.)**
  PAC*SJ strongly supports the EIR determination that this property meets Candidate City Landmark eligibility and qualifies for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR). We also support its planned relocation approximately 30 feet to the south to accommodate planned street improvements. However, we question the property's proposed period of significance (1922-1949) and the exclusion of certain character-defining features from the preservation and relocation plan, namely the c.1958 addition fronting S. Autumn Street and its prominent shed-roofed elevator tower. These features of the property are functionally and visually integral to the property and are well over 50 years old. Given the company's noted significance in the early years of Silicon Valley's technology economy (the firm manufactured custom components for IBM, Hewlett-Packard, NASA, and others), a strong case can be made for extending the property's period of significance beyond 1949 and incorporating the 1958 addition into the preservation plan.

Response Y.2

Architectural Resources Group (ARG)'s technical report has been reviewed by City staff, as well as ESA's qualified architectural historian. The Kearney Pattern Works and Foundry building at 40 South Montgomery Street played a significant role in San José's industrial history, most notably through its contributions to the military effort during World War II. As discussed in the Historical Resources Technical Report completed for the Draft EIR (Appendix E1, *Historical Resources Technical Report*, page 191), ARG identified the period of significance for the building as 1922–c.1948. The analysis considers the full range of the building's history and notes that "while the company contributed to local industries through the early twentieth century and beyond, archival research indicates that the period of production aiding the war effort was the most significant era in the company's history." In general, when assessing significance for association with events or patterns of events (Criterion 1/A), mere association with events is not enough to qualify a property as historic; the property must have a specific association with the event in question. The research completed for this analysis shows that the company won awards and acclaim for its service during the World War II era, and while it also indicates that the business manufactured products in the early years of Silicon Valley's development, the most direct association to local history appears to relate to the company's contributions during World War II. This reasoning supported the identification of the period of significance as 1922–c.1948.

As described in Chapter 1, *Introduction,* of this First Amendment, the project applicant has modified the proposed project since publication of the Draft EIR to include retention of a hopper tower feature located on the c. 1958 portion of the complex. (The hopper tower was added outside the period of significance, so the Draft EIR correctly concluded that its demolition would not be a significant impact.) As revised, the project would relocate the hopper tower within 75 horizontal

feet of the new location of the historic sections of the building while maintaining its height relative to the Kearney Pattern Works and Foundry building (see Standard 5.15.9 in the Downtown West Design Standards and Guidelines).[133]

Comment Y.3

- **Patty's Inn (102 S. Montgomery Street)**
  We concur that this property is a recognized HRI Structure of Merit but question its ineligibility for Candidate City Landmark status. While modest in architectural style, the building represents a significant vernacular building type (the Italianate false-front) that portrays "the environment of a group of people in an era of history characterized by a distinctive architectural style" (City Landmark Criteria 5) and embodies "distinguishing characteristics of an architectural type or specimen" (Criteria 6). In addition, its status as one of San José's oldest surviving taverns and its remarkable continuity of use over more than a century represents significant "character, interest [and] value as part of the local… history, heritage [and] culture" (Criteria 1) and its "exemplification of the culture, economic, social, or historical heritage of the City of San José" (Criteria 4).

Response Y.3

The identification of 102 South Montgomery Street as a Structure of Merit, rather than a Candidate City Landmark, was based largely on integrity issues related to alterations over time (Appendix E1, pages 390–396). The building is modest in design and modifications to the storefront and primary entrance have resulted in a notable loss of historic fabric. Other alterations include a shed addition, siding modification, and door replacement. Although the assessment did not identify the building as a Candidate City Landmark for these reasons, it does note that the building should be considered locally important as a Structure of Merit for its former uses as a saloon, grocery, liquor store, restaurant, and tavern.

As described in Response L.3, Structures of Merit proposed for demolition, including the Patty's Inn building, would be subject to standard City conditions of approval that require documentation and offering of Structures of Merit for relocation or salvage. In addition, although not required to mitigate an impact under CEQA, a condition of approval to the project's PD Permit would require that the project applicant provide funding, equal to the cost of demolition, for relocation of the two Structures of Merit proposed for demolition (the Patty's Inn building, along with the industrial building at 357 North Montgomery Street), comparable to what is required by Mitigation Measure CU-1b for CEQA historical resources.

Comment Y.4

- **Poor House Bistro (91 South Autumn Street)**
  We concur that this property is a recognized HRI Structure of Merit but question its ineligibility for Candidate City Landmark status. The building's distinctive Neoclassical design elements portray "the environment of a group of people in an era of history

[133] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

characterized by a distinctive architectural style" (City Landmark Criteria 5) and embody "distinguishing characteristics of an architectural type or specimen" (Criteria 6).

Response Y.4

Appendix E1 concluded that despite significant alteration to the Poor House Bistro building for use as a restaurant, the property at 91 Barack Obama Boulevard retains sufficient integrity to convey its Neoclassical style design and eligibility as a Structure of Merit (Appendix E1, pages 242–247). The analysis did not recommend a higher significance rating for the building because, in addition to diminished integrity of design, workmanship, materials, and association from modifications for restaurant use, the building lost integrity of location and setting when it was moved from its original location in the 1950s.

Although the Poor House Bistro building is not a CEQA historic resource, as described in Response L.3, the project applicant has agreed to provide partial funding for off-site relocation of the building to the River Street City Landmark District (Little Italy).

Comment Y.5

- **311-313 N. Montgomery**
  This 1895 Folk Victorian wood-framed dwelling was determined ineligible for any historic designation, yet its date of construction, building type, architectural style, and close proximity to similar resources suggest that it be included as a contributing resource in the proposed Candidate City Landmark district encompassing the immediately adjacent and contiguous 559-567 W. Julian Street properties.

Response Y.5

As described on page 93 of Appendix E1, 311–313 North Montgomery Street does not display a level of significance that would qualify it for listing on the City of San José's Historic Resources Inventory. The residence was divided into two living units in the mid-1960s and has been altered through the introduction of new windows, doors, openings, and additions over time. The Candidate City Landmark eligible residential grouping at 559, 563, and 567 West Julian Street is visually related through style, setting, size, form, location, orientation, and architectural detail. The residence at 311–313 North Montgomery does not share the visual characteristics of this grouping and was therefore not considered as a contributor to the Candidate City Landmark District.

Comment Y.6

- **75 S. Autumn Street, 691 W. San Carlos Street**
  Both of these c.1915 workers' cottages warrant consideration as potential Structures of Merit given their age, characteristic vernacular style, and relative integrity.

Response Y.6

Appendix E1 concluded that neither 75 Barack Obama Boulevard nor 691 West San Carlos Street displayed a level of significance or integrity that would qualify them for listing on the City of San José's Historic Resources Inventory (pages 204–219 and pages 515–519). These residences lack direct historical association with events or people and have diminished integrity from non-historic

alterations to materials, design, and setting. 75 Obama Boulevard is not a significant or particularly intact example of its style and 691 West San Carlos Street was significantly altered with new windows, doors, front porch, siding, and other architectural details following a fire in 2010. For these reasons, the Draft EIR correctly concludes that they do not qualify as Structures of Merit.

Comment Y.7

CEQA regulations require that an EIR explore all reasonable, feasible project alternatives that would reduce or avoid negative impacts to historic resources, and that preservation alternatives which meet most of the stated project objectives must be given full consideration. The Draft EIR presents only a cursory discussion of preservation alternatives, analyzing only the complete preservation of all nine CEQA-recognized historic resources *in situ*. PAC*SJ recognizes that this alternative, while meeting many of the stated project goals, has significant disadvantages for the overall success of the Downtown West Project. However, this "all-or-nothing" analysis does not sufficiently address a number of other feasible, logical, and mutually beneficial preservation strategies that would preserve at least some of these resources *in situ* and/or within the project site itself. Given the sheer size of the proposed project and the number impacted properties, we do not expect the Draft EIR to address every conceivable preservation alternative. Rather, we suggest an alternative preservation strategy based on relative historic significance, practical feasibility, and alignment with project goals. We therefore respectfully request the following additional alternatives be incorporated into the EIR analysis.

- **In-Situ Preservation of National Register-Eligible Resources**
  Of the five CEQA-eligible historic resources currently proposed for demolition, only two—the Sunlite Baking Company (145 S. Montgomery Street) and Democracy Hall (580 Lorraine Avenue)—have been determined eligible for listing in the National Register of Historic Places. These properties therefore merit additional analysis. Because the Draft EIR contains very limited information about the buildings proposed to replace these structures—in fact, the EIR acknowledges that these new buildings have yet to even be designed—it is grossly premature to determine that the preservation and incorporation of these historic resources into the new development is infeasible.
  - **Sunlite Baking Company (145 S. Montgomery)**
    Arguably the most architecturally and historically significant resource currently slated for demolition, the Sunlite Baking Company is a one-story Art Deco industrial building with a series of large one-story additions to its side and rear. In its limited analysis of preservation alternatives, the Draft EIR makes no distinction between the building's small historic core and its large later additions, and incorrectly assumes that its preservation would prohibit certain site circulation improvements (namely, the extension of Cahill Street south to Park Avenue) (*Draft EIR*, p. S-5). PAC*SJ finds no compelling reason that the property's 1936 main block cannot be preserved and incorporated into new development on the larger Block F1 site, as is proposed for the Hellwig Ironworks Building immediately adjacent at 150 S. Montgomery.
  - **Democracy Hall (580 Lorraine Avenue)**
    The Draft EIR also fails to meaningfully explore the reasonable preservation alternatives for Project Block H1—currently envisioned as a mix of medium-rise

and high-rise residential units— with the National Register-eligible Democracy Hall remaining *in situ* on a small portion of the site. Claims that its preservation would significantly reduce the site's development potential are not substantiated by any meaningful analysis.

Response Y.7

The comment suggests consideration of an additional partial preservation alternative that would at least partially retain and reuse the two resources on the project site proposed for demolition that appear to be eligible for listing on the National Register of Historic Places (National Register). Specifically, the comment recommends an alternative that would retain the original 1936 Sunlite Baking Co. building at 145 South Montgomery Street and the building at 580 Lorraine Avenue known as Democracy Hall. It is noted that two other buildings on the project site that appear eligible for the National Register—the San José Water Works building and the pre-1949 components of the Kearney Pattern Works and Foundry—would be retained as part of the proposed project, while a third historical resource—the Stephen's Meats sign—would be retained, and relocated on the project site. A fourth historical resource—the group of three residential buildings at 559, 563, and 567 West Julian Street that together comprise a historical resource under CEQA—would also be relocated on-site and would be adaptively reused. A fifth resource—the Hellwig Iron Works building at 150 South Montgomery Street would be retained but would be expanded and altered in ways that likely would not comply with the *Secretary of the Interior's Standards for Rehabilitation*. Thus, the project, as revised since publication of the Draft EIR, would retain and/or adaptively reuse five of the nine historical resources on the project site.

The comment describes the Draft EIR as analyzing "only the complete preservation of all nine CEQA-recognized historic resources in situ," describing it as an "all-or-nothing" approach. However, the Draft EIR includes a total of three alternatives that preserve different amounts of cultural resources, in addition to the project itself, which initially preserved or partially preserved four (now five) historic resources on-site and adaptively reuses another resource. In particular, the Draft EIR includes an analysis of two variations of a preservation alternative (Alternative 2A, Historic Preservation Alternative, and Alternative 2B, Historic Preservation/CLUP Noise Compliance Alternative), each of which would avoid significant impacts to historic architectural resources. The Draft EIR also includes an alternative (Alternative 3, 150 South Montgomery Street Preservation Alternative) that would avoid the significant impact to the historical resource at 150 South Montgomery Street, as well as three alternatives that would reduce but not eliminate significant impacts to CEQA-identified historical resources. In sum, when including the project itself, the Draft EIR analyzes the project and project alternatives that would retain three of the nine on-site historical resources, with partial preservation of a fourth (the project as of the Draft EIR), four resources (Alternative 3, 150 South Montgomery Street Preservation Alternative), eight resources, with partial preservation of the ninth (Alternative 2B, Historic Preservation/CLUP Noise Compliance Alternative), and all nine resources (Alternative 2A, Historic Preservation Alternative). The comment suggests another alternative that would preserve six resources, and partially preserve a seventh, should be studied.

Beyond the three preservation alternatives, the Draft EIR analyzes three other alternatives that would reduce, but not eliminate significant impacts to historical resources (Alternative 1, No

Project/DSAP Development Alternative; Alternative 4, Reduced Office Alternative; and Alternative 5, Reduced Intensity Alternative). Each is analyzed at an appropriately lesser level of detail than the proposed project, and absent a specific site plan. In each case, the analysis indicates that impacts to historical resources could be avoided with a lesser amount of development in the alternative. However, analysis indicated that potential impacts on historic resources could not be ruled out, and it was concluded that the impact on historic architectural resources would be significant and unavoidable (refer to Draft EIR pages 5-26, 5-51, and 5-56). Therefore, it is possible that any one of these three alternatives, if selected for adoption by City decision-makers, could build out in the way suggested by the commenter. In other words, any of the three alternatives could preserve a portion of the Sunlite Baking Company and Democracy Hall, while still resulting in a significant and unavoidable impact to historical resources due to demolition and alteration that would occur on other resources on the site. Thus, the Draft EIR meets the requirement for a "range of reasonable alternatives" in CEQA Guidelines Section 15126.6.

For informational purposes, the following additional analysis evaluates the alternative suggested by the commenter. Such an alternative would reduce, but not eliminate, the proposed project's significant effects on historical resources, because the project would demolish a historically significant addition to the Sunlite Baking Co. building, would demolish three other historical resources and would substantially alter a fourth. This potential alternative is described and evaluated below.

Description of Resources

As explained on Draft EIR page 3.329, the Sunlite Baking Co. building is a single-story, L-shaped structure that was developed in multiple phases. The original building was constructed around 1936 as a bakery, and in 1943 an addition was made at the rear of the northern part of the original structure, with a smaller addition also made to the south side of the original building. Later additions to the Sunlite Baking Co. building greatly expanded it to the south, resulting in the current footprint; however, only the original 1936 building and the 1943 addition are considered to be historically significant. The property appears eligible for listing in the National Register and in the California Register of Historical Resources (California Register) under Criterion B/2 for its association with the locally prominent Gilliland family, who founded the bakery in 1933 and later founded KNTV Channel 11. The property also appears eligible under Criterion C/3 as a distinctive local example of the Art Moderne style designed by prominent architect Ralph Wyckoff. In addition to being eligible for the National and California Registers, the building is also an eligible San José Candidate City Landmark.

Democracy Hall at 580 Lorraine Avenue is a single-story, wood frame union hall constructed in 1961. The building has an irregular in plan and comprises two building components: one rhomboidal-plan component with a shed roof that slopes upward from east to west, and one narrower, trapezoidal-plan component with a shed roof that slopes downward from east to west. The building was originally occupied by the International Longshore and Warehouse Union and was later used by a church. Democracy Hall appears to be eligible for listing in the National Register and California Register under Criterion C/3 as a rare non-residential example of master architect Henry Hill and his associate John Kruse. The building is the only known extant example

of Hill's work in San José. The building also appears to be an eligible San José Candidate City Landmark.

Commenter's Proposed Alternative

As proposed by the commenter, the central portion of the proposed project's office building on Block F1 would be set back approximately 110 feet from the existing South Montgomery Street right-of-way, allowing for retention and reuse of the 1936 Sunlite Baking Co. building. This would essentially reduce the footprint of this portion of Block F1 by more than 50 percent. That is because this portion of Block F1 would be 230 feet in depth, but would include an encroachment of 20 feet into the existing South Montgomery Street right-of-way, which would be abandoned. Accordingly, and based on the same assumptions as employed for the proposed project, this change would reduce the project's office program by up to approximately 1,070,000 square feet. It is possible that some of the lost office space could be accommodated elsewhere on the project site; however, this would reduce other project elements including housing, open space, and/or circulation elements, that are necessary to achieve the City and project applicant objectives as described on Draft EIR pages 2-73–2-75. As for the retained building, it is anticipated that it could largely be used as active use space (commercial retail/restaurant, arts, cultural, live entertainment, community center, institutional, childcare and education, maker spaces, non-profit, and/or small-format office space), with a possible entrance lobby to the office building to be created to the rear of the retained structure. Retention of 145 South Montgomery Street would reduce the project's significant unavoidable impact with respect to the demolition of this building, but would not fully avoid the impact because the 1943 addition would still be demolished, as under the proposed project.

One constraint posed by reuse of the Sunlite Baking Co. building is that the building was not built to accommodate high visitor traffic uses, such as office space or many active uses (e.g., retail and restaurant, cultural, and entertainment). The building has a single doorway in the center of the principal façade on South Montgomery Street, along with a second single doorway near the south end of this façade, which may not be original. Accordingly, substantial modifications would likely be required to the central façade to allow the building to serve as an entrance to the office building behind and/or to active uses within the building itself. Depending on the nature of the alterations, such changes to the building could result in a substantial adverse change in the historic significance of the building. Finally, under such an alternative a 280-foot-tall building would be constructed immediately adjacent to the Sunlite Baking Co. building. The new building would be located at the rear of the 1936 portion of the building, and visible from South Montgomery Street. It would be subject to the historic adjacency provisions of the Downtown West Design Standards and Guidelines. The building's historical significance is related to its association with the Gilliland family, as well its locally distinctive Art Moderne style designed by prominent architect Ralph Wyckoff. Retention of the 1936 portion of the building would retain both of these areas of significance. The increased development immediately adjacent to the building would adversely affect its industrial setting and feeling, but its integrity of location, design, materials, workmanship, and association would remain. Other new construction would be separated from the existing building by a private street 60 feet wide to the south and by a

pedestrian passageway 40 feet wide to the north and would likewise retain those aspects of integrity as presented above.

A second option for partial preservation of the Sunlite Baking Co. building might entail preserving only the principal façade (or a portion thereof) and a small portion of the structure behind the façade—on the order of 20 feet—so that the office tower could be built closer to South Montgomery Street. This would allow development of more of the proposed office space, while maintaining some of the building's character-defining features (board-formed concrete construction; prominent front entry with projecting surround and semi-circular canopy; blind arch window headers; symmetrical primary elevation; and at least some of the steel sash windows). This option would constitute substantial alteration of the structure and would still result in a significant impact to the historical resource under CEQA, but would retain a portion of the architectural character of the building.

On Block H1, the commenter's proposal would result in the project's new residential building being developed in the form of a reverse-L shape that would wrap around Democracy Hall. The retained building would be assumed to be utilized for active use. Democracy Hall sits on a parcel that is 80 feet wide by 120 feet deep and essentially occupies the entire parcel, with setbacks along parts of both the front and rear lot lines. Avoiding redevelopment of this parcel would eliminate up to about 130 dwelling units. It is possible that some of these units could be developed elsewhere on the project site; however, as noted above, this would result in elimination of other program elements. Retention of 580 Lorraine Avenue would avoid the project's significant unavoidable effect with respect to demolition of this resource; however, construction of a new 290-foot-tall adjacent building would likely overwhelm the setting of the resource and could also adversely affect its integrity of feeling. Adjacent new construction would not affect its integrity of location, design, materials, workmanship, or association.

Evaluation of Commenter's Proposed Alternative

As stated above, such an alternative would reduce the severity of, but would not eliminate, the proposed project's significant unavoidable effect on historical resources. This alternative, like the project, would demolish historical resources at 343 North Montgomery Street (Advance Metal Spinning) and 345 North Montgomery Street (Circus Ice Cream). This alternative would also result in a significant unavoidable effect due to the substantial adverse change in the significance of the historical resource at 150 South Montgomery Street (Hellwig Iron Works), the same as under the project.

With respect to other impacts, such an alternative as suggested by the commenter would result in slightly less substantial impacts related to the intensity of development (emissions of criteria air pollutants and health risks, greenhouse gas emissions, traffic and operational noise, population and employment growth, and trip generation), but no significant effects of the project would be reduced to a less-than-significant level because the overall intensity of development would be similar to that of the project. Other impacts would be comparable in nature and scale to those of the proposed project.

Such an alternative would meet most of the project objectives. Similar to Alternative 2A, Historic Preservation Alternative, the potential alternative described here would respond to many General Plan policies concerning historic preservation and would partially address the project applicant's objective to "Preserve and adapt landmark historic resources and assets where feasible to foster a place authentic to San José and foster contemporary relations to San José's history." With the loss of development, compared to the proposed project, this reduction in development would provide less housing, and would also provide less office space. Neither reduction would be as substantial as under the Historic Preservation Alternative. This potential alternative would also have less ability than the project to advance the City's objectives for the site in the General Plan, DSAP, or Downtown Strategy 2040 goals. Economic growth and contribution to the City's tax base and the project's ability to fund public improvements would be marginally less than with the proposed project.

Comment Y.8

- **On-Site Relocation Analysis**
  PAC*SJ strongly encourages the project applicant and the City to explore the feasibility of relocating historic resources within the project area itself—a reasonable preservation alternative totally unaddressed in the current Draft EIR. Though we commend the EIR for its inclusion of a relocation study in Appendix E3, we respectfully request that this analysis be expanded and supplemented in the following ways:

  – **Expand relocation analysis to include Structures of Merit**
    While we acknowledge that Structures of Merit are not CEQA-eligible historic resources for the purposes of EIR review, we strongly encourage the City and project applicant to explore all feasible relocation options for those Structures of Merit that would otherwise be demolished by the proposed project, as mandated by the Diridon Station Area Plan EIR (pp. 229-30) and other established City policies. This analysis should include relocation to receiver sites within the project area itself.

  – **Explore receiver site potential of Project Blocks D9-D13**
    The current project proposes the retention and adaptive reuse of numerous existing, small-scale non-historic structures located along the east side of Autumn Street. While PAC*SJ encourages the adaptive reuse of some of these structures, we also believe this area has significant potential to accommodate relocated historic resources (CEQA-eligible and/or Structures of Merit) that would otherwise be demolished by the project, and we encourage the prioritization of this zone as an on-site receiver site, even if this involves the strategic removal of some existing non-historic structures. This strategy would be fully compatible with the project's vision for this area as a cluster of small-scale, active-use buildings supporting local businesses and cultural amenities.

  – **Modify applicable criteria for on-site and off-site receiver sites**
    We question the conclusion that eligible receiver sites, either on-site or off-site, must necessarily maintain the cardinal orientation of the original site, especially in cases where the resource does not include obvious orientation-dependent features (north-facing skylights, etc). There is substantial precedent in San José for relocations that do not meet this ideal standard, which we believe is unnecessarily constrictive. We note that the primary goal in relocating a historic resource is not, as the relocation analysis contends, to maintain any certain designation eligibility, but simply to prevent its unnecessary demolition. In this scenario, certain loss of integrity is assumed.

Response Y.8

As described in Chapter 1, *Introduction*, of this First Amendment, and summarized in Response Y.1, the project applicant has modified the proposed project since publication of the Draft EIR to include the relocation of the group of three residential buildings at 559, 563, and 567 West Julian Street that together comprise a historical resource under CEQA to a site on the east side of Barack Obama Boulevard between the VTA light rail tracks and Block D8 (the existing building at 450 West Santa Clara Street). This Candidate Landmark District was previously proposed for demolition as part of the original project. (For more information, refer to the proposed changes in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment). The applicant has also revised the project to include salvage of the central entryway and arched openings of the Sunlite Baking Co. building at 145 South Montgomery Street, and its relocation and reuse at an undetermined location on the project site.

As noted in Response Y.7, the Draft EIR analyzes a reasonable range of alternatives, including three preservation alternatives that would avoid significant impacts to historical resources. In addition, the Draft EIR analyzes three other alternatives that would result in less development on the project site, any one of which could potentially accommodate the relocation of historic resources if adopted by the City Council. For these reasons, analysis of an additional alternative is not required.

Concerning Structures of Merit, as noted by the commenter, these are not considered historical resources under CEQA and therefore demolition of such structures does not result in a significant impact. Accordingly, this comment addresses the merits of the project and not the adequacy or accuracy of the Draft EIR and no further response is required. However, as noted in Response Y.1, the project applicant has modified the project to include relocation of 35 Barack Obama Boulevard to Block D13 and to provide partial funding for relocation of 91 Barack Obama Boulevard (Poor House Bistro) to the River Street City Landmark District (Little Italy). Additionally, as described in Response L.3, Structures of Merit proposed for demolition would be subject to standard City conditions of approval that require documentation and offering the buildings for relocation or salvage. In addition, a project condition of approval would require that the project applicant provide funding, equal to the cost of demolition, for relocation of the two Structures of Merit proposed for demolition (102 South Montgomery Street and 357 North Montgomery Street), comparable to what is required by Mitigation Measure CU-1b for CEQA historical resources. The comment will be forwarded to the decision-makers, including the City Council, for their consideration in their deliberations on the proposed project.

Regarding the criteria for receiver sites of buildings to be relocated, it should first be noted that relocation of a historical resource does not necessarily avoid the significant effect of that resource's removal. Secondly, the recommendation regarding orientation of relocated buildings questioned by the commenter is included in an advisory memorandum prepared by the project applicant's historical resources consultant and included in Draft EIR Appendix E3, *Historic Resources Relocation Studies*. The purpose of the memorandum was to identify criteria for site selection that would best preserve historical integrity for relocated resources. This advice would not be binding as to potential future relocations, however Mitigation Measure CU-1b would require preparation of a Relocation Implementation Plan for any resource that is relocated. The

relocation plan would include an analysis of the receiver site's compatibility with the resource by a qualified professional and preparation of a site plan and other documents for City review. Further, while the Site Selection Criteria for Relocation of Identified Historic Resources identifies lot orientation as a factor in site selection, it is a recommendation only. This flexibility in identifying appropriate receiver sites would address the commenter's concerns.

Comment Y.9

- **Diridon Station**
  While the Draft EIR is primarily focused on impacts to the 81-acre project area itself, it rightly identifies a number of issues potentially impacting adjacent historic resources. First among these are the project's relationship to the adjacent Diridon Station complex, a designated City Landmark and National Register Historic District. On multiple occasions, PAC*SJ has raised concerns that the Downtown West (Google) Project assumes the preservation of the historic depot building *in situ*, while other area plans call for its relocation or even demolition. Coordination between the Google project, the DSAP planning process, and the Diridon Integrated Station Concept Plan is absolutely essential, and all concerned parties should make every conceivable effort to proactively anticipate potential conflicts that could lead to the station's demolition.

Response Y.9

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*. As explained there, Diridon Station (the former Southern Pacific Depot) and the surrounding 4.7 acres is subject to a preservation covenant, signed in 1992 upon transfer of the Peninsula rail service from Caltrans to the Peninsula Corridor Joint Powers Board, that requires the Joint Powers Board to preserve and maintain the station in accordance with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation. Any demolition, destruction, or significant alteration cannot occur without approval by the preservation covenant holder, the South Bay Historical Railroad Society. The property is also a designated City Landmark and any alterations would require a Historic Preservation Permit. In addition, the Southern Pacific Depot is a National Register Historic District and any proposed alterations or demolition to be carried out with federal funds, would be subject to the Section 106 process of the National Historic Preservation Act.

As discussed in the Draft EIR (beginning on page 3.3-33), the Southern Pacific Depot City Landmark is located outside the project site and the project does not propose any work that would result in direct or indirect impacts to the historical resource. The Draft EIR appropriately considers and mitigates, to the extent required, potential impacts from vibration (Impact CU4), from modifications to the City -Landmark boundary (Impact CU-5), and from development in the vicinity (Impact CU-6). Additionally, unless and until the DISC agencies have formulated plans for the relocation or demolition of the Southern Pacific Depot building, the Downtown West

Design Standards and Guidelines appropriately assumes that it will remain in situ and provides a standard (5.15.17) to preserve sightlines between the building and Downtown.[134]

The purpose of an EIR, as presented in CEQA Guidelines Section 21002.1(a) "is to identify the significant effects on the environment of a project …" and not to identify or mitigate impacts of other projects. Nonetheless, impacts associated with the DSAP planning process and the DISC are discussed on Draft EIR page 3.3-102 under Cumulative Impact C-CU-2, which describes the possible demolition of the depot as an adverse impact of these other projects. The Draft EIR concludes that the Downtown West project, because it would not result in physical impacts on the Southern Pacific City Landmark and National Register District, would not make a considerable contribution to the cumulative impact. The comment will be forwarded to the decision-makers, including the San José City Council, for consideration in their deliberations concerning approval of the projects cited.

Comment Y.10

- **160 N. Montgomery Street**
  While currently outside but immediately adjacent to the project area, the c.1900 Victorian residence at 160 N. Montgomery Street is currently owned by Google. PAC*SJ questions why this parcel was not included within the defined project area, and we request that any other Google-owned parcels adjacent to or near the project be identified. We are extremely troubled by the proposed relocation of this property (see *Downtown West Design Standards and Guidelines*, p. 226) for the sole purpose of avoiding adjacency requirements across the street. Not only is this property a recognized Candidate City Landmark, but would contribute to a potential Candidate City Landmark District bounded by Julian, Autumn, St. John, and Montgomery, as identified in the DSAP EIR. This entire area should be reassessed for district eligibility as part of the current Draft EIR analysis.

Response Y.10

The comment notes that 160 North Montgomery Street is owned by Google, but is not included in the defined project area. Ownership by the applicant or other entity is not a prerequisite for inclusion in the CEQA analysis if no project is being proposed for those parcels. As such, disclosure of ownership is not required to support the analysis or conclusions. At this time, no development is proposed for 160 North Montgomery Street. Therefore, it is included with in the 200-foot project radius but has not been included as part of the project site. Should redevelopment of this parcel be considered at a future date, it would be subject to a new or amended development permit and the provisions of the DSAP, and subsequent environmental review to consider impacts specific to 160 North Montgomery Street.

Because 160 North Montgomery Street is located within 200 feet of the project site, it is included in the EIR analysis to the extent that project elements could have impacts on adjacent historical resources.

[134] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

The Downtown West Design Standards and Guidelines notes that should the residence at 160 North Montgomery Street be relocated, the historic adjacency requirements for project Block C3 would no longer apply because that block would no longer be across the street from the historical resource. However, relocation of the residence is not included in the project, nor does the Downtown West Design Standards and Guidelines presume its relocation. Indeed, the Downtown West Design Standards and Guidelines includes Standard 5.15.18 to address development on the block adjacent to this historical resource. Future development, such as that addressed in the Draft EIR under Cumulative Impact C-CU-1 (pages 3.3-98 to 3.3-102) and associated with DSAP Amendment and Lots A, B, and C Replacement Parking, may include the relocation of 160 North Montgomery Street. Because timing and phasing of the various adjacent potential projects is uncertain, relocation of the historical resource could be, but is not assumed to be, completed prior to development of Block C3. The Downtown West Design Standards and Guidelines is responding to the hypothetical timing of possible projects and how that may or may not impact applicability of the site-specific standards that result from the proximity of 160 North Montgomery Street to the project site.

As discussed in the DSAP EIR, evaluation of a potential historic district in the area bounded by the Guadalupe River and North Montgomery, West Julian, and West St. John Streets is required "at the time redevelopment is proposed" for that area.[135] As the project proposes no redevelopment within this area, reevaluation of the area is not required at this time. However, consideration of known historical resources in this area is required and has been included in the project analysis.

Comment Y.11

- **Julian Street Inn (546 W. Julian Street) and Recent Past Resources**
  The Julian Street Inn (1990) is a highly significant architectural and cultural resource designed by notable architect Christopher Alexander. Though less than 45 years old and therefore not included in the EIR analysis of potential adjacent historic resources, the building is likely eligible as a Candidate City Landmark (which has no age requirement). Given the anticipated thirty-year buildout of the proposed Downtown West (Google) Project, other on-site and adjacent resources should be periodically reassessed for historic significance as they approach and exceed the EIR's 45-year age guideline, including but not limited to 595 Park Avenue (architect and construction date unknown).

Response Y.11

The DSAP EIR concludes that "future development and infrastructure improvement projects in the Plan area could directly or indirectly affect historic resources, including those that are currently listed and those that have yet to be identified and evaluated." The analysis in the Draft EIR applied the same parameters for analyzing direct and indirect impacts (refer to pages 3.3-64 and 3.3-79) and concludes that indirect impacts to known adjacent historical resources located within 200 feet of the project site would be less than significant because the adjacent resources derive their significance from their design and historical associations, which remain unaltered as a result of the project. Should additional historic resources be identified during subsequent and

[135] City of San José, *Diridon Station Area Plan Integrated Final Program Environmental Impact Report*, State Clearinghouse No. 200109022, August 2014, p. 220.

separate projects, they would be subject to the parameters for analysis presented in the Downtown Strategy 2040 EIR, which mirror those of the DSAP EIR as referenced above with respect to the Downtown West Draft EIR, and would be required to undergo project-level environmental review.

Concerning the Julian Street Inn, it is not necessary to evaluate the building for potential Candidate City Landmark status: regardless of this building's potential historic status, the proposed project would have no direct effects on the Julian Street Inn, given that it is across North Montgomery Street from the project site. However, as stated on Draft EIR page 3.3-79, "indirect impacts to historic resources could occur if changes to the historic context or setting of those resources materially impair their ability to convey their significance." To the extent that the Julian Street Inn may meet the requirements for consideration as a Candidate City Landmark on this merits of its design and/or its association with architect Christopher Alexander, neither the building's design nor its association with Christopher Alexander would be changed as a result of the proposed project. Moreover, as a potential historic resource significant for its design, the Julian Street Inn, even with project implementation, would retain integrity of design, materials, location, workmanship, and association. Perhaps most importantly, the Julian Street Inn was designed as, and continues to serve as, a building providing emergency and transitional housing for homeless people suffering from mental illness. This use would not be altered by the proposed Downtown West project, nor would the particular aspects of its design related to those services be changed, and thus the Julian Street Inn would retain integrity of feeling. While integrity of setting would be altered in terms of land use and building heights as a result of the project, such changes would not substantially diminish the ability of the (potential) resource to convey its significance. Therefore, changes in setting as a result of the proposed project would not be sufficient to preclude eligibility of the Julian Street Inn as a Candidate City Landmark, were it to be determined so eligible.

Comment Y.12

Proposed Mitigation Scope

Finally, PAC*SJ finds the project's limited mitigation measures (CU-1 through CU-8) to be grossly out of proportion to the project's proposed adverse impacts to on-site historic resources and cumulative impacts to historic resources in the surrounding greater downtown area, and we encourage a far more comprehensive and robust mitigation strategy commensurate with the magnitude of the project itself. At a minimum, this mitigation strategy should include the following:

- A substantial financial commitment on the part of the project applicant to support the relocation and rehabilitation of impacted historic resources and Structures of Merit, including receiver site property acquisition. The project currently proposes contributions equal only to the cost of demolition, which in most cases would be inadequate to support the successful relocation and rehabilitation of an impacted property.
- A substantial financial commitment on the part of the project applicant to support additional historic resource surveys and other proactive planning efforts in the surrounding Diridon Station Area, which will undoubtedly be subject to increased development pressure as a direct result of the Downtown West project.

- Required documentation of all impacted CEQA-eligible historic resources and Structures of Merit should include both interior and exterior documentation. Industrial resources should be documented to the standards of the Historic American Engineering Record.
- Required commemoration and interpretation should be informed and guided by a robust community engagement process and a multi-party stakeholders group.

Response Y.12

The mitigation measures in the Draft EIR represent a range that is typically presented for projects where historical resources would be demolished or otherwise significantly impacted. They are consistent with measures required for development projects throughout the City of San José, and are generally consistent with the "Measures Included in the Project to Reduce and Avoid Impacts to Historic Resources" presented in the 2018 Integrated Final EIR for Downtown Strategy 2040. While the proposed project would not require that new construction adjacent to historical resources to be retained comply with the *Secretary of the Interior's Standards for Rehabilitation*, the Downtown West Design Standards and Guidelines (Section 5.15) contain explicit standards concerning new construction adjacent and proximate to historical resources that would require architectural height references to the historic buildings and incorporation of facade rhythm and streetwall articulation in the pedestrian and podium levels consistent with the scale of the historical resources.[136] In addition, some of the historical resources standards in the San Jose Downtown Design Standards and Guidelines would also apply to the proposed project. The comment presents a number of additional actions for consideration.

With regard to the first bullet point, as described in Chapter 1, *Introduction*, of this First Amendment, the project applicant has modified the proposed project since publication of the Draft EIR to include relocation of a group of three residential buildings at 559, 563, and 567 West Julian Street to a site on the east side of Barack Obama Boulevard, between the VTA light rail tracks and Block D8 (the existing building at 450 West Santa Clara Street)) that together comprise a historical resource under CEQA. This historical resource was originally proposed for demolition as part of the project. The applicant would also relocate an eligible Structure of Merit at 35 Barack Obama Boulevard to a site at 74 Barack Obama Boulevard, where an existing non-historic building would be demolished (Block D13), and would also provide partial funding for the off-site relocation of another Structure of Merit at 91 Barack Obama Boulevard (Poor House Bistro) to the River Street City Landmark District (Little Italy). (For more information, refer to the proposed changes to the Draft EIR in Chapter 4, *Revisions to the Draft EIR*.)

The second point raised by the comment suggests the applicant make a financial commitment to support additional surveys and planning efforts within the DSAP boundary. The 2014 DSAP, its 2017 Update, and subsequent amendments presume increased development pressure in the area, regardless of the Downtown West project. This is discussed in Draft EIR Section 4.1, *Growth-Inducing Impacts*. With regards to historical resources, as presented on DEIR pages 3.3-58 to

[136] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

3.3-61, the DSAP FEIR concluded that this development could result in significant and unavoidable impacts to historical resources and included a number of measures to reduce these impacts, but they could not be reduced to a less-than-significant level. The project, like all other development proposals within the DSAP boundary, are subject to the measures in the DSAP EIR and its amendments. One of these measures is to evaluate potential districts at the time redevelopment is proposed for the area bounded by North Montgomery Street, West Julian Street, West St. John Street, and the Guadalupe River. It is not clear what specific studies the commenter believes are warranted, and because the project does not include redevelopment with in this area, no additional surveys or evaluations are required at this time. It is noted that other studies of historical resources have been undertaken in and around the project area in recent years, including in connection with the EIR for Caltrain's Peninsula Corridor Electrification Project (2014), the Final EIR for the Santa Clara Valley Transportation Authority's BART Silicon Valley—Phase II project (2018), and the April 2020 Draft EIR/EIS for the California High-Speed Rail Authority's San Jose to Merced Project Section. Additionally, the City of San José's Initial Study/Addendum to the Downtown Strategy 2040 Environmental Impact Report for the Diridon Station Plan Amendment (March 2021) includes a summary of the historical resources analysis findings in the 2018 Downtown Strategy 2040 EIR, along with a review of City records and other recent built resource surveys.

The third point raised by the comment notes that additional documentation should be required for all CEQA-eligible historic resources, as well as for Structures of Merit, and this documentation should include both interior and exterior spaces and features that is in accordance with the requirements of the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER) as appropriate to the property in question. As presented in Appendix E1, all properties on the project site that met the 45-year threshold have been documented and evaluated to a level that presents their character-defining features and potential areas of significance. In addition, Mitigation Measure CU-1a, Documentation, identified HABS-Level II equivalent documentation that would apply to the five CEQA-eligible historical resources proposed for demolition or relocation (343 and 345 North Montgomery Street; the grouping at 559, 563, and 567 West Julian Street (to be relocated on-site); 145 South Montgomery Street; and 580 Lorraine Avenue) and one historic resource identified for substantial alteration (150 South Montgomery Street). As such, all known CEQA-eligible historical resources and Structures of Merit located on the project site have been or will be documented.

While the comment suggests additional documentation, it would not further understanding of the properties' character-defining features, nor each building's significance and would not enhance the analysis as required by CEQA. Additionally, note that the interiors of private buildings are not considered when assessing historic integrity and significance.

Regarding Structures of Merit, as described in Response L.3, Structures of Merit proposed for demolition would be subject to standard City conditions of approval that require documentation and offering the buildings for relocation or salvage. In addition, an additional project condition of approval would require that the project applicant provide funding, equal to the cost of demolition, for relocation of the two Structures of Merit proposed for demolition (102 South Montgomery

Street and 357 North Montgomery Street), comparable to what is required by Mitigation Measure CU-1b for CEQA historical resources.

Mitigation Measure CU-1c, Interpretation/Commemoration, requires that an interpretive program be developed for each demolished historical resource as part of the project's Conformance Review process. This program is required to be completed in consultation with a qualified architectural historian and design professional, and under the direction of the Director of Planning, Building and Code Enforcement or the Director's designee. Sections 5.15, 7.9, and 7.10 of the Downtown West Design Standards and Guidelines include standards and guidelines for commemorative and interpretive signage.[137] The comment notes that this process should include a robust community engagement process that includes a multi-party stakeholders group.

Z. Sharks Sports & Entertainment (12/8/20)

Comment Z.1

Sharks Sports & Entertainment LLC (SSE) submits the following comment letter regarding the Draft Environmental Impact Report, dated October 2020 (DEIR) for the *Downtown West Mixed-Use Plan* (the project). SSE supports the redevelopment of the Diridon Station area, consistent with the objective of the Diridon Station Area Plan (DSAP) to "*ensure the continued vitality of the San Jose Arena, recognizing that the San Jose Arena is a major anchor for both Downtown San Jose and the Diridon Station area, and that sufficient parking and efficient access for San Jose Arena customers, consistent with the provisions of the Arena Management Agreement, are critical for the San Jose Arena's on-going success.*"

Our review indicates that the DEIR does not contain necessary project description elements, sufficient evaluation of certain significant impacts, and identification of adequate mitigation measures to meet the requirements of the California Environmental Quality Act (CEQA). Thus, the DEIR fails to provide the City Council with the information necessary to make an informed decision regarding the project, which must consider the potential negative effects of the project on the Arena. It is our sincere hope that by drawing attention to these issues now, the DEIR can be revised to provide complete, accurate, and realistic information to the City Council, as well as to the general public, so that the project will be modified and mitigated as needed to protect the Arena.

In the "Side Letter Regarding Future Discussions" (AMA Side Letter) signed concurrently with the amended and restated Arena Management Agreement on August 15, 2018 (attached as **EXHIBIT A**), the City and SSE agreed to the following mutual intention: "We believe that with proper planning, the Diridon Station area can support robust corporate development, a multimodal transportation system, and a successful world-class sports and

[137] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

entertainment arena. However, the plan must also address critical needs of the SAP Center regarding transportation and parking."

OVERVIEW

SSE is the parent company of San José Arena Management, LLC, which manages the SAP Center (Arena) – an 18,000-seat regional multipurpose event center located adjacent to the planned Diridon Station – pursuant to an Arena Management Agreement (AMA) executed with the City on August 15, 2018. The AMA formalizes the City's long-standing obligation to work closely with SSE on all development projects near the Arena to ensure that appropriate measures are taken to protect Arena operations. (See Sections 21 and 23 of AMA attached as **EXHIBIT B**) With over 170 events in a typical year, the Arena is one of San José's most consistent and impactful economic catalysts, and a critical asset to the City's economic success. The SAP Center operations support over 5,000 FTE jobs, generate more than $250 million in annual economic impact, and provide millions of dollars in direct general fund revenue for the City.

As a regional event center, the Arena usually attracts more than 1.5 million people every year to San José's downtown area, drawing a diverse crowd from throughout Santa Clara, San Mateo, Santa Cruz, and Alameda counties and beyond. One of the reasons the Arena has been successful is because of the excellent access to this location by major highways and surface streets with adequate capacity. The geographic region from which the Arena draws is primarily suburban, and therefore mass transit is not a viable option for the majority of the Arena's guests. Although in some areas transit opportunities may be improving for daily commuters, transit generally does not work well for Arena guests who attend evening or weekend events on an occasional basis.

Because attendance at events is discretionary for Arena guests, if they cannot travel to and from the Arena in a reasonably convenient and efficient way, they may choose not to attend at all. Accordingly, the Arena's success depends on a large supply of convenient parking nearby, as well as highly functional and efficient vehicle ingress and egress. This important fact has been acknowledged by the City since the construction of the Arena and the inception of the original AMA, and was recently reaffirmed by the City in the 2014 DSAP and the 2018 AMA.

Response Z.1

This is a general comment that serves to introduce more specific comments which are responded to in detail below. As a result, no specific response is provided here. The City acknowledges the Arena Management Agreement (AMA); as stated on Draft EIR page 2-45, "The AMA is a comprehensive agreement between the City and San José Arena Management that addresses many of the SAP Center's operational issues, including parking and access. The AMA provides that the City must ensure a minimum number of parking spaces close to the arena throughout the term of the AMA, which ends in 2040." As noted by the commenter and indicated in the AMA Side Letter referenced by the commenter, the City and the project applicant understand and concur that the SAP Center is a critical asset and that with proper planning, the Diridon Station

area can support additional development, a multi-modal transportation system, and a successful world-class sports and entertainment arena.

Comment Z.2

Past predictions of mass transit use for Arena events have been grossly overestimated. After approximately 20 years of light rail operation, the use of light rail to attend Arena events is trivial – typically averaging less than 2% of patrons for regular Sharks games, and even less than that for special events. Similarly, travel by Caltrain for Arena events is minimal – less than 5% of patrons for regular Sharks games, and less than that for special events.

There is no evidence in the record that this situation has dramatically changed (or will change). The 2040 San José General Plan, supported by Traffic Demand Modeling by Hexagon Transportation Consultants Inc., predicts that 20 years from now 60% of all trips will still be by automobile. The 2019 General Plan Annual Performance Review indicates that the drive alone mode currently is used by over 75% of San José commuters – down only a few percentage points in the last decade. The fact is that automobiles are the primary means of transportation in the South Bay, and will be for the foreseeable future, notwithstanding "goals" and "predictions" put forth in the DEIR and the related draft amendments to the DSAP released on October 30, 2020 (after the Downtown West DEIR was circulated on October 7, 2020).

According to the DSAP amendments, about 85% of total trips **within** the Diridon Station area (trips that start and/or end in the Diridon Station area) currently are made by automobile – 60% of which are in single-occupancy vehicles and the remaining 25% of which are in carpools and/or shared ride services. The goal stated in the DSAP amendments would flip this around by 2040, such that 75% of the trips within the DSAP area will be via transit, carpooling, walking, or biking. However, there is no study explaining how this goal was selected, nor any evidence that it is likely to be achieved.[1] In addition, the 75% figure appears to be inflated, by apparently counting each transfer from one transit system to another as a separate trip.

Similarly, in this DEIR, all of the presentations in the traffic, noise, air quality, and greenhouse gas sections have underestimated impacts by assuming, without any supporting data or scientific analysis, that 75% of all trips in the area will be via transit or on foot. There are no facts in the record or studies to confirm this to be the case. This assumption appears to be based on the premise that by severely limiting the availability of parking, the vast majority of people will use mass transit as their primary means of travel, because they will have no other choice. However, such premise is unfounded, as we describe further under Section 3 below.

Furthermore, as stated above, in the case of Arena guests whose attendance at events is optional, they may make the choice to simply not attend – the consequences of which will be

[1] Even if the share of drive alone trips were to dramatically drop in the next 20 years from the current 60% (as reported in the DSAP amendments) to the targeted 25%, the massive increase in density would mean that the total automobile trips in the Diridon Station area will still increase dramatically.

disastrous for SAP Center. The conclusions in the DEIR are contradicted by the analysis of SSE's traffic engineers Krupka Consulting and Wenck Associates and SSE's parking consultant, Watry Design. (**EXHIBITS C, D, and E**) These experts have undertaken professional analyses of the relevant transportation, circulation, and parking impacts in the Diridon Station area. The memos attached as exhibits hereto are incorporated by this reference into this comment letter. We ask that responses be provided for each of these memos, as well as our other attached exhibits, as they were prepared to address issues with the DEIR that are critical to SSE.

Amazingly, the traffic analyses for the DEIR do not identify **any** traffic impacts. A VMT "tool" is somehow utilized to determine that a project of 7.3 million square feet of office and 5,900 residential units in an area with an admittedly "small street grid network" would have less than significant impacts. That makes no logical sense. In addition, the Local Transportation Analysis (LTA) that was prepared had NO project plan, and therefore local impacts in the LTA are generalized and described at a program-level. The actual impacts from the standpoint of circulation, driveway operations, or site access have not been described, even though that would normally be done for a project level EIR in San José. To conclude less than significant traffic impacts using an unexplained and inappropriate tool, coupled with a lack of any specific information about local impacts, does not comply with CEQA.

Google has indicated the project is designed to support approximately 30,000 employees. To reduce car trips, Google has proposed an aggressive TDM program with the goal of reaching a mode shift whereby only 25% of employees (7,500) would drive alone to work. However, reaching such an ambitious mode shift goal is highly speculative, as shown by the disappointing results of TDM programs for other campus projects. For example, see the article attached as **EXHIBIT K**, regarding commuter mode share at North Bayshore in Mountain View, where Google's global headquarters are located. As described in the article, mode shift goals have fallen significantly short of reality, despite the abundance of biking and transit options.

Response Z.2

The comment states that the transportation analysis in the Draft EIR is flawed due to inaccurate assessments of mode use for project trips. It also states that because the transportation analysis is based on this flawed assessment of mode split, that the findings of no significant transportation impacts in the Draft EIR are erroneous, and that analysis must be revised. The comment's content can be divided into two parts: first, comments that affect findings of environmental impacts under CEQA; and second, comments that affect non-CEQA findings of local deficiencies identified in the Local Transportation Analysis (LTA) (Draft EIR Appendix J2). Thresholds for CEQA impacts and City adverse effects are defined in the City of San José's Council Policy 5-1 and detailed in the City's *Transportation Analysis Handbook*.[138] The City and the project applicant have met regularly with SAP Center management and Sharks Sports and Entertainment (SSE) to understand SSE concerns and receive SSE input concerning SAP Center operations. This includes

[138] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

substantively adjusting the Downtown West project and the City's separately proposed amendments to the Diridon Station Area Plan based on feedback regarding event parking, egress and ingress.

Comments Regarding Finding of Environmental Impacts under CEQA

As stated on Draft EIR page 3-1, SB 743 became effective on January 1, 2014, and, among other things, added Section 21099 to the California Public Resources Code, which states that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." The proposed project meets the definition of a mixed-use residential project on an infill site located within a transit priority area as specified by California Public Resources Code Section 21099. Accordingly, parking impacts can no longer be considered under CEQA in determining the proposed project's physical environmental effects. Therefore, comments related to parking do not address the adequacy or accuracy of the Draft EIR. CEQA Guidelines Section 15064.3 states, "a project's effect on vehicle delay shall not constitute a significant environmental impact" and "vehicle miles traveled is the most appropriate measure of transportation impacts." Further, City of San José adopted Transportation Analysis Policy (Council Policy 5-1), which reflects vehicle miles traveled (VMT) as the primary metric for transportation studies under CEQA. The City of San José developed the *Transportation Analysis Handbook*[139] to implement Council Policy 5-1, and to provide guidance on the need, scope, and content of transportation analysis, which were followed for the purposes of the Draft EIR. The City has prepared both a Transportation Analysis (TA) (Draft EIR Appendix J1) to address the project's VMT, and a Local Transportation Analysis (LTA) (Draft EIR Appendix J2) to address transportation-related effects of the project other than VMT. The LTA includes, for informational purposes, effects that the Legislature has explicitly determined not to be significant impacts on the environment pursuant to CEQA.

As such, portions of the comment which rely on questions related to the potential for vehicular delay resulting from increased vehicle volumes and potential parking supply, do not address the adequacy of the EIR because such transportation metrics are not used to determine CEQA impacts.

As shown in Table 3.13-4 on Draft EIR page 3.13-39, VMT generated by the project is not expected to exceed the City's adopted significance thresholds. The analysis process underlying this finding is documented in Chapter 4 of the TA (Draft EIR Appendix J1); statements in the comment indicating that mode shares of 25 percent drive-alone were used to influence CEQA findings are incorrect (see following paragraph for additional detail). As shown in Table 3 on TA page 40, 76 percent of net new project person trips are expected to be made by automobile (51 percent driving alone, and 25 percent driving with others), prior to any reductions due to the project's TDM Program. This forecast was developed using the City of San José's Travel Demand Forecasting Model, per standard transportation engineering procedures consistent with the methods outlined in the City's *Transportation Analysis Handbook*. The citywide travel

[139] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

demand forecasting model was prepared as part of the Envision San José 2040 General Plan. The model was developed to provide improved citywide travel demand forecasting as part of continued planning efforts to address transportation infrastructure needs and to assist in the update of the City's General Plan. The model was developed from the Santa Clara Valley Transportation Authority (VTA)'s countywide travel demand model, which is itself based on the Metropolitan Transportation Commission's BAYCAST trip-based regional model. The VTA model contains all cities and counties within the model's extents roughly bounded by southern Monterey County, eastern San Joaquin County, northern Sonoma County, and the Pacific Ocean. The San José model is a sub-area model of the VTA model—it maintains the general inputs (roadway network, land use, trip generation rates, etc.), structure, and process as the VTA model, but with refinement within the City of San José. This allows regional travel patterns and behavior to be accounted for in the focused area of San José, which will become more important with the recent legislative requirements associated with greenhouse gas quantification and impacts.

The methods used to analyze transportation impacts in the Draft EIR, in fact, result in vehicle use rates of 76 percent (51 percent drive alone and 25 percent drive with others)—**higher** than the future year 60 percent automobile mode share cited in the comment, and can be considered conservative with respect to evaluating the project's VMT impacts because the model does not account for Project specific features, such as TDM elements, that would reduce the trips and associated VMT generated by the Project.

The comment states, without support, that the Draft EIR analysis assumes "75% of all trips in the area will be via transit or on foot." No analysis used for CEQA purposes, including inputs to Draft EIR Section 3.1, *Air Quality*, or Section 3.10, *Noise and Vibration*, assumed a 75 percent non-single-occupant vehicle (SOV) mode share as claimed in the comment. Instead, as explained on Draft EIR page 3.1-56 (in Section 3.1, *Air Quality*), the technical analysis calculated mobile-source emissions in an "unmitigated scenario," without accounting for a project-specific TDM Program, as well as a "mitigated scenario" that demonstrates TDM vehicle trip reductions of 24 percent for 2025–2031 (consistent with a non-SOV mode share of 50 percent) and TDM trip reductions of 27 percent at project buildout (consistent with a non-SOV mode share of 65 percent). The same approach was taken throughout the Draft EIR's technical analysis. The effectiveness of the project's TDM measures to achieve these trip reductions, as required by Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, as revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*), is analyzed in Appendix C4 to the Draft EIR, also revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*); also refer to Section 3.2.4, *Master Response 4: TDM Program*; again, this is a conservative mode share assessment before taking enhanced TDM requirements and other agreed to transportation improvements, into account.

Based on the above, the CEQA transportation impact analysis used industry standard methods consistent with City and statewide guidance to estimate VMT and mode share, and fully discloses the proposed project's contributions to vehicle trip generation and VMT, both before and after application of the TDM Programs. No additional analysis is required.

Comments Regarding Local Transportation Analysis Findings

Chapter 10.1 of the LTA (Draft EIR Appendix J2) evaluates intersection level of service analysis for Congestion Management Program (CMP) purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). As noted on Draft EIR page 3.13-56, all assessments of parking demand, vehicle delay, and other vehicle circulation concerns (except for hazards and emergency access) are presented for informational purposes only, and are not provided to inform the determination of any CEQA transportation impacts. The assumptions and scenarios included in the LTA are intended to represent planning best practices, consistency with the City's General Plan and other policy goals, as well as consistency with the Diridon Station Area Plan. Consistency with policy goals is discussed in detail on Draft EIR pages 3.13-30 to 3.13-37.

Consistent with *Envision 2040*, the City through the entitlement process, seeks to identify and fund needed transportation improvements for all transportation modes, giving first consideration to improvements to bicycle, pedestrian, and transit facilities, and encourages investment that reduces vehicle travel demand. Improvements that increase vehicle capacity could result in secondary effects and must not have unacceptable effects on existing or planned transportation facilities. Where local deficiencies are identified, improvements consistent with General Plan policies, goals, and street typologies are discussed. Local deficiencies are either directly addressed through identified improvements or through off-setting improvements that address multimodal access within the downtown.

The comment claims that there is no evidence that mode share will shift dramatically in the future, and that in particular there is no evidence for the increase in transit, walking, and biking forecast in the LTA.

Technical responses to detailed comments included in Exhibits C, D, and E of this comment letter are provided in direct response to those comments below. In general, local deficiencies identified on the surrounding roadway network, including vehicular delay, are based on the Background + Project Build-Out (with Transportation Demand Management [TDM]) scenario, shown in Table 17 on page 104 of the Transportation Analysis. In this scenario, project trips are estimated to be comprised of a 66 percent auto mode share (39 percent drive alone, 27 percent drive with others), and 34 percent other modes (transit/walk/bike). Estimates differ from those used to assess CEQA impacts due to inclusion of some (but not all) of the project's TDM strategies. As such, findings presented in the LTA are not based on the 75 percent transit and walking mode share claimed in the comment, but on this more conservative 34 percent transit/walk/bike mode share. The LTA included a lower TDM reduction than that required by Mitigation Measure AQ-2h in order to provide a conservative analysis consistent with other recently prepared LTAs in the City and to allow for a better comparison of results. This method results in identified intersection operations deficiencies caused by the project at two study intersections: Coleman Avenue/Taylor Street and De La Cruz Boulevard/ Central Expressway. The means by which these identified intersection operations deficiencies are addressed are discussed in depth in section 8.3 of the Transportation Analysis. Per the guidance provided in the City's *Transportation Analysis Handbook*, potential improvements to address vehicular delay at each of these intersections is discussed, and rationale provided for why capacity-enhancing improvements are not recommended.

With respect to the localized access and queuing analysis, presented in Chapter 9 of the LTA, additional intersection operations deficiencies are identified at multiple intersections that would provide direct access to the project site (refer to Table 51 on LTA page 188). Proposed improvements include signal timing adjustments, signal coordination, and multi-modal improvements. In instances where no physical improvements are recommended to address the deficiency, discussion is provided detailing how the determination of whether to address the deficiency is supported by City policies and plans.

The comment also raises questions about the project's TDM Program required under Mitigation Measure AQ-2h. For an in-depth discussion of the TDM Program and its use as a mitigation measure under CEQA, refer to Section 3.2.4, *Master Response 4: TDM Program*. The comment claims that because other Google campuses have not achieved a similar non-auto mode share to that proposed in the TDM Program, the stated effectiveness of the TDM Program is unreasonable. The comment claims that Google has seen disappointing results from TDM programs at other campus projects, citing a 2020 Mountain View Voice article (Exhibit K of the comment letter) regarding commuter mode share at North Bayshore in Mountain View. The article states that the City of Mountain View 2020 drive-alone rate of 57 percent fails to meet the City's goal of reducing the number of solo drivers to 45 percent of total commuters. However, the article does not specifically reference or reflect Google-specific travel patterns.

According to a Google representative, based on 2019 employee surveys, Google outperformed the City of Mountain View's expectation of a 45 percent drive alone mode share, achieving a 42.2 percent drive-alone mode share, in part due to the company's successful implementation of TDM programs including commuter shuttles, commuter bike programs and facilities, preferred carpool parking, app-based solutions to connect riders to drivers, and other programs.[140]

The comment claims Google has proposed an aggressive TDM program for the Downtown West project with the goal of reaching a mode share of 25 percent drive alone. However, the project applicant is only committing to a 35 percent single-occupancy vehicle (SOV) (drive-alone) rate. While ambitious, this TDM goal is in line with the City of San José's goals as outlined in the *Envision San José 2040 General Plan*. Moreover, the project's commitment to non-SOV travel scales up over time, in direct relationship to transit coming online in the project area as described in Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program.

Additionally, the campuses that the comment compares to the project are located in low-transit, low-density locations separated by substantial distances from Caltrain, in a highly vehicle-centric land use context. By contrast, the project site is located adjacent to a major rail terminal, with planned increases in service due to the future extension of BART and the electrification of the Caltrain Corridor, and a high-level of bus transit service. As explained on Draft EIR page 2-9, the project site is within two Priority Development Areas (PDAs) identified in *Plan Bay Area*, the region's sustainable communities strategy; PDAs are so designated because they have transit access and are often located near established job centers, shopping districts, and other services, all of which is the case with respect to the project site. The site is also within a Transit Priority Area as defined in Public Resources Code Section 21099, meaning that the site is within 0.5 miles of a

[140] Personal communication, Google and Environmental Science Associates, April 14, 2021.

major transit stop (Diridon Station, served by Caltrain and a number of Valley Transportation Authority routes, as well as other transit agencies; also the location of a future BART station). Thus the project site is accessible by different modes of transportation and mobility choices. As such, comparisons to Google's Mountain View campus are not appropriate for purposes of ascertaining a realistic mode share.

Comment Z.3

Even if somehow the best-case mode shift scenario is achieved, approximately 7,500 employees will be driving alone in vehicles and will need to park somewhere. However, the project proposes to provide only 4,800 parking spaces for the office development. The DEIR fails to provide an explicit disclosure of this shortfall, and provides no mitigation for this significant impact.

In actuality, the parking shortfall that can be discerned from the DEIR is woefully smaller than a realistic analysis would reveal. The combined projects of Downtown West and DSAP amendments together would increase the area population twentyfold and increase daily car trips dramatically (from 19,200 to 136,600) over existing conditions while reducing street lane capacity on the two primary north-south and east west corridors by 50%. It defies logic to assert that traffic congestion will not worsen significantly under this growth scenario or that operating conditions for the Arena will not be harmed.

The DEIR fails to cite any industry-standard parking analysis for the DSAP and Downtown areas. VTA and the High Speed Rail Authority incorrectly based their parking assumptions on a mere survey of existing and future parking in the area without addressing demand, and therefore could not legitimately identify how many spaces would be **available** to meet the applicable parking demand. It is baffling that there continues to be no scientific study of parking impacts in the DSAP area, including the project site. Many documents, including the recently released DSAP amendments, continue to promise the preparation of a parking study or assessment that has yet to materialize. Meanwhile, the project is planning to provide significantly less parking than is typically required at even the lowest levels specified under the Municipal Code, and if that should prove problematic (which is bound to happen), then as a back-up plan the project plans to utilize unidentified off-site parking in unspecified amounts or locations. Hypothetical undisclosed possible mitigation does not meet the CEQA requirements for disclosure and mitigation.

We continue to remind the City that an industry standard, scientific parking assessment, as has been promised for years (and as is required under Section 21 of the AMA), must be prepared for the Diridon Station area. To our knowledge, there exists no fact-based assessment that can support a finding that adequate **available** parking will be provided to replace parking lost due to transit and development projects, to meet the parking demands created by those projects, to satisfy the City's obligations under the AMA, or to ensure safe and convenient access for workers, residents, patrons of SAP Center, and transit users at Diridon Station. There is no information in the DEIR regarding possible locations for off-site parking, nor is there a description of what a system for shared parking might entail.

For the foreseeable future, access to the Diridon Station area and the Arena will remain automobile dependent, but the DEIR ignores that difficult truth. To mitigate adverse environmental effects, adequate parking must be included in the project under any reasonable planning horizon. There is no evidence that a "minimal parking" plan will work as the applicant and City planners hope and pray it will. Optimism is not a substitute for realistic analysis.

Response Z.3

As stated in Response Z.2, parking impacts can no longer be considered under CEQA in determining the proposed project's physical environmental effects. Therefore, comments related to parking, or to the City's obligations under the Arena Management Agreement, do not address the adequacy or accuracy of the Draft EIR, and the discussion presented in the LTA is adequate for public disclosure purposes and to allow the City to fully assess the merits of the project.

Nevertheless, in response to the comment that approximately 7,500 employees would drive to the project site each day, this does not logically follow from the estimate that the project would create approximately 30,000 jobs. As an initial matter, not all employees would physically commute to work each day, in light of business travel, vacation, sick days, telecommuting, part-time schedules, etc.; as discussed in Section 3.2.4, *Master Response 4: TDM Program*, approximately 25 percent of employees are anticipated to work from home one day per week. Moreover, as described in the LTA Appendix G, Commercial Parking Evaluation (Draft EIR Appendix J2), many individuals who prefer to travel by car are expected to use taxi or transportation network company vehicles (e.g., Uber, Lyft) and, therefore, would not require any parking. The LTA, including the Commercial Parking Evaluation, thoroughly documents the project's proposed parking supply, and how that supply relates to the City's Municipal Code and anticipated demand. As discussed on LTA pages 220 and 221, while the proposed parking supply is below that typically required by the Municipal Code, the Municipal Code parking requirements are inconsistent with previously adopted plans and policies, including the Diridon Station Area Plan, as well as proposed plans and policies for development. In addition to transit-oriented TDM measures that are demonstrated to be effective in reducing non-SOV travel, the Commercial Parking Evaluation explains that constrained parking supply is itself an effective method to cause mode shifts through market forces. Conversely, providing ample parking, especially at low or no cost, disincentivizes use of alternative travel modes.

Contrary to the commenter's suggestion that no parking analysis has occurred, the issue has been closely evaluated by City transportation planning staff as well as the City's consultant for the project (Fehr & Peers), as documented in the LTA included with the Draft EIR (Appendix J2). Also contrary to the suggestion that no potential off-site parking locations have been disclosed, this topic is discussed in detail on Draft EIR pages 2-45 to 2-47. The comment requests preparation of a comprehensive parking assessment for the Diridon Station Area in its entirety. This request does not concern the adequacy of the EIR; however, the request may be considered by the City for the broader Diridon Station area. The draft Diridon Station Area Plan Amendment, sponsored by the City as a separate project that could proceed independently of the proposed project (and vice versa), recommends establishing a Parking and Transportation

Management District as a comprehensive parking solution. If approved by the City Council, staff would pursue implementation of this district.

As stated in Response Z.2, the City and project applicant continue to cooperate with Sharks Sports and Entertainment (SSE) with respect to SAP Center operations. The parking that has been proposed by the project applicant would allow the City to continue to meet the obligations under the Parking Agreement section of the AMA and address the City's obligation related to parking for the SSE.

Comment Z.4

SSE'S INVOLVEMENT IN PLANNING REVIEW

SSE has been actively engaged in nearly every environmental or planning process affecting the Diridon Station area over the last twenty-five years, including the Diridon Station Area Plan (DSAP), the BART Phase II Extension to San José, the Caltrain Electrification project, the High Speed Rail to San José project, and the more recent Diridon Integrated Station Concept (DISC) plan. SSE has participated in scoping and identifying issues related to travel access, increased traffic volumes, parking supply and demand, pedestrian safety, and construction impacts, by submitting multiple comment letters related to the projects.

SSE has been incredibly concerned about all aspects of development in and around the SAP Center, in large part because the potential impacts from such development could negatively affect the successful operation of the Arena, both during construction and permanently. The City is well aware of these concerns, and in the AMA executed on August 15, 2018, the City reaffirmed its obligation to work closely with SSE on all development projects near the Arena to ensure that appropriate measures would be taken to protect Arena operations.

For example, with respect to parking, Section 21.1.1 of the AMA provides that "City shall coordinate with Manager regarding significant land use and development decisions within the 1/2 Mile Radius, to ensure that the required number of Available Parking Spaces is maintained." That section further provides that "projects would be required to analyze and identify the projected parking demand, demand management strategies, and the parking supply to be provided by the project. The analysis would identify the impacts of the project on the existing parking supply within the Diridon Station Area and suggest ways to mitigate the impact if it is deemed significant. The analysis would also include an assessment of spaces impacted or needed during construction."

Section 21.2.3 of the AMA provides that the City must coordinate with SSE "regarding any material changes to the design, configuration or operation of the major streets and intersections in the vicinity of the Arena to the extent that they may have a direct impact on the safe and efficient flow of vehicular, bicycle, and pedestrian traffic to and from the Arena, including Autumn Street and the intersection at Autumn Street and Park Avenue." It goes on to state that the parties "shall work together in good faith with the goal of achieving the best overall function of the streets and intersections for the benefit of both the Arena and all other development in the Diridon Area."

The City's acknowledgement of SSE's critical role and interest in development around SAP Center, and its commitment to work with SSE to ensure that new development will not threaten the viability of the Arena, were key reasons for SSE's willingness to extend the term of the AMA. Unfortunately, although the City and SSE have had numerous meetings and discussions about many of the issues described in this comment letter, the City has not yet adequately addressed SSE's concerns. We hope that by again presenting our concerns in this comment letter, the City will more fully understand SSE's position and rationale and will be willing to work with SSE to ensure that the project will not impair the success of the Arena.

As stated in the AMA Side Letter:

- We understand that the issues surrounding the development of the Diridon Station Area are complex, and the situation is constantly evolving. It will likely be many years before the parking and transportation "ecosystem" in the Diridon Station Area is stabilized.
- Until such stabilization occurs, we will need to meet and confer regularly and often to discuss the ongoing public and private development projects in the Diridon Station Area, to try to find ways to facilitate the transformation of the Diridon Station Area into a master-planned transit-oriented community while meeting the access and parking needs of the SAP Center.

Response Z.4

This is an introductory comment describing the Sharks (SSE) engagement in environmental planning of projects in the Diridon Station area, the City's commitment to work closely with SSE as evidenced by the Arena Management Agreement (AMA) executed in 2018, and the SSE's view that the City has not yet adequately addressed their concerns. The City acknowledges and appreciates the important role SSE has played and continues to play in the various planning efforts regarding Diridon Station. The City is committed to continuing to work with SSE and to uphold its obligations under the AMA. The comment does not raise concerns regarding the adequacy or accuracy of the Draft EIR and no further response is required.

Comment Z.5

SECTION 1. LACK OF A COMPLETE, STABLE PROJECT DESCRIPTION

The DEIR violates CEQA because of its elastic and incomplete project description. The project description in *Chapter 2 Project Description* is not well defined and is not stable or finite as required by CEQA. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185. (An accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR.) As explained below, given the information available at this time, **the only appropriate CEQA process is a program EIR**.

The project is very complex and the largest single development ever proposed within Downtown San José. It is the construction of new 81-acre, 65-building "city within a city" on lands that were once or continue to be developed. The project includes roughly 6,000 residential units, 7.3 million square feet of office, approximately 700,000 square feet of miscellaneous uses including retail, community space, an event center, and warehousing, up

to 1,100 units of public and private hotel uses, 15 acres of parks/plazas, independent utilities, and new and vacated streets. Virtually each one of these project elements would on their own require a detailed CEQA analysis. The fundamental flaw with the DEIR is that instead of using the CEQA process appropriate for a project of this magnitude, which is the preparation of a program EIR, the City is allowing the applicant to bypass vital project-specific environmental review.

There appears to be no fewer than 25 discretionary actions for the project, including but not limited to a Development Agreement with Infrastructure Plan, General Plan amendments, DSAP Amendment, Downtown Strategy 2040 amendment, Municipal Code amendments, a Planned Development (PD) rezoning with a General Development Plan, and a PD permit with design standards and guidelines. The City is required by CEQA to provide enough project description information to allow for an accurate evaluation and review of environmental impacts needed for the discretionary actions that rely on this EIR (CEQA Guidelines Section 15124).

Section 15124 of the CEQA Guidelines requires the following: "(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic." None of the maps included in the DEIR can be considered detailed enough for an accurate evaluation of environmental impacts, let alone for a "project-level" environmental review document. The inability to accurately state the approvals for the project is another indication that this is an inappropriate use for a project EIR.

Section 2.1.7 *Summary of Project Elements* gives the public the first of indication that the project does not have a finite complete project description, which deficiency pervades the project description. The section states the following:

> The project would also include the adoption of the Downtown West Design Standards and Guidelines, an enforceable series of design-focused standards, along with advisory guidelines, that would govern development on the project site and would be approved as part of the Planned Development Permit and Planned Development Zoning District (refer to Section 2.12, *Downtown West Design Standards and Guidelines*, and Appendix M). Finally, the project may include further land assembly by the project applicant." (Emphasis added)

Sections 2.3 *Development Program* and 2.12 *Downtown West Design Standards and Guidelines* demonstrate the very troubling and inadequate premise described throughout the project description that the project is defined by "site-specific Downtown West Design Standards and Guidelines that would "govern development on the project site". Section 2.3 states:

> These enforceable standards and advisory guidelines, provided in draft form Appendix M, would be considered for approval as part of the City Council's deliberations on the Planned Development Permit. The site-specific Downtown West Design Standards and Guidelines would specify which of the City's existing Downtown Design Guidelines and Complete Streets Design Standards and Guidelines continue to apply to the project and which are superseded or modified by the project's site-specific Downtown West Design Standards and Guidelines (refer to

> Section 2.12, *Downtown West Design Standards and Guidelines*, for additional information). (Emphasis added)

There is no way the public or the stakeholders can divine what is being proposed when the standards are still in draft form and it is unknown which would apply. This is not a project description as required by CEQA.

Section 2.12 goes on to state:

> Because they would be adopted as part of permit approval, the Downtown West Design Standards and Guidelines would impose mandatory standards—enforceable by the City—on the project's design and implementation with respect to land use, open space, building design, public rights-of-way, sustainability, and lighting and signage. In this way, the Downtown West Design Standards and Guidelines would ensure compliance with the City-adopted program for the project site. In addition to the mandatory standards, the Downtown West Design Standards and Guidelines would contain subjective guidelines that would encourage or discourage certain design treatments and approaches but would not be mandatory. (Emphasis added)

This is not a finite, complete, and stable project description as defined and required by CEQA. It is the project description for a program-level project or concept plan where future subsequent environmental review will be completed when project details are known. It is not a project-specific description. In fact, design standards and guidelines that only provide illustrative renderings without specific development information such as the siting, massing, orientation, appearances, and access locations of up to 65 buildings at various heights on an 81-acre site, makes it impossible for the reader to imagine what the project might entail.

Under CEQA, which requires meaningful disclosure to the public, a project description cannot simply rely on the reader's imagination to compile such vital information. Project descriptions for EIRs approved in San José typically have extensive, detailed renderings and site plans showing the public the project. Further, rezoning applications for very detailed Planned Development (PD) Permits must be on-file with the City prior to circulation of any environmental documents.

A stable and finite project description cannot depend on concepts such as "Design Standards and Guidelines," especially those that could be modified or superseded, as a means to determine environmental impacts. The project as described in the DEIR could result in several different development scenarios that future developers may or may not follow for development of the site. These concepts, rather than actual development details – none of which may ultimately be constructed – do not meet the requirement of a stable or finite proposed project. The result is that it is impossible to analyze the environmental impacts. The project description can only be considered to be an ambiguous "envelope" of development, and a "blurred view of the project", in violation of CEQA. *County of Inyo V. City of Los Angeles* (1977) 71 Cal. App 3d 185

For example, page 187 of the Downtown West Design Standards and Guidelines (DWDSG) (Appendix M of the DEIR), includes the following confusing statement:

> Relevant DDG standards and guidelines that apply to Downtown West pedestrian level design include DDG Sections 5.3.1.a, 5.3.1.b, and 5.3.2 unless superseded by the DWDSG.

This seems to state that the Downtown Design Guidelines (DDG) are the governing standards and guidelines rather than the DWDSG. Are decision makers and the public expected to comb through the DDGs and figure out which, and the extent to which, certain standards and guidelines are superseded in order to extract a project description? This situation results in more questions than answers in terms of a project description for an 81-acre development project of this magnitude that is intended to include General Plan amendments, a PD rezoning, a PD permit, a project-specific General Development Plan and the acquisition of easements from privately and publicly owned parcels.

Figure 2-3 of the DEIR includes general land uses within the project site, but includes no elevations of proposed buildings as the City usually requires for such projects. Particulars on massing, heights, building materials, orientation, access, etc. must be imagined by reading a technical appendix and cobbling together what the proposed buildings might look like, building setbacks, their street orientations, general heights, massing, and all other project elements are left to the imagination. We must then determine whether the applicable design guidelines and standards are those that currently exist or are those that are proposed to be modified. A hopeless task.

The majority of the decision makers and public are not urban planners and cannot be expected to interpret such details on their own. By not requiring this information in a graphic form block by block, we are all left to imagine the overall look, feel, interaction, and circulation, and to guess what the impacts to surrounding neighborhoods and structures will be, both in the long-term and during construction.

What exactly does “enforceable” mean in the context of this DEIR? Without a detailed General Development Plan, which is required for all PD Permits in the City of San José, neither the public nor the decision makers have any assurances that exact project details and required CEQA mitigation will be known or implemented. So, it is not clear what will be enforced.

California courts have rejected arguments that allow a lead agency to assume that CEQA requirements are met when the project description in an EIR includes only a conceptual impacts envelope, even where the worst-case scenario of environmental effects have been assumed, analyzed, and mitigated. In fact, CEQA’s purposes go beyond an evaluation of theoretical environmental impacts. Project descriptions have been found to fail to meet the requirements of CEQA Guidelines Section 15124 (regarding project descriptions) where they omit technical construction characteristics such as site plans, cross-sections, building elevations, or illustrative massing to show what buildings would be built, where they would be sited, what they would look like, and how many there would be.

The only graphics of what the very large, complex project may look like (described in the DEIR as "illustrative renderings" and "examples") are found on Figures 2-11 through 2-18. These figures are described in Section 2.12.7 *Renderings of the Proposed Project* as follows:

> To provide illustrative examples of the scale of the proposed development, the project applicant has prepared a series of before-and-after renderings of the proposed project, some at a sketch level and some photography-based, that provide examples of how the project form and massing could be realized. These images are presented as Figures 2-11 through 2-17 at the end of this chapter, following page 2-8180 (sic). These figures are intended to illustrate the general scale of development, but not to depict actual proposed building forms. Individual building designs would be consistent with the Downtown West Design Standards and Guidelines and would be presented for review and approval by the City before the issuance of building permits. At that time, building-specific renderings would be available for review by City staff and the public, providing greater detail regarding the appearance and materials of each proposed structure. (Emphasis added)

By admission, these "illustrative examples" (not even true depictions) do not show actual proposed buildings. They certainly do not give an adequate amount of detail regarding what the buildings will actually look like, siting, access, heights, or how they will relate to each other or existing surrounding development. What are the shade and shadow impacts to existing and future public parks? Will the proposed buildings in proximity to a natural waterway be constructed of reflective materials that can be detrimental in terms of bird safety, night sky, and heat island effects? Because this vital information is not included in the project description, an assessment of potential environmental impacts is not possible.

We learn later in the DEIR that the document does not contain a section on aesthetic impacts. While it may be argued that Senate Bill 743 dictates that an aesthetic impact can no longer be considered under CEQA in determining the proposed project's physical environmental impacts within a transit priority area (DEIR page 3-2), that does not mean that a DEIR is not required to have an adequate project description consistent with CEQA. Quite the opposite is true. Without an aesthetics section to disclose the particular design elements of a project, the public is left in the dark.

Section 2.3.8, *Central Area of the Project Site* of the DEIR includes the following:

> In addition to the event centers largely reserved for applicant use, the project would include one or more publicly accessible, indoor live entertainment venues in the project's central area. The venue(s) would likely be on Blocks D4, D5, and/or D6. The venue(s), which could include live music, would operate 5 to 6 days per week, with anticipated daytime events (11 a.m.–3 p.m.) held Wednesday through Sunday and nighttime events (7–11 p.m.) held Thursday through Saturday. There could be up to about 15 events per week. The venue(s) would total, in aggregate, up to 12,000 gsf, with a maximum (aggregate) capacity of approximately 500. This 12,000 square feet of floor area would be encompassed within the project's previously described total of 500,000 gsf of active use space. (Emphasis added)

Not enough information is provided in the above description of "indoor live entertainment venue(s)". Blocks D4, D5, and D6 are located directly south of SAP Center west of S. Autumn Street, and evening events currently occur at SAP Center on Thursdays through

Saturdays. How many venues are proposed? How many events will occur Thursday through Saturday? What are the details on vehicle and pedestrian circulation during multiple events? How will traffic and parking conflicts, that will undoubtedly occur, be dealt with? These are required items that a DEIR must fully disclose and analyze.

The project is inappropriately relying on draft documents. Page 2-3 of the Diridon Station Area Plan (DSAP) Amendment section of the DEIR states that the City initiated amendments to the DSAP in 2019 to account for changes in planning assumptions related to the fact that a ballpark is no longer considered in the DSAP and to propose new height limits. The proposed DSAP amendments are intended to adapt the DSAP to updated circumstances and to "support and facilitate DSAP implementation relative to both private development and public investment." These "initiated" amendments to the DSAP are only in draft form, were released three weeks after the Downtown West DEIR, and environmental review of the DSAP amendments has not been completed.

The DEIR section related to the draft DSAP amendments on pages 2-3 and 2-4 goes on to state that "Expected changes include reallocating development capacity from other General Plan– designated Growth Areas elsewhere in San José and updating the plan's existing sections pertaining to land use, design, transportation, and public spaces. The DSAP boundary is anticipated to be expanded eastward to the Guadalupe River between West Julian Street and to encompass Los Gatos Creek between West Santa Clara Street and north of Park Avenue." These are not minor changes.

In addition, the City has released (October 23, 2020) "CEQA Findings" for an amendment to the San José Downtown Strategy 2040 for the amendments to the DSAP which are required to allow additional development plus the Downtown West project.[2] (**EXHIBIT F, Circlepoint Memorandum**) Apparently, a CEQA Addendum to the Downtown Strategy 2040 FEIR has been prepared since release of the Downtown West DEIR, but not released for public review. The combined additional allowed development of these two required actions (DSAP and Downtown Strategy amendments) is over 14 million square feet of office and approximately 10,000 residential units!

What happens if these two amendments, neither of which have undergone environmental review, are not approved? The EIRs prepared for the DSAP (2014) and Downtown Strategy 2040 (2018) were both project- and program-level. Without adequate information on how the project can move forward in advance of the environmental review and approval of these foundational amendments, we can only come to the conclusion that two violations of CEQA are occurring. First, that the baseline upon which environmental review is based is inaccurate because the Downtown Strategy 2040 has not yet been approved, and second, that the ultimate project is being broken down into smaller pieces segmenting the project in a way that diminishes the totality of the environmental impacts. This is a violation of CEQA.

[2] https://www.sanjoseca.gov/your-government/departments/planning-building-codeenforcement/planning-division/citywide-planning/area-plans/diridon-station-area-plan

Response Z.5

Refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*. The Initial Study/Addendum to the Downtown Strategy 2040 EIR for the Diridon Station Area Plan Amendment is now available for public review on the City's website.[141]

Comment Z.6

A. Baseline

Section 15125 of the CEQA Guidelines Section 15125 provides the following guidance for establishing the baseline:

> An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

As the Guidelines section makes clear, ordinarily the appropriate baseline will be the actual environmental conditions existing at the time of CEQA analysis (typically when the Notice of Preparation [NOP] is published). Subsequent amendments to the Downtown Strategy 2040 (without environmental review) have been released by the City (**EXHIBIT F, Circlepoint**) since the release of the Downtown West DEIR.

As stated in the attached CEQA Portal Paper (**EXHIBIT G**) prepared by the Association of Environmental Professionals (AEP), establishing an appropriate baseline is essential, because an inappropriately defined baseline can cause the impacts of the project to be under-reported. In fact, a considerable number of CEQA documents have been challenged over the choice of a baseline for a given project, and many CEQA documents have been invalidated for the use of an inappropriate baseline.

The greater the amount of development included in the baseline condition, the smaller the difference is between the existing condition and the project condition (and therefore impacts are reduced), especially in the case of traffic, air quality, greenhouse gas emissions, and noise. The dramatic increase in residential and office development Downtown appears to have been included in the baseline to inflate the existing condition such that the difference between the existing condition and the project condition was under-disclosed.

Had the City already approved the necessary Downtown Strategy 2040 amendments in advance of considering the proposed project, we could have some level of comfort that this was not the case. To have released these proposed amendments including the DSAP amendments AFTER the release of the DEIR is highly irregular and potentially misleading. The fact that the project description is so flawed that this vital information cannot be

[141] https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/diridon-station-area-plan-amendment.

determined, renders the subsequent analysis suspect, leading to the conclusion that impacts reported in the DEIR have been diminished as a result.

Response Z.6

The commenter is correct that establishing an appropriate environmental baseline for an analysis under CEQA is essential, and is also correct in noting that the Draft EIR generally uses the conditions that were in place when the NOP was issued as its baseline for analysis (Draft EIR page 3-3).

Regarding the proposed DSAP Amendment, no changes are proposed to the Downtown Strategy 2040 to accommodate the proposed DSAP Amendment (referred to in the Draft EIR as "DSAP amendments")[142] and the commenter is incorrect in stating the increase in potential development within the DSAP area that have been proposed by the City are included in the EIR's baseline.

As noted in the Draft EIR project description, the proposed project would require DSAP amendments and a shift in the General Plan's growth allocation to Downtown (page 2-77). These amendments would be limited to those required for implementation of the project itself, and would not affect lands outside the project site (refer to Draft EIR Section 2.4.8, *Proposed Changes to General Plan Land Use and Diridon Station Area Plan Designations*; Section 2.4.10, *Proposed Changes to the General Plan Growth Allocations by Area*; and *General Plan Growth Reallocation*, Draft EIR page 3.11-15). The only portion of Downtown-area growth that is included in the "baseline" (i.e., for which the project does not request a growth allocation) is the previously entitled development on the former San Jose Water Company site (Blocks E1, E2, and E3 of the proposed project), which allowed for 325 residential units and 994,000 square feet of commercial/office uses (see Draft EIR page 2-19).

As explained starting on Draft EIR page 3-10, the City is separately considering amendments to the DSAP and a potential reallocation of development capacity from elsewhere in the City to downtown. This separate project is under consideration and has not been approved; it is therefore considered in the EIR's cumulative analysis, rather than as part of the baseline, and the EIR appropriately considers (1) potential impacts of the Downtown West project without the separate DSAP amendments; and (2) the potential cumulative impact of the Downtown West project when combined with the separate DSAP amendments and other cumulative projects and growth projections described in Draft EIR Chapter 3, *Environmental Setting, Impacts, and Mitigation*.

Comment Z.7

B. <u>Segmentation</u>

As stated above the amendments the DSAP and the General plan are actually integral to the Downtown West project. Breaking apart the project and placing some of it in these proposed amendments is segmenting the actual project. Segmenting the Downtown West project hinders developing a comprehensive mitigation strategy. To correct this, the "whole of the

[142] See the City's Diridon Station Area Plan webpage for the draft DSAP Amendment: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/area-plans/diridon-station-area-plan.

action" must be evaluated. The DEIR must include all components and approvals required for the proposed project. Section 15378 of the CEQA Guidelines provides the following definition of a project:

> (a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:
>
> (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvement to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
>
> (2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants subsidies, or other forms of assistance from one or more public agencies.
>
> (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

CEQA case law has established the following general principles on project segmentation for different project types. **EXHIBIT H (AEP, Project Description)**, describes these principles and why a complete project description is the foundation of sound environmental review. The portal paper cites multiple cases regarding segmentation pertinent to the proposed project:

- For a phased development project, even if details about future phases are not known, future phases must be included in the project description if they are a reasonably foreseeable consequence of the initial phase and will significantly change the initial project or its impacts. *Laurel Heights Improvement Association v Regents of University of California* (1988) 47 Cal. 3d 376.
- For a planning approval such as general plan amendment, the project description must include reasonably anticipated physical development that could occur in view of the approval. *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398.
- For a project requiring construction of offsite infrastructure (e.g., water and sewer lines), the offsite infrastructure must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.

The portal paper gives examples of CEQA violations that are similar to what we describe in this comment letter. For example, if a wastewater treatment plant is proposed, without knowing what treatment processes are proposed and the proposed capacity of the plant, an assessment of whether the operation of the plant would meet water quality standards for the waterway where discharges would be made cannot be assessed. When a project is phased, a specific schedule of the phases and detail as to what portions of the project will happen in each phase is required as well as temporary or permanent relocations required, if applicable. If this cannot be provided, subsequent environmental review is required.

Section 2.4.11, *Other Proposed Revisions to the Diridon Station Area Plan* explains that other amendments to the DSAP are also required. This fragmentation is not conducive to a finite, stable project description. These other revisions include updating the DSAP land use plan and changing the discussions of open space, street typologies, population and

employment forecasts, parking, affordable housing and public art. These are significant revisions. The DSAP amendments and the Downtown West project are one project as they include many of the same properties and are interdependent, and therefore breaking them up into two different projects is segmentation under CEQA. The City has essentially admitted that they are inextricably tied together, by considering them and approving them all together as described on the City's webpage at https://www.diridonsj.org/diridon-station-area-plan-google-project. That page states:

> The DSAP amendment process will consider and incorporate Google's proposal. The City Council will consider approval of the City-initiated DSAP amendments, Google planning entitlements, and all associated environmental documents and legislative changes as part of a comprehensive planning process. The City aims to complete this process by mid-2021.

The 2014 DSAP project underwent extensive public involvement and reflects the desires of the community. Changes to that plan must therefore be approved and in place prior to approval of the proposed development that must conform to the plan. Not the other way around. The amendments to the DSAP are required for approval of the Downtown West project, yet details of the proposed (but not approved) DSAP amendments were not known at the time the Downtown West DEIR was circulated. Although the DSAP Amendments are now out in draft, it is impossible to know at this time what the final DSAP Amendments will be.

Page 2-4 includes another troubling statement:

> With respect to the proposed project, this EIR assumes that project approvals would include Planning Commission and City Council consideration of project-specific General Plan and DSAP amendments. Accordingly, this EIR analyzes the environmental impacts of development under all project-specific General Plan and DSAP amendments.

How can this be true when the specific amendments were not known when the DEIR was released and cannot be found in the Downtown West DEIR? Again, the DEIR is described to include "project-level" environmental review. If the community is not enlightened as to what the amendments and other project details are now as the project is being proposed, then in reality the DEIR is programmatic and future environmental review is required for project-level review as specific projects are proposed.

Another example of the apparent segmentation of the project is that an Initial Study/Mitigated Negative Declaration (IS/MND) for the Fire Training Station and Emergency Operations Relocation Project (ER20-180) was released for public review on October 20, 2020 after release of the Downtown West DEIR. The current location of the fire training center is within the Downtown West and DSAP project boundaries; however, it is unclear how the relocation, which we assume will include the demolition of structures, will affect surrounding land uses within the DSAP and Downtown West areas. Are those impacts considered to be part of the Downtown West project or the relocation project? Decision makers and the public cannot be expected to chase down impacts through a variety of environmental documents.

Section 2.4.10 *Proposed Changes to the General Plan Growth Allocations by Area* describes that the project would require a General Plan amendment to "reallocate 5,575 housing units

and 6,306,000 gsf of commercial/office uses from other General Plan growth areas outside of the Downtown to the Downtown." The previously referenced "CEQA findings" document seems to state that development from other locations of the City is also required for the Downtown Strategy 2040 amendments.

Where in the City would this growth come from? This proposal could greatly affect other areas of the City, especially those Urban Villages slated for transit-oriented development along Bus Rapid Transit lines. This would be in direct conflict with the goals and policies of the Envision San José 2040 General Plan and compromise the future success of vital transit projects. As we know, a City's transportation network must work on a system-wide basis. People must [be] able to conveniently travel throughout the City, not just within Downtown. If a lack of development outside of Downtown compromises the success of bus transit systems, suburban areas will falter. Traffic impacts of how the transfer of development from other parts of the City to the project site must be evaluated now in conjunction with the Downtown West project and not relegated to the future.

Section 2.4.12 *Zoning Districts* again states that the true project description is really "Downtown West Design Standards and Guidelines" (DWDSG). We are unaware of any other development proposal in the City (other than as part of an Urban Village or Specific Plan) that has allowed such a skeleton description for a project that includes General Plan amendments, area plan amendments (which are not yet approved), a PD rezoning, and PD permit.

The entitlements for the project more appropriately should have been processed similarly to that of an "Urban Village" or a "Specific Plan" rather than a PD Permit. As defined by the City's Envision San José 2040 General Plan, Urban Villages are developed at a General Plan or "program-level" and the General Plan establishes an Urban Village Planning process. Major Strategy #5 to promotes the development of Urban Villages to shape the transformation of strategically identified and historically underutilized Growth Areas into higher-density, mixed-use, urban districts or "Urban Villages" which can accommodate employment and housing growth and reduce the environmental impacts of that growth by promoting transit use and walkability. This description is better suited for the proposed project, which does not meet the definition of the project-level PD Permit process.

We are concerned that the DWDSG which govern the development within the project boundaries are not truly enforceable. For example, page 196 of the DWDSG relating podium development design standards includes a box of "Contextual Considerations." These contextual considerations relate to industrial forms, architectural expressions of ecology, and building materials for building facades. Yet, these important considerations do not appear to be design standards. We understand the need for some flexibility in design for 65 buildings, but the level of detail provided does not allow a meaningful evaluation of potential environmental impacts during construction and in the long-term, as required by CEQA.

For example, the DWDSG document includes specific language acknowledging that they can be functionally ignored should circumstances change so long as general design intent goals can be demonstrated. See page 16 of Appendix M of the DEIR. There is also no clear

provision in the DWDSG document or the related development regulations about what street sections and associated street improvements will ultimately be constructed by the applicant. As an example, it is not possible to determine how many lanes will be available for automobile use on Santa Clara Street or determine the pedestrian experience for patrons arriving or departing the Arena, both of which will have a dramatic impact on the function of the SAP Center and guest safety.

Response Z.7

Segmentation refers to the notion that only part of a project is analyzed in a CEQA document, rather than the entirety of the project. The commenter incorrectly suggests that the proposed project and the separately proposed City-sponsored amendments to the Diridon Station Area Plan (DSAP) are a single project. While the DSAP amendments propose changes in the General Plan-permitted development capacity of the DSAP area, including the project site, the Draft EIR makes clear that the proposed Downtown West project is seeking its own project-specific General Plan amendments with respect to growth allocations: as stated on Draft EIR page 2-27, "The General Plan amendment **for the proposed project** would reallocate 5,575 housing units and 6,306,000 gsf of commercial/office uses from other General Plan growth areas outside of Downtown to the Downtown" (emphasis added). That is, the proposed project could proceed independently of the proposed DSAP amendments and, in fact, could be approved—including project-specific amendments to the DSAP (text and figures) and the General Plan (text, figures, and Appendix 5 growth allocation)—even should the City's broader amendments to the DSAP not proceed. The proposed amendments to the General Plan growth allocation necessary to implement the proposed project were included in the project's traffic modeling using the City's Travel Demand Forecasting Model and were analyzed as part of the project's transportation analysis, as explained on Draft EIR page 3.13-27. For the cumulative analysis, additional changes in growth allocation proposed as part of the DSAP amendments were also disclosed and analyzed. As stated in Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*, concerning the specificity of the Draft EIR Project Description, the Draft EIR appropriately treats the proposed DSAP amendments as a cumulative project, as explained on Draft EIR page 3-7. (The cited language on the City's "diridonsj.org" website is independent of the Downtown West Draft EIR and is intended as a single source of information for the public on the several large projects in the area covered by the DSAP.)

When analyzing whether a project has been improperly "segmented" or "piecemealed," the courts have concluded that no such segmentation occurs when different development proposals have independent utility—if they serve different purposes, have different proponents, and/or will be pursued individually regardless of whether the other is pursued (see *Banning Ranch Conservancy v. City of Newport Beach*, 211 Cal. App. 4th 1209, 1226 (2012). Regarding the comment that the project's specific amendments to the General Plan and DSAP "were not known when the DEIR was released and cannot be found in the Downtown West DEIR," these documents were made available for public review concurrent with release of the Draft EIR, on the City's dedicated

website for the Downtown West project.[143] Because the proposed Downtown West project is independent of the City's proposed DSAP amendments, with different sponsors, geographic scopes, and objectives, because the two projects would be the subject of different actions by the City Council, and because neither project depends on the other to move forward, no segmentation has occurred.

Concerning the San José Fire Department training center, which is located within the Downtown West project site, as explained on Draft EIR page 3.12-3, the City's lease of the property on which the training center is located expires in 2022, and the City plans to relocate the training center to a new site. (As long ago as adoption of the DSAP in 2014, the City envisioned potential future relocation of the training center.) The fact that the City has published an Initial Study and Mitigated Negative Declaration for this separate project merely indicates that the City has now identified a new site, located on Senter Road, and is moving forward with the planned relocation. As the City does not own the current training center site and will no longer occupy the site after the lease expiration in 2022, the City would not be responsible for demolition of the training center structures. Instead, this would be undertaken by the project applicant of the Downtown West project as part of the proposed project's redevelopment of that site. Demolition of these structures, and all structures proposed for removal as part of the project, is analyzed throughout the Draft EIR.

Refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*, regarding the Downtown West Design Standards and Guidelines and the fact that this document is not yet approved (as an integral part of the Project Description, it legally could not yet be approved). Also refer to Master Response 2 concerning the enforceability of the Downtown West Design Standards and Guidelines, which would be adopted as part of the proposed project's Planned Development Permit and would include a detailed process for Conformance Review of subsequently proposed individual buildings to be developed as part of the project.

Comment Z.8

C. <u>On-Site Utilities and "Utilidor"</u>

The proposed Utilidor description is so vaguely described that it is impossible to determine their potential environmental impact on the project area. The project description summary that begins on page 2-1 and other sections of the project description of the DEIR vaguely describe "A district systems approach to delivery of on-site utilities,3 including designated infrastructure zones with on-site centralized utility plants totaling up to 130,000 gsf".

Footnote (3) states:

> A "district" utility system essentially entails creating an on-site utility network separate from, though sometimes linked to, the citywide or regional networks. District systems are most commonly used for building space heating and cooling, but may also be employed to generate and distribute electricity, collect and treat wastewater and

[143] Available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project; see "Amendments to Envision 2040 General Plan" and "Amendments to 2014 DSAP," among other project-related documents provided at the beginning of the CEQA comment period on October 7, 2020.

> stormwater, and the like. A small mutual water system serving a rural area is another common example of a district utility system. District systems shift from individual building systems such as chillers and cooling towers to centralized facilities such as central utility plants serving multiple buildings to enable more efficient operations.

To state that the "on-site utility network is separate from, though sometimes linked to, the citywide or regional network" does not provide adequate information for this important project component. What systems will be linked to the citywide or regional networks and how will this affect existing demand for these services?

For example, the information provided in Section 2.8 *Utilities* of the project description (beginning on page 2-48) states that the project proposes a district systems approach "to handle at least some of its utilities." Further, it is stated that services "would be delivered through district-wide infrastructure, rather than individual and building-specific systems" where "feasible." We believe that a district-wide system, consistent with the findings of the infrastructure recommendations of the DSAP is appropriate. However, more information on how these systems will affect existing residents and uses in the Diridon Station area, Downtown, and potentially beyond, must be known now for an accurate evaluation of impacts.

Especially concerning is the description of "utilidors" to be included in the project to convey privately owned utilities to and from project buildings. The utilidor "could include" "sanitary wastewater collection, recycled water, thermal water (chilled and hot water), electrical distribution, communications, and solid waste collection and distribution.

The DEIR states on page 2-49 (Section 2.8.9):

> The utilidor is intended to be constructed on private property to the maximum extent feasible, but may need to cross or be constructed within public rights-of-way to service the project. Where it would cross existing streets, the proposed utilidor could be constructed using a jack-and-bore method to pass beneath existing utilities in the street, thus avoiding physical disturbance of existing utilities and street closures. Should the utilidor be constructed within existing roads, existing public and private utilities may need to be relocated or consolidated. (Emphasis added)

It remains unknown where the utilidors will go or what will be in the utilidors. That is an insufficient project description for such a vast undertaking. This use of utilidors is very complicated and has not been used to this extent before in San José. Plus, utilidors are typically constructed by public agencies, not private property owners. The location of the utilidor (Figure 2-9) merely describes the "proposed utilidor alignment options." (Emphasis added)

Does the applicant and the City really know where it would be located or how it will connect to either existing or future energy sources? The proposal raises many questions without the details needed to understand potential impacts to existing development and traffic during construction; or even the potential taking of private property. Please provide this information.

The utilidor is also expected to cross Los Gatos Creek in "one or more of three options" and under the existing UPRR and light rail tracks (page 2-49 and Figure 2-9) "in the northern portion of the site." Different construction types include are anticipated including "jack-and-bore" and "existing utilities may need to be relocated." Figure 2-9 shows at least two rail crossings, and twelve right-of-way crossings at major roadways, including West Santa Clara and West San Fernando Streets. Construction methods and the locations and duration of roadway closures, and how existing utilities will be relocated must be included in enough detail so that a CEQA level review can be conducted.

Response Z.8

The Draft EIR contains an extensive description of proposed on-site utilities, including the proposed utilidor in Section 2-8. While detailed design has yet to be undertaken for the proposed on-site utility systems, the Draft EIR analyzes potential impacts of both utility construction and utility consumption based on the information available, and that information, including the alignment options, is sufficiently defined to analyze potential environmental impacts. With specific reference to the utilidor, the reference on Draft EIR page 2-49 to Figure 2-9, *Proposed Utilidor Alignment Options*, depicting "utilidor alignment options" was made simply because, as stated above, detailed design has not yet advanced. The reality, however, as can be seen in Figure 2-9, is that there is a limited path that the utilidor can travel from south to north through the project site, given that the site is in most places less than 800 feet wide, and all options are within this limited corridor. Moreover, as stated on Draft EIR page 2-49, the "utilidor is intended to be constructed on private property to the maximum extent feasible," and some portions would likely be constructed through the basements of buildings to be constructed as part of the proposed project. The fact that portions of the utilidor could be placed in underground trenches or tunnels that could vary in location from east to west by a few hundred feet would not affect the impact analysis: for example, the Draft EIR analyzes the entirety of the project site with respect to subsurface conditions (archaeological resources, soils conditions, hazardous materials); the volume of excavation would not vary substantially from one location to another and is fully accounted for in the analysis of construction air quality impacts, as well as impacts related to greenhouse gases, energy, and noise. Concerning the utilidor crossings of Los Gatos Creek, as noted by the commenter, the applicant is considering more than one option, the selection of which would be determined based on construction feasibility and phasing. The Draft EIR describes (page 2-49) and evaluates all potential options (see, for example, page 3.2-57, 3.8-26, and 3-8-30) and therefore adequately analyzes the potential impacts of the creek crossings.

The project's proposed Planned Development Permit would incorporate, in addition to the Downtown West Design Standards and Guidelines, a separate document entitled Downtown West Improvement Standards (available for review on the City's project webpage).[144] The Improvement Standards set forth standards and specifications for horizontal improvements on the project site, including on-site district utilities and the utilidor. Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for detail. The commenter has not presented

[144] The Downtown West Improvement Standards are available for review on the City's project webpage (https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project) at: https://www.sanjoseca.gov/Home/ShowDocument?id=65126 (accessed January 21, 2021).

any evidence to indicate that the Draft EIR's analysis of on-site utility impacts, including those of the proposed utilidor, is inadequate. As described above, the utilidor is adequately described and analyzed in the Draft EIR.

Also refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*.

Comment Z.9

D. Wastewater Treatment

There is a reason most cities, including the City of San José, have located their wastewater treatment and solid waste facilities away from sensitive receptors including existing and future residential development. These uses can be noxious, noisy, and disruptive, especially when truck access and hauling routes are not known. Oxidizing, filtering, and disinfecting wastewater to an "unrestricted use" level (tertiary treatment) can be odor inducing and this project could include two such on-site water reuse facilities. The same can be said for solid waste collection and hauling.

Page 2-52 of the DEIR states:

> District treatment of wastewater would require new construction of a private sewage collection network and construction of a water reuse facility on the project site. If an on-site district water reuse facility is pursued, up to two on-site water reuse facilities would treat project-generated wastewater for reuse to meet demands for non-potable water, such as for toilet and urinal flushing, irrigation, and cooling.

The district water reuse facility(s) would have the capacity to treat project-generated wastewater to disinfected tertiary (unrestricted use) recycled water standards as described under Title 22 of the California Code of Regulations. Per those regulations, the wastewater will be oxidized, filtered, and disinfected. The wastewater treatment process and supporting treatment equipment would be co-located with the thermal plant in up to two proposed central utility plants (described in Section 2.8.14, *Central Utility Plants and District Utilities*)."

The section regarding central utility plants and district utilities goes on to state that "on-site utilities and services could be consolidated in central locations to enable local management of resource demands on the project site. Solid waste could be collected and transported at "terminals"; however, the exact locations of these facilities is unknown. It inadequately states that "Trucks would collect the waste from the central terminal(s)"

It seems the project wants to keep all available possible systems and scenarios open. It is not known if wastewater generated by the project will be treated at a private system (or how often) or at the City's Regional Wastewater Treatment Facility (RWTF). It is also not known how wastewater would be transported to either a private or the public system or how existing facilities and pipes would be affected with the project. How many truck trips could be generated by all of the possible variations of the treatment process, including the off-hauling of residual solids ("sludge")? Where would the hauling routes be located and how would the hauling be programmed? Where will the thermal plant be located?

The “Southern Infrastructure Zone” includes at least 10 parcels of land in proximity to existing and including future residential land uses. The “Northern Infrastructure Zone” includes at least two parcels of land, with existing residences located to the east of the area. Future residential land uses are proposed to the south of this area. Where exactly would such a facility be located? An evaluation of potential impacts cannot be provided if the locations of such facilities are not defined, especially since sensitive receptors would be affected.

The Wastewater section also states that the project could integrate the wastewater treatment with heat recovery or rejection, yet no details are given to explain how such a system might work or exactly where it would be located. Will on-site wastewater treatment and solid waste collection require the use of diesel generator either for treatment, pneumatic collection, or for emergency use? Are the necessary generators included in the 47 emergency back-up generators described as being needed for proposed buildings over 75 feet in height? If not, the analysis of air quality, greenhouse gas, and noise impacts are not correct. The DEIR does not include enough detail to determine potential impacts to nearby land uses and visitors to the project area, especially since the location of the wastewater facilities is not known. Please provide the missing information.

Because the location, number size and operations of the wastewater and thermal plants is not disclosed, including them in the current DEIR is premature.

Response Z.9

The commenter is correct that detailed design of the project’s proposed district water reuse facilities has yet to be completed and the Draft EIR analyzes both the project applicant’s preferred option for on-site wastewater treatment and reuse and the potential that the project site could be served by the existing City collection system and the San José–Santa Clara Regional Wastewater Facility. If the applicant pursues development of one or two on-site water reuse facilities, further City review and approval by the City’s Director of Public Works would be required, as would review and approval by the San Francisco Bay Regional Water Quality Control Board, the State Water Resources Control Board, and the Bay Area Air Quality Management District (BAAQMD), as stated on Draft EIR page 2-80. Sufficient information is available to identify potential environmental impacts associated with the options, as discussed below.

Specifically with respect to potential odor impacts to sensitive receptors, the Draft EIR thoroughly analyzes potential odor impacts of on-site wastewater treatment (Impact AQ-5, Draft EIR page 3.1-140) and concludes that, with implementation of Mitigation Measure AQ-5, potentially significant effects would be reduced to a less-than-significant level. This measure includes specific requirements, to be approved by the City, for odor management and control, as well as a program to monitor and address any odor complaints that may arise. In addition, the analysis sets forth numerous BAAQMD rules that would also limit potential odors.

The option for one or two on-site water reuse facilities is described and analyzed throughout other sections of the Draft EIR. For example, Chapter 2, *Project Description*, discusses potential on-

site wastewater treatment and generation of recycled water on pages 2-51–2-54. Potential on-site water reuse facilities are analyzed with respect to various environmental issues. In addition to Section 3.1, *Air Quality*, discussed above, refer to Section 3.6, *Greenhouse Gas Emissions*, pages 3.6-40 and 3.6-55; Section 3.8, *Hydrology and Water Quality*, pages 3.8-31 and 3.8-43; and Section 3.14, *Utilities and Service Systems*, Impact UT-3, page 3-14-27. With respect to the potential for off-site disposal of sewage sludge, as explained on Draft EIR page 3.14-21, use or disposal of sewage sludge is federally regulated under 40 Code of Federal Regulations 503. Even with the option of on-site wastewater treatment, sewage sludge would not necessarily be transported off-site. As stated on Draft EIR page 3.14-30, residual solids (sludge) from on-site water reuse facility(s) could be discharged into the City of San José sewer system or could be managed on-site through anaerobic digestion. If residual solids were to be hauled off-site for beneficial reuse, such truck trips would be undertaken "periodically," as stated on Draft EIR page 2-52, which is to say that there would be fewer than one truck trip per day. Because the emissions potential for such trips would be negligible, they were not separately modeled. On-site wastewater treatment would also require off-site disposal of larger solids and trash that enter the wastewater collection system. However, as stated on Draft EIR page 3.14-30, these materials are washed and compacted before being off-hauled from the site. Because such materials can be disposed of in the municipal solid waste stream, they would be hauled off-site as part of routine trash disposal and, given that they would make up a small volume of the overall project waste stream, would not measurably add to solid waste off-haul trips. Additionally, the project applicant would be responsible for payment of full sewer connection fees, and would pay capacity charges on an as-used basis.

The commenter's comparison of the project's proposed water reuse facilities to a regional wastewater treatment facility is misleading, as the scale of the on-site facilities and their throughput would be orders of magnitude less than that of a regional plant.

As stated on page 2-58, the Draft EIR assumed that the project would include installation of 47 backup diesel generators to be located throughout the project site, based on the very conservative assumption of 47 high-rise buildings (buildings with an occupied floor level more than 75 feet above grade). The likelihood is that there would be fewer than 47 individual high-rise buildings constructed, meaning that a small number of generators at other locations, if required, would not exceed the assumed 47 generators. Accordingly, the installation of emergency generators at the project's on-site wastewater treatment and/or solid waste collection facilities is anticipated to be included in the conservatively assumed 47 diesel generators without the need for supplemental environmental review. It is also noted that Mitigation Measure AQ-2e (Draft EIR page 3.1-100) would require best available emissions controls for stationary emergency generators, including engines that meet or exceed Tier 4 emissions standards.

Also refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*.

Comment Z.10

E. Stormwater

On page 2-54 of the DEIR, it is stated that a new, larger outfall to Los Gatos Creek is needed. However, there is a footnote (64) that states the following:

> In connection with the DSAP program, the City has identified three additional outfalls that must be upsized to 24 inches in diameter—from South Autumn Street and West San Carlos Street into Los Gatos Creek, and from West San Fernando Street into the Guadalupe River. These are separate from the proposed project.

This footnote is confusing in terms of what is actually proposed by the project and what is being deferred to another time. Are these additional outfalls required for the proposed project? If so, the environmental review for them should be included in the Downtown West DEIR. If they are only included in the DSAP project, they have not undergone project-specific environmental review. If the Downtown West project uses up the capacity provided by the new, larger storm outfall, will future development and the ability to facilitate storm and flood flows in the DSAP area and Downtown be affected?

Page 2-54 includes the following demonstrating that the stormwater part of the project description is incomplete:

> The proposed right-of-way vacations (discussed in Section 2.7, *Transportation and Circulation*) would necessitate the relocation or removal of some existing storm drain infrastructure, including an existing storm drain in South Montgomery Street. The existing pump station at the fire department training facility would need to be relocated to avoid conflicts with the proposed building design. This pump station may be relocated within the same parcel, or within the existing street right-of-way if space is available. The potential relocation site(s) would be evaluated further when building designs for this block reach a sufficient level of detail (e.g., actual building footprints) to allow consideration of more specific plans for the existing pump station. The project applicant would coordinate with the City of San José to determine acceptable approaches to and sites for such relocations. (Emphasis added)

The potential locations for pump stations, and wastewater treatment and solid waste collection facilities should be known at the time a project is proposed, not relegated to a future date. If a pump station is to be located within an existing street right-of-way, construction-related impacts could be significant depending on its location. Without this information, environmental impacts related to noise, air quality, and traffic cannot be assessed. Further coordination and future evaluation "to allow consideration of more specific plans" is not adequate for such a complex project, wherein the public and surrounding land uses could be significantly affected.

Section 2.11 *Flood Control Improvements* contains a discussion regarding a new vehicle bridge at West San Fernando Street over Los Gatos Creek to allow for flood conveyance. A new vehicle bridge is a major project that typically triggers a complete EIR just for it. There is insufficient detail provided in the project description related to this major component of the project. There is not even enough detail provided to meet the requirements of the regulatory agencies from whom the applicant must obtain permits. This inability to provide minimally sufficient detail for a vehicle bridge demonstrates that this should be a program EIR instead

of a project EIR, since subsequent environmental review will be required for this major piece of infrastructure.

Response Z.10

The stormwater outfalls referenced in footnote 64 on Draft EIR page 2-54 are not required to serve the proposed project's stormwater runoff, but rather for other Diridon Station Area Plan (DSAP) development anticipated pursuant to the DSAP Amendment; this is why the footnote states that these outfalls "are separate from the proposed project." Inasmuch as the Downtown Strategy 2040 EIR, which evaluates development in the DSAP and the broader Downtown, is a program EIR, the City would review any improvements required to accommodate development pursuant to the DSAP to determine whether those improvements would trigger subsequent CEQA review. Regarding details associated with pump stations, the Draft EIR analyzes construction impacts of both based on the information reasonably available. A pump station is a very small structure (typically less than 500 square feet) and, as such, construction of pump stations would not be likely to result in any substantial physical environmental effects, including those relating to noise, air quality, or traffic, beyond those evaluated in the Draft EIR. Nevertheless, at the time that a specific improvement is proposed, the City will evaluate the proposal to ensure that the pump stations would not, in fact, result in any new or substantially more severe environmental impacts than those disclosed in the EIR. Should such impacts be identified, additional environmental review would be required. As stated in Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*:

> Nothing about the proposed project or any of its anticipated approval actions would eliminate the need for subsequent project changes to be evaluated under CEQA. The City's authority to exercise discretion with respect to review of subsequently proposed development on the project is set forth in the General Development Plan's Downtown West Planned Development Zoning Subsequent Review Process, and in the Appendix C of the Downtown West Design Standards and Guidelines, Conform Review Checklists. Moreover, the Planning Director, in reviewing subsequent proposed developments, must determine if CEQA is satisfied by relying on the Draft EIR, or if additional CEQA review is required, which may include additional mitigation measures, where warranted.

With respect to the replacement bridge at West San Fernando Street, the commenter is incorrect that such a project typically would require preparation of its own EIR. It is considerably more likely that such a bridge replacement as a standalone project would be evaluated in a Mitigated Negative Declaration, such as was completed in 2014 by the Peninsula Joint Powers Board for the replacement crossing of Los Gatos Creek just south of West San Carlos Street (located adjacent to the project site), and it is not inconceivable that replacement of an existing bridge that provides no additional travel capacity and would result in only temporary construction effects could be found to be exempt from CEQA. However, the foregoing is provided only by way of illustration; the type of CEQA document that would be required for the replacement bridge if it were a stand-alone project is not relevant to the adequacy of the Draft EIR. The Draft EIR thoroughly evaluates the replacement bridge based on available information, particularly with respect to potential effects on riparian habitat along Los Gatos Creek and other biological resources. As in the case of the new pump stations, the City—along with responsible agencies such as the Santa

Clara Valley Water District, Regional Water Quality Control Board, and California Department of Fish and Wildlife—would review detailed plans for the replacement bridge, once available, to determine whether the bridge would result in any new or substantially more-severe environmental impacts than those disclosed in the EIR. Should such impacts be identified, additional environmental review would be required.

The commenter has not presented any evidence to indicate that the Draft EIR's analysis of utilities and improvements such as the proposed replacement West San Fernando Street bridge is inadequate.

Also refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*.

Comment Z.11

F. Future Approvals

The lack of information regarding the major elements of the project leads to an inability to correctly and adequately name the future approvals that will be required and will use this EIR, as required by Section 15124 (d)(1)(A-D). Section 2.15 *Uses of the EIR and Required Project Approvals* seems to state that the Planned Development (PD) rezoning and General Development Plan will be approved as one action; however, it is not clear how many PD Permits will be granted and when the public will get the opportunity to review specific development proposal(s). In multiple locations of the project description, there are cryptic statements regarding future approvals and potentially, environmental review. However, the number and types of approvals that will rely on this EIR and in the order in which they will occur, are not presented in the detail required by the CEQA Guideline.

Projects in San José are required to not only have applications on file for PD rezonings, but also for proposed PD Permits prior to and during preparation of the environmental document. The "approval body" for PD Permits is the City Council. We are unclear as to how project approvals will be granted for this project. A PD rezoning and PD Permit typically go to the planning commission and City Council together with the environmental document for approval. How can that occur in this case when the PD Permit(s), which is the document with required project details, has not been prepared? This process needs to be explained. Will the public be made aware of all future approvals? How?

It also appears that the Director of Public Works will be responsible for approval of the "horizontal infrastructure improvements, such as utilities, streets, streetscapes, and the like", (Footnote 72 and page 2-79). These details should be known at this time, as they are for other projects in the City, and proposals should be circulated to the public prior to approval in accordance with standard City procedure. Please present what approvals are going to the Director of Public Works.

According to the *Downtown West PD Zoning/Design Conformance Review* section (page 2-79), the General Development Plan would establish a Downtown West PD Zoning/Design "Conformance Review" process "to ensure that development within the project site substantially conforms with the requirements of the Plan, the Downtown West Design

Standards and Guidelines, applicable provisions of the Municipal Code, and the other applicable standards and guidelines noted above. We know of no other project in the City of San José where "Conformance Review" has been implemented for future project approvals. It is impossible to evaluate this proposed development when it is not disclosed now and when it is eventually disclosed it could be changed again by the conformance review process. When will CEQA review be provided for elements of the project that go through the Conformance Review process?

The section goes on to state:

> The project applicant would be required to submit a Conformance Review application to the City's Department of Planning, Building and Code Enforcement for vertical improvements and open space. The application would have to include information specified in the General Development Plan, including, as applicable:
>
> – Proposed land uses and allocation of square footage for each;
> – Building heights; and
> – Requests for minor modifications to and other authorized relief from the Planned Development Permit, if sought.
>
> The Director of Planning, Building and Code Enforcement or the Director's designee would evaluate the Conformance Review application on the basis of a Conformance Checklist to be submitted by the applicant and/or developer of a particular building, structure, or physical improvement (refer to Appendix M for the Conformance Checklist). The Conformance Checklist would describe the criteria established in the General Development Plan and the Downtown West Design Standards and Guidelines against which a determination of conformity can be made by the Director. Compliance with clear and quantitative mandatory standards in the Planned Development Permit and Downtown West Design Standards and Guidelines would be required; however, compliance with non-mandatory guidelines, while encouraged, would not be required.

We know of no other project of this scale in San José that has been implemented in such a way that large subsequent development projects can be approved without any public input. We also have never known the City to utilize such a "checklist" for approval of what could be very large commercial and/or residential projects, and it appears that its completion can be done by anyone in the Planning Department. Will building materials, orientation, and ingress and egress locations have been decided once a checklist is submitted?

It appears as if the project would have one General Development Plan (which is not included in the DEIR) and multiple subsequent developments that will only be reviewed for consistency with standards that have not been approved. Consistency with "Guidelines" appears to be optional. Further, as stated in Section 2.4.12 *Zoning Districts*, the project will be assessed based on a "subsequent design conformance process." What is this process? What are the performance criteria? When and how will the public be brought into the process?

These standards and guidelines are described in the project description as "enforceable." With a checklist by staff? How will the public and surrounding neighborhoods be part of this

process? Will actual development applications with engineered drawings be required by the City as they are now? The lack of detail in the DEIR allows future developer(s) and applicant(s) entirely too much flexibility and does not give the decision makers the information they need to make an informed decision. Information regarding the project is left up to the imaginations of those who might be affected.

It appears that the only component of the project that could undergo subsequent environmental review is the "other interim land uses." (page 2-18) How can interim land uses require future environmental review when details regarding them are no more concrete than those of the proposed project? Again, the project as currently proposed is conceptual in all regards and future project-level environmental review must occur for each phase of development.

The City has not determined what, if any, subsequent environmental analysis would be required when additional project details become available. What future environmental review is contemplated for each of the elements of this project. The City cannot make a final determination of General Plan, specific plan, municipal code or policy conformance until project specific details are available. General Plan conformance is based on the entirety of the General Plan goals and policies and not solely the Land Use/Transportation Diagram designation. When will the details omitted from the DEIR be made available? When is General Plan conformance expected? What additional environmental disclosure will be provided for General Plan, specific plan and municipal code conformance?

Under the AMA (**EXHIBIT B**), the City has an obligation to work closely with SSE on all development proposals near the Arena to ensure that appropriate measures will be taken to protect Arena operations. This includes referring notification of preliminary review applications, environmental documents, traffic and parking analyses, construction traffic management plans, and transportation and parking management plans, among others. Therefore, the future preparation of any plans as it relates to the proposed Downtown West must come to Arena Management in draft form for review and comment. This includes the TDM plan, all subsequent Transportation Analyses (TAs), Local Transportation Analyses (LTAs), construction management and staging plans and schedules, construction worker parking schemes, Recommended Temporary Traffic Control Plans (RTTCP), proposed street network changes, truck haul routes, etc. It is difficult to see how the City will be able to comply with its obligations when the DEIR implies that these standard documents will not be prepared as part of the EIR for this project.

Response Z.11

Following certification of the EIR, as required by CEQA, the City's decision makers will consider legislative approvals including a General Plan amendment (needed to support a General Plan conformity determination), amendments to the DSAP, and rezoning to Planned Development (including a General Development Plan). At the same time, similar to other projects requesting rezoning to Planned Development, the City will consider a Planned Development Permit for the majority of the project site, which would include the Downtown West Standards

and Guidelines, Downtown West Improvement Standards, and Infrastructure Plan Sheets.[145] All of these documents and other project materials have been available in draft form for public review and comment since publication of the Draft EIR in early October 2020, on the City's "Google Project" website.[146] Also, while these documents are not within the EIR itself (with the exception of the Downtown West Design Standards and Guidelines [Draft EIR Appendix M], which is part of the Planned Development permit), the physical characteristics of the project are described in sufficient detail to provide for a thorough analysis of potential environmental impacts.[147] As listed on the City's website, City-noticed public meetings following publication of the above-noted project materials included a community meeting on October 19, 2020; Historic Landmarks Commission Hearing on November 4, 2020; City Council study session on November 16, 2020; Planning Commission Study Session on December 9, 2020; and City Council Study Session on the District Utilities Program on March 25, 2021.

Contrary to the commenter's suggestion, all known and reasonably foreseeable project approvals required by the City, State, federal, and other entities are described in the Draft EIR, in Section 2.15, *Uses of the EIR and Required Project Approvals*, as revised in this First Amendment. As indicated in Chapter 4, *Revisions to the Draft EIR*, this section has been modified since publication of the Draft EIR to provide further detail about project approval actions as requested by the commenter; these modifications do not constitute a substantive change to the project analyzed in the Draft EIR and do not affect the analysis or conclusions in the Draft EIR.

Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, regarding the Conformance Review process.

The AMA for SAP Center is an agreement between the commenter and the City. The City's consideration of the Downtown West project is not in violation of this agreement, and the agreement does not require the commenter's participation in the referenced Conformance Review process. The AMA does require that the "City shall coordinate with [the Arena] Manager regarding significant land use and development decisions within the 1/2 Mile Radius, to ensure that the required number of Available Parking Spaces is maintained." This includes provision of project plans and other relevant materials and also requires that projects within one-third of a mile of the SAP Center that proposed in excess of 100,000 square feet of commercial space or 50,000 square feet of stand-alone retail/restaurant space conduct a parking analysis. Such analysis is outside the scope of the EIR given that SB 743 precludes identification of parking impacts as significant effects under CEQA. The AMA does not require the commenter's review of all site-specific Local Transportation Analyses or other specific documents. The City will continue to

[145] A second Planned Development permit would be required at a later date for Block D1, which is owned by the Valley Transportation Authority (VTA), because VTA would cover the timing of development on that site. Development on this site is assumed consistent with the currently proposed General Development Plan, which would also be applicable to Block D1.

[146] https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[147] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

abide by the current terms of the agreement until its amendment or expiration, and recognizes the need for continued coordination and cooperation during construction and development in the vicinity of the Arena. The proposed project's draft Development Agreement sets forth requirements for parking, including the amount of parking available to SAP Center patrons at each phase of project development.[148] The City would monitor compliance with these requirements as part of the Conformance Review process.

Also refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*, and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, and Response Z.3 regarding the Commercial Parking Evaluation prepared for the proposed project.

Comment Z.12

G. Phasing

The phasing of the project is described too generally and could therefore vary greatly. Specific impacts per phase cannot be deciphered. Will development be capped per phase, meaning the applicant can move to other sites not in the earlier phases as long as they don't exceed the building amounts/envelopes? How will we know this is being enforced? If Google ends up selling portions of the site to other developers, this would affect the ultimate phasing of development and the severity of all environmental impacts analyzed. This is not discussed or planned for.

The phasing section of the DEIR (Section 2.13) does not address many very significant phasing issues. For example, it appears that development in and around the SAP Center will not happen until the final phase. However, there is no information on construction staging locations during this phase or when Cahill Street would be extended to the north adjacent to SAP Center. Is the project proposing that development will occur in Phases 1 and 2 without the Cahill extension? Further, many projects in San José depend on street right-of-way for construction and equipment staging, including the placement of cranes. How will this affect traffic during construction, especially if multiple projects are under construction at the same time? Where in the DEIR is this disclosed and analyzed? SSE must be involved in the preparation and review of any construction staging and mitigation plans because it is a major stakeholder in the area, and also per the requirements of the AMA.

The phasing described in the DEIR is speculative and incomplete, and therefore each phase should be subject to subsequent environmental review allowing the public and decision makers to be part of the environmental process. Please present detailed timing for each phase and a detailed scope of the work to be accomplished in each phase.

Response Z.12

The proposed project's development schedule cannot be known with certainty; like all development projects, market forces and other outside influences can alter even the most precise

[148] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

and carefully developed phasing plan. The phasing plan presented in Draft EIR Section 2.13 is the most accurate plan that can be known at this time. As stated on Draft EIR page 2-66:

> Construction is anticipated to begin in 2021 and is conservatively assumed to continue through 2031. This assumption provides for a conservative analysis, because it compresses construction activities that might otherwise occur sequentially, and because near-term construction activities would not benefit from changes in technology and/or lower emissions standards that will reduce emissions over time. The duration of each phase of construction would vary, with the end of one phase and the start of the subsequent phase sometimes overlapping one another.[DEIR footnote 75] Actual phased implementation could be constrained by external factors such as market forces and construction staging for the BART Downtown extension, and thus could extend over a longer period. The timing of construction of buildings and other project components within each phase may shift due to market conditions or other external factors without exceeding the program assumptions per year.
>
> [DEIR footnote 75] The phasing assumed in this EIR takes into account reasonable (but slightly conservative) assumptions for development, including practical constraints posed by other projects, such as BART station construction.

The foregoing notwithstanding, there is no requirement in CEQA that each phase of a project be analyzed separately or that impacts be identified separately by phase. Rather, in this instance, the assumed phasing, based on the best available information concerning the proposed project, was used to develop assumptions for use in certain aspects of the Draft EIR analysis. For example, the analyses of both air quality and greenhouse gas (GHG) emissions incorporate different emissions factors (i.e., rates of vehicle and equipment emissions) over the course of time; emissions at a later date would generally be less for the same vehicle or piece of equipment because the analysis takes into account improved technology and increasingly stringent emissions requirements and GHG reduction requirements going forward. Because, as is explained in the quoted passage above, the Draft EIR analysis conservatively assumes that project buildout would occur by 2031—a longer timeframe is likely—the EIR assumes greater emissions than would occur if the project were developed over a longer schedule that would allow for cleaner vehicle technology and equipment to be factored in. Additionally, the phasing plan assumes that development would occur on what is now parking Lots A, B, and C adjacent to SAP Center prior to the 2040 expiration date of the AMA between San José Arena Management LLC and the City of San José. As stated on Draft EIR page 2-47, the AMA must be amended (or must expire) in order for the project applicant to develop on Lots A, B, and C, and there is no certainty that such an amendment will be agreed upon.

As for the results of the analyses, it is noted that Mitigation Measure GR-2, Compliance with AB 900, explicitly ties payment of offsets for GHG emissions to the phasing of project development, based on the phasing plan in the project's Assembly Bill (AB) 900 certification. The project applicant would be required to track the calculated GHG emissions of the project at specified phases as development proceeds and would be required to submit annual implementation reports to the City, as well as provide to the City evidence of the purchase of required emissions offsets.

The City would track overall development (office and active use square footage, number of residential units, limited term corporate accommodations and hotel rooms) of the proposed project, in much the same way that it tracks development citywide as part of its annual General Plan monitoring process. Should the City determine that the proposed project were proceeding at a development pace substantially in excess of that assumed in the EIR, the project applicant could be required to purchase additional GHG emissions offsets, consistent with Mitigation Measure GR-1.

The commenter is correct that development on C1, C2, and C3—those portions of the project site that are nearest to SAP Center and/or are currently occupied by SAP Center parking lots—is planned for the third and final phase of the proposed project. Consistent with this schedule, the extension of Cahill Street north of West Santa Clara Street would also occur as part of the project's Phase 3, as that street extension would not be required until development of adjacent parcels C1, C2, and C3. Construction staging for parcels C1, C2, and C3 would be anticipated to occur on those sites, but not until Phase 3 begins. (As noted previously, the Draft EIR's development schedule assumption for this area is conservative in that development is assumed to occur prior to the 2040 expiration date of the SAP Center AMA.)

Also refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*, and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*.

Comment Z.13

SECTION 2. LACK OF REPLACEMENT PARKING FOR SAP CENTER

Section 2.7.6 *Off-Site Transportation Improvements* includes a section entitled "SAP Center Parking" (page 2-45 of the DEIR). The proposed project includes the development of Lots A, B, and C (which currently provide SAP Center with vital parking), with commercial and residential uses. Therefore, the loss of this parking is an impact of the project. The section states on page 2-47:

> Therefore, replacement parking in the vicinity is considered a reasonably foreseeable, if indirect, future consequence of the project.

Contrary to the above, this is a direct impact to a public use that will occur as a result of the project and it should be identified and mitigated as part of the proposed project – not deferred to some later date, which is a violation of CEQA. This is especially true since we have no assurances of when future environmental review will occur for the "replacement" parking. The fact that Google is not a party to the AMA is irrelevant. If parking for a public use is being removed as part of the project, it needs to be replaced as part of the project, which is true for any similar situation in San José.

Moreover, under agreements signed by Google concurrently with its option agreement with the City, the development of certain replacement parking spaces, specifically on Lot E and the Milligan site, is a condition precedent to Google's right to develop its properties along Delmas Avenue at Santa Clara Street. Therefore, replacement parking on Lot E and the Milligan site is inextricably linked to the project. Although Pages 2-46 and 2-47 of the DEIR

state that any of the options for replacement parking may or may not occur, the City is obligated to construct parking on those two sites under the AMA and its agreements with Google.

In furtherance of this obligations, the City has prepared plans for these parking facilities. Thus, environmental review for them could have been included in the proposed project. There is no reason why these projects, which would have provided hundreds of parking spaces to replace parking on Lots A, B, and C, are not included in the project. The details regarding their construction are at least as detailed as those of the proposed project.

As for the other options, the Platform 16 project is on-hold without any date known for completion, and negotiations with the County over the West Julian Street parking have stalled. As for the Adobe project, SSE has reviewed the plans and has determined that the parking in that structure does not have adequate post-event egress, among other issues.

The "other potential parking sites that are available throughout the DSAP area" either would not exist post-project or have not been identified, in which case it is not possible to determine if any of them are conducive to Arena event parking. The point is, enough is known about the existing situation to have allowed environmental review for the required replacement parking. To have stated that "it would be speculative to provide specific detail on potential future changes to SAP Center parking" is no more problematic than all the other speculative or unknown elements of the project for which the applicant is seeking approval.

Response Z.13

As stated in Response Z.2, parking impacts can no longer be considered under CEQA in determining the proposed project's physical environmental effects. Therefore, comments related to parking do not address the adequacy or accuracy of the Draft EIR, and no further response is required.

Concerning development on Lots A, B, and C, which are currently used as parking lots for SAP Center, as explained on Draft EIR page 2-47 and discussed in Response Z.12, development of Lots A, B, and C under the proposed project is contingent on amendment of the AMA for SAP Center. This contingency is beyond the control of the project applicant. If no such agreement is reached between the City and SSE, development on Lots A, B, and C could not proceed, at least until after the expiration of the AMA in 2040, which is well beyond the assumed buildout date of the proposed project. Therefore, it is reasonable to assume that, in order for development to proceed on Lots A, B, and C, some agreement with respect to replacement parking for SAP Center patrons must have occurred, and therefore the parking currently provided at Lots A, B, and C would not have been "lost," but rather relocated. Should Lots A, B, and C not be developed, the existing parking would remain pursuant to the AMA. Therefore, the project could not cause the loss of parking currently at Lots A, B, and C. Additionally, as explained on Draft EIR page 2-46, a parking garage was envisioned on Lot E in the 2014 Diridon Station Area Plan. The draft DSAP Amendment includes a number of parking strategies to accommodate parking for SAP Center, including shared parking with commercial and retail uses (as is proposed under the Downtown West Mixed-Use Plan) and reiterates the proposal for a new parking structure just north of SAP

Center, to be used by SAP Center attendees and others visiting the Diridon Station area. Finally, as stated in Chapter 1, *Introduction*, of this First Amendment, the project has been revised since publication of the Draft EIR to provide a minimum of 2,850 public/commercial parking spaces on the project site. Additionally, for informational purposes, the General Development Plan Exhibit K of the draft Development Agreement proposed for the project include applicant obligations regarding on-site parking.[149]

The Draft EIR's discussion regarding potential replacement parking for the spaces now at Lots A, B, and C is provided in the interest of full disclosure of very early-phase plans being contemplated by the City for additional parking in the vicinity of SAP Center. However, the City does not agree that any such plans have progressed to the point where CEQA review for replacement parking facilities would be warranted, let alone required. The comment asserts that the specifics of replacement parking is not speculative, claiming that "under agreements signed by Google concurrently with its option agreement with the City, the development of certain replacement parking spaces, specifically on Lot E and the Milligan site, is a condition precedent to Google's right to develop its properties along Delmas Avenue at Santa Clara Street." However, neither the City nor the applicant are aware of any agreements requiring that the City develop Lot E and/or Milligan to allow development along Delmas Avenue, and the commenter did not provide specifics to enable a more detailed response. Given the uncertainty regarding replacement parking, it would be speculative to conduct environmental review now. The Draft EIR does consider future replacement parking as a cumulative impact; see Section 2.7.6, *Off-Street Transportation Improvements*, and page 3-11.

Comment Z.14

SECTION 3. THE LACK OF AN INDUSTRY STANDARD PARKING STUDY

The DEIR wholly fails to identify, evaluate, propose mitigation for, or otherwise address the parking issues raised previously by SSE in multiple City documents and during the NOP process for the proposed project.[3] In particular, the DEIR does not include an actual parking availability and demand study, nor does it analyze parking availability after the removal of large swaths of parking that will occur as a result of planned Downtown Strategy and DSAP development.

As explained in CEQA Guideline Section 15125. Environmental Setting:

> [T]he purpose of this requirement [to accurately describe the environmental setting] is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.

In this case, we can find no accounting in the DEIR as to how many parking spaces will be lost as a result of the proposed project. We only find how the project will provide a dramatically reduced number of spaces when compared to the Municipal Code, based on a TDM program with no specific performance measures or means of accounting for success.

[149] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[3] In fact, the community had similar concerns as shown in Table 1-1 of the DEIR.

Given that the project requests a dramatic reduction in required parking, existing parking is being removed without replacement (**EXHIBIT I Parking within 1/3-mile**), and with no new parking included in the future BART and HSR projects the DSAP area will be short by thousands of parking spaces.

A transportation and parking evaluation is something the City of San José would require in an EIR for any other large project in the Diridon Station area. The City, per the AMA (**EXHIBIT B**), is obligated to consider and mitigate adverse impacts on the Arena caused by major projects in the Diridon Station area, particularly impacts related to parking and transportation. The AMA states:

> For the BART and High Speed Rail transit projects, the City will request that the lead agency conduct a project parking analysis – The analysis should include a projection of parking demand, demand management strategies, recommended supply solutions, and potential impacts on the existing parking supply within the Diridon area, including suggested ways to mitigate the impact if it is deemed significant. The results of any parking analysis will be provided to Arena Management for review and comment. The City will consider Arena Management's timely feedback in formulating comments that the City forwards to the lead agency as part of the project development and approval process.

Page 2-4 of the DEIR states that "The City will also prepare implementation plans for shared parking, infrastructure financing, and affordable housing." As previously stated, this information has not been forthcoming and it is unclear when it will be provided. The discussion on page 2-46 of the DEIR provides that "As part of its current broader effort to update the DSAP, the City is also updating the parking analysis." This updated parking analysis should be part of the proposed project, which is within the boundaries of the DSAP.

There is no evidence as to where off-site parking, shared or not, will be located or what actual parking demands will be. Section 11.2 of the LTA (Appendix J2) is not a parking supply or demand assessment and certainly does not meet industry standards for a parking demand analysis.

Response Z.14

CEQA Guidelines Section 15125 refers specifically to the environmental setting requirements under CEQA, which is intended to provide a snapshot of existing conditions rather than project effects. As noted in CEQA Guidelines Section 15064.3, transportation impacts for land use projects should be assessed using the VMT transportation metric. No mention is made of assessing parking. As discussed in Responses Z.2 and Z.3, the Draft EIR provides an adequate and complete assessment of transportation impacts, including providing VMT assessments used in Draft EIR Section 3.1, *Air Quality*, and Section 3.10, *Noise and Vibration*. Therefore, the transportation analysis of the project is both adequate and complete. Furthermore, CEQA Section 21099(d)(1) explicitly states that "… parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the project." Because the project meets these criteria, any and all parking analysis presented in the Draft EIR and LTA (Draft EIR Appendix J2) are provided for informational-purposes only, and not to determine the significance of a CEQA transportation impact.

With respect to the adequacy of the description of the project's effects on the existing setting, and the lack of a formal parking study for the Diridon Station Area Plan area as a whole, the comment is noted. As described above in Response Z.3, the LTA includes a comprehensive Commercial Parking Evaluation for the project that addresses parking supply and demand; it is unclear what the commenter believes would be required to meet "industry standards." The parking analysis included in the LTA Appendix H is based off the Urban Land Institute (ULI) Shared Parking, Third Edition Report. The ULI report is used to analyze parking demand in mixed-used developments and develop average parking rates by land use based on national studies and is recognized as an industry standard. The parking analysis recognizes that the ULI rates do not fully account for the high availability of transit or the low availability and high cost of parking, both of which are typical of an urban core. The parking analysis applies the concept of market forces, which accounts for downtown San José's parking-constrained environment and people's decision of how and when to travel based on their knowledge of parking supply as compared to the amount of people who would otherwise wish to use it free of price and time constraints. The project's proposed parking supply is discussed on Draft EIR pages 2-21, 2-22, 3.13-64, and 3.13-65, as well as in Chapter 11 of the LTA (Draft EIR Appendix J2). Also refer to Responses Z.6 and Z.7. The request for preparation of a more comprehensive parking assessment and parking plan is noted, but is not required as part of the Draft EIR, and would not inform findings of significance for CEQA transportation impacts at the project site or the surrounding area. The adequacy of the Project Description is more fully discussed in Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*.

Comment Z.15

The implementation plans for the project and amendments to the DSAP, Downtown Strategy 2040, and General Plan must be known now for a meaningful evaluation of environmental impacts of this project to occur. There are far too many moving parts for the public and decision makers to have the ability to meaningfully participate in the environmental process for the project.

Response Z.15

The Draft EIR incorporates reasonably foreseeable projects into its cumulative analysis; however, because the other projects listed by the commenter are, in fact, plans and programs (i.e., Diridon Station Area Plan, Downtown Strategy 2040, San José General Plan), some specifics are not yet known. Nonetheless, each of these plans is considered as part of the cumulative impacts analysis based on the best publicly available information. To the extent these other plans lack detail, it does not make the analysis of this project incomplete for purposes of CEQA.

Comment Z.16

Further, *Section 2.3.10, Parking* of the DEIR acknowledges that the project "proposes reduced parking in accordance with Municipal Code" because it is located within 2,000 feet of an existing transit station or growth area, provides the required number of bicycle parking spaces, and includes a "robust" Transportation Demand Management (TDM) program.

The amount of parking proposed does not come close to meeting the minimum stated requirements set forth in the Municipal Code, even with the application of a 15% reduction. With the reduction, the DEIR states that 10,290 total off-street parking spaces would be required.[4] However, the project includes only 7,160 spaces, or less than 70% of the requirement. The section then goes on to speculate "Some commercial parking could also be provided at off-site location(s), should such off-site parking be developed separately from the project in the future. In addition, a portion of the residential parking spaces could be designated as shared spaces, meaning that they could be used by office employees when not occupied by residential users." (Emphasis added) This statement fails to identify any actual available or potentially available parking.

In the City of San José, all projects are required to include a detailed description of where and how parking requirements will be met. We are perplexed that such a large project is not being required to meet this basic project requirement. We know that many high-tech firms do not allow shared parking with residential and other uses for security reasons. Similarly, residential projects do not typically share with other uses, particularly for evening uses such as Arena events. For this reason, a comprehensive shared parking arrangement, based on a parking study that utilizes proven scientific data, is long over-due.

To depend on parking in the future that has not been proposed and may not exist is improperly deferring a potential impact to a later time. Section 2.3.10 of the DEIR states that shared parking "can reduce the total number of spaces needed to serve a combination of uses, compared to single-use parking serving the same uses. Shared parking can reduce overall parking demand of a mix of uses by 10 to 20 percent in most cases, and potentially by 50 percent or more. The project would therefore meet a minimum of 94 percent of the residential parking requirement. However, the project would provide only about 62 percent of the nonresidential parking spaces typically required by the Municipal Code."

This statement is unsubstantiated and confusing. The statement says that these reductions "can" reduce the parking requirements based on sources from 2015 (too old) and from San Diego (not San José) (footnote 38). The sources do not support a reduced parking requirement, and because much of the project area currently provides surface parking that will be eliminated by the project, how can this be true? Please explain. Deferring the answers to these questions does not allow adequate environmental review. Again, a parking study that is based in proven science must be completed now.

Response Z.16

The comment asserts that the statements made in the Project Description with regards to the project's relationship to City parking requirements is inaccurate. The comment claims that the Draft EIR and LTA are inadequate because they do not provide "a detailed description of where and how parking requirements will be met." As noted on Draft EIR page 2-21, applicants may propose reduced parking requirements using Planned Development Zoning, with City approval.

[4] As shown in **EXHIBIT X** (Watry Memo), there is a discrepancy between the DEIR, LTA, and Appendix H of the DEIR as to the number of required parking spaces.

The project applicant has requested use of this process to allow its proposed parking ratios, consistent with requirements of the Municipal Code.

The comment further asserts that because the Project does not meet the standard parking requirements indicated in the Municipal Code, that the Draft EIR should make a finding of a significant environmental impact on the basis of parking. Refer to Responses Z.13 and Z.14 for a discussion of why parking supply is not a metric used to determine the significance of a CEQA transportation impact, and Response Z.3 for a discussion of the LTA's Commercial Parking Evaluation.

For information, it is noted that reducing parking and increasing the share of trips made by travel modes other than single occupancy vehicles are critical to both the project applicant's and the City's goals of reducing GHG emissions. As stated in the Memorandum of Understanding agreed to by the City and project applicant in December 2018, one of the shared goals of both entities is:

> **Maximize Use of Public Transit and Minimize Parking.** The City acknowledges and supports Google's desire to minimize parking for its own use and to maximize use of public transit by employees and visitors. Plan and develop parking for the Diridon Station Area that is not visually prominent and is conducive to adaptive re-use as transportation modes change in the future.

The MOU further states:

> Parking. The City and Google will work to develop a parking plan for the Diridon Station Area that addresses initial and long-term goals in order to balance the need for parking and the desire to minimize parking in the long-term. The parking plan is expected to include elements such as available physical spaces and tools/processes (such as Transportation Management Plan) necessary to support efficient operation of the Diridon Station Area.

Moreover, the General Plan includes the following goals policies in support of reduced parking:

> **Goal CD-2.1(c).** Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.
>
> **Policy 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.
>
> **Policy TR-8.3.** Support using parking supply limitations and pricing as strategies to encourage use of non-automobile modes.

Reduced parking is also a key component of the TDM Program required as part of Mitigation Measure AQ-2h. Refer to Section 3.2.4, *Master Response 4: TDM Program*, regarding the effectiveness of parking constraints to achieve TDM goals. In fact, while SSE suggests more

parking is needed, one of the regulatory agencies, BAAQMD, has recommended that parking should be reduced even further. Refer to Comment F.1.

The comment also requests additional supporting evidence for the project's shared parking reductions. This evidence is presented in the Commercial Parking Evaluation provided as Appendix G of the LTA (Draft EIR Appendix J2). As noted previously, this analysis is provided for informational and planning purposes, and does not constitute a basis for determination of significant transportation impacts under CEQA.

Comment Z.17

As stated in **EXHIBIT E (Watry Design)**, Appendix H of the DEIR does not provide a clear understanding of how shared parking is being applied to reduce the amount of parking required to support the shared parking analysis. The parking analysis relied upon for the project parking demand requires a 75% shift in mode share. This means that 75% of single occupancy vehicle drivers who would normally be anticipated to drive to the project must shift to alternative methods, such as bicycles, walking or light rail. The DEIR partly uses the ULI model to calculate a predicted mode shift. However, as presented in the DEIR the model assumes the best case outcome for each TDM inputted into the model. This is flawed, because each individual TDM performance measure must be disclosed now so reviewers can determine its effectiveness and ascertain whether the model inputs are valid. Currently there is no evidence in the record to support the ULI model calculations presented in the DEIR.

In addition, to close the gap between the ULI model mode shift of 65% and the 75% mode shift needed to support the shared parking analysis, the DEIR assumes that "market forces" will add 10 additional percentage points to the mode shift and thereby achieve a 75% mode shift. There are no facts in the record to support this 10 percent jump in the mode shift calculation to reach the 75% mode shift relied on in the DEIR for its parking calculation. In short, a 75% mode shift is unrealistic. The non-validated best case assumptions used in the ULI model are not supported by evidence in the record. Finally, the mode share jump from 65% to 75% is unsupported by the model and is not based on any evidence in the record.

Response Z.17

Refer to Responses Z.13 and Z.14 for a discussion of why parking supply is not a metric used to determine the significance of a CEQA transportation impact.

The commenter refers to Appendix H of the EIR, in reference to parking analysis. There is no "Appendix H" to the Draft EIR; Appendix H1 is the Water Supply Assessment, and Appendix H2 identifies Hydrology and Flood Control Measures. Nor is there an "Appendix H" to the Transportation Assessment (Draft EIR Appendix J1), or to the LTA (Draft EIR Appendix J2). For purposes of this response, it is assumed that the commenter intended to refer to the Commercial Parking Evaluation included as LTA Appendix G, which addresses shared parking and related assumptions.

While parking is not a CEQA issue, the following is provided for informational purposes. As discussed on page 9 of Appendix G of the LTA, the ULI mode share assumptions are based on the 65 percent non-SOV mode share presented in the project's TDM Program, which would be subject to monitoring per Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, plus a 10 percent market forces reduction, (refer to Chapter 4, *Revisions to the Draft EIR*, for revisions to Mitigation Measure AQ-2h). The comment claims that the market forces adjustment has no basis, but this concept and its effect on parking has been applied to other recent studies, such as the University of California, San Francisco, Comprehensive Parnassus Heights Plan Draft EIR (July 2020). Additionally, this methodology is established in basic economic principles. The concept of market forces draws upon the scarcity and trade-offs principles of economics: how people weigh and choose suitable alternatives when the market is not providing a good/service at a cost, whether in terms of dollars, time, or both, that the user is willing to pay. In urban cores, where space is at a premium and land costs are higher than other locations, comparatively taller and/or more dense land uses are generally favored as the preferred land use in conjunction with non-SOV modes of transportation. While the project would allow for shared parking between office and residential uses, this is not required to meet parking requirements as outlined in Exhibit K of the draft Development Agreement proposed for the project.[150]

Refer to Section 3.2.4, *Master Response 4: TDM Program*, for a discussion of how the project's TDM Program was developed and analyzed in the Draft EIR.

Comment Z.18

There is also no evidence that increased parking demands caused by future transit riders at the San José Diridon Station and new development would be met by any available parking in existing or new parking facilities. The City has not prepared a comprehensive parking survey for the Downtown and/or DSAP area. This is especially important as the BART and HSR projects do not include any parking for transit users or a valid parking study[5].

The fact that the future BART and HSR projects coming to the Diridon Station will not be providing <u>any</u> parking for transit users means that the parking demands created by those projects will put pressure on the already-paltry parking supply planned to be included in the project. The project certainly does not include enough parking for transit users, and there is no analysis to demonstrate that there are offsetting effects associated with increased transit service at the station such that parking demands of station users and SAP Center patrons would be met (in addition to the demands created by the project) without secondary environmental or socioeconomic effects.

Further, a true unconstrained parking study with actual scientific modeling was not completed for either the proposed project or future transit projects. The DEIR posits, without

[150] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

[5] Studies showing that BART will generate a demand for at least 2,262 parking spaces (2004 Final EIR and 2007 Supplemental Final EIR for the BART Phase II Extension to Diridon Station).

evidence, that parking is available in the project area and downtown that can be used by residential and commercial development, the Arena, and transit users. Indeed, many other projects in the DSAP area and downtown are proclaiming to be able to utilize "under-utilized" and "commercially available" parking downtown. However, a scientific, industry-standard analysis has not been completed to prove this to be true.

If the DEIR is a "project-level" environmental document which allows development without further review or analysis; then these purported off-site parking locations must be disclosed such that surrounding neighborhoods and businesses, including the SAP Center, are able to evaluate potential impacts in advance of the project. Without knowing locations, how can impacts be adequately described and mitigated? Impacts related to construction vehicle traffic is also deferred to the future. A "project-level" DEIR must include an evaluation of those impacts now.

Response Z.18

Refer to Responses Z.13 and Z.14 for a discussion of why parking supply is not a metric used to determine the significance of a CEQA transportation impact. As explained beginning on Draft EIR page 3-10, both the BART Silicon Valley Phase II project and the California High-Speed Rail project are included in the Draft EIR's cumulative analysis.

Concerning secondary effects related to parking supply, given that the proposed project would provide a minimum of 2,850 commercial/public parking spaces, and given that the DSAP Amendment supports construction of a new parking garage immediately north of SAP Center, it is not anticipated that a substantial shortfall in parking would occur with respect to either SAP Center events or users of Diridon Station, or for employees of and visitors to the proposed Downtown West Mixed-Use Plan site. Many public/commercial parking spaces on the project site would be available on evenings and weekends, when most SAP Center events take place. With a dedicated parking supply not provided for BART and High-Speed Rail riders, it is anticipated that many would use other modes of travel to reach Diridon Station, including transit and transportation network companies (e.g., Uber and Lyft). And, as discussed below in Response Z.22, the project would adopt a Neighborhood Traffic and Parking Intrusion Monitoring Plan to address the potential for project parking demand to spill into adjacent neighborhoods. This plan, which would fulfill the requirements specified in Sections 4.18 and 4.16, respectively, of the City's Transportation Analysis Handbook for a Neighborhood Traffic Intrusion Monitoring Plan and a Parking Intrusion Monitoring Plan, would be reviewed and approved by the City.[151]

Regarding construction vehicle traffic, this is included as part of the Draft EIR's analysis of air quality, greenhouse gas emissions, and noise. Local transportation effects of construction traffic would be evaluated in future building-specific Local Transportation Analyses.

[151] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

Comment Z.19

As stated in SSE's letter dated November 22, 2019 commenting on the Notice of Preparation (NOP) for the project, the Local Transportation Analysis (LTA) should have included a comprehensive parking inventory, and provided ways to avoid, minimize and mitigate any adverse parking effects on nearby residential or business communities. It should have included an analysis of traffic impacts between 6 and 7 PM, as was done for the DSAP FEIR. It should have also included ways to protect pedestrian and bicyclist safety both during and after construction. Construction worker parking and parking lost due to construction staging and access must also be analyzed. Please provide this analysis.

Response Z.19

Refer to Response Z.2. Also refer to Response Z.18.

The LTA (Draft EIR Appendix J2) provides a non-CEQA analysis of transportation issues, including parking, traffic congestion, and construction traffic, including issues affecting access and pedestrian/bicycle safety and, as explained below in Response Z.22, the Draft EIR and LTA explain that the project would adopt a Neighborhood Traffic and Parking Intrusion Monitoring Plan to address parking intrusion and traffic calming impacts per the city's thresholds once occupancy is achieved. Concerning construction management, please refer to Draft EIR Impact TR-1, page 3.13-28, and LTA Section 13, *Construction Management Plan* (LTA page 240).

Comment Z.20

If the lack of adequate parking results in many workers or residents driving around for an extended period of time looking for parking, impacts to air quality and greenhouse gas emissions could occur, as well as safety impacts to bicyclists and pedestrians. In fact, the project is inconsistent with General Plan Land Use Policy LU-3.5 which states:

> Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.

The lack of adequate parking both during construction and in the long-term will result in many situations where the safety of bicycle and pedestrian facilities will be compromised. When parking is not available, the occurrence of illegal on-street parking (in loading zones and restricted parking areas or across driveways and sidewalks) affects the ability of pedestrians and bicyclists to have a good line of sight, and the quality of pedestrian and bicycle paths of travel is compromised and could result in injury or death.

Response Z.20

Refer to Responses Z.2 and Z.3 for a discussion of travel demand assumptions inherent in the analysis of air quality and GHG emissions, which conservatively do not rely on the project's anticipated trip reductions from the project's TDM Program. Refer to Response Z.18 concerning

BART and High-Speed Rail and secondary effects of parking. These same assumptions are reflected in the LTA's analysis of potential impacts on bicycles and pedestrians. Although the comment implies that the Draft EIR may have understated pedestrian or bicycle impacts, it does not allege any specific deficiency in the Draft EIR.

With respect to pedestrian and bicyclist safety, the project proposes design standards (e.g., ample sidewalks, protected bikeways, small, shared streets, and bulb-outs) that have been proven to calm traffic and improve safety, particularly for people walking and bicycling. Chapter 6 of the Downtown West Design Standards and Guidelines (Appendix M of the Draft EIR) provides additional detail on design standards related to pedestrian and bicycle safety (refer to Downtown West Design Standards and Guidelines Chapter 6, and in particular Section 6.4, Pedestrian Network, and Section 6.5, Bicycle and Micro-mobility Network).[152] Additionally, LTA Section 11 and LTA Appendix G analyze issues relating to potential parking "spillover" into neighboring areas and the monitoring and management of spillover that will be required if it is found to occur; also refer to Response Z.22.

Regarding construction management, please refer to Response Z.19.

Comment Z.21

Google is requesting a dramatic reduction in parking when compared to Municipal Code requirements, and a vast amount of existing parking will be removed and not replaced as a part of the project **(EXHIBIT I Parking in 1/3-mile)**. In addition, future Diridon Station transit projects do not include ANY parking. Therefore, the area will be short by thousands of parking spaces. This shortage should be disclosed, analyzed and mitigated.

Users of the transit opportunities will not just live and work in Downtown West. They will be living and working in other locations and driving to the Diridon area. The lack of parking in the DSAP area will be a barrier to optimal use of the station, which will diminish the environmental benefits it might provide. It also jeopardizes the success of the project, and we remain dismayed as to why Google is not being required to provide parking at levels even close to the minimum standards in the Municipal Code.

The General Plan predicts that more than 20 years from now, 60% of all trips will still be by automobile. Yet, the DSAP Amendments and this project appear to assume that 75% of all trips within the DSAP will occur via transit. This is confusing, and is unsupported by any study. It is a goal – not reality. The idea that providing inadequate parking will reduce parking demand to the level of parking actually provided has not worked and there is no evidence that it would work in the project area.

There is no information in the DEIR that points to any study showing South Bay residents will no longer rely on automobiles to access public transit. In complete contradiction to the City's

[152] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

argument that the General Plan supports the removal of parking, previous traffic analyses completed since at least 2008 show that over 75% of commuters to and from San José were in single-occupant vehicles. The General Plan's "goal" for 2040 is still 40% drive alone mode share for commuters, and that does not include the approximately 10% who carpool and will also need parking.

Response Z.21

Refer to Response Z.2 regarding the incorrect assertion that the Draft EIR appears to assume 75 percent of all trips will occur via transit. Also refer to Response Z.18 concerning BART and High-Speed Rail and secondary effects of parking. Also refer to Responses Z.2 and Z.3 for a discussion of travel demand assumptions inherent in the analysis of air quality and GHG emissions, and the basis for not considering parking demand as a CEQA impact, and to Response Z.16 regarding the City's and the project applicant's shared goals of reducing parking to maximize use of non-SOV modes. Refer to Response Z.17 regarding the market forces that affect supply and demand of parking. Refer to Section 3.2.7, *Master Response 7: Non-CEQA Issue—Transit Demand*. Refer to Response Z.2 for a discussion of why parking supply is not a metric used to determine the significance of a CEQA transportation impact.

Comment Z.22

The problems caused by parking shortages are well known. As an example, when transit projects fail to provide adequate parking at their stations spillover occurs. In other words, unlike the undocumented speculation that removing parking means drivers will no longer drive to an area, actual experience shows the drivers still drive and they create spillover parking in the surrounding neighborhoods. SSE is attaching a collection of articles documenting this point. (**EXHIBIT J, Articles Re BART Parking**). In addition to documenting the negative impacts lack of parking has on BART ridership, the articles describe negative effects on the neighborhoods where BART stations are located and on local businesses. Particularly instructive is the article about Stoneridge Mall having to chain up its parking lots because BART riders were taking it over.

These articles also document the burdens on businesses and infrastructure when a project proponent fails to adequately disclose and mitigate its construction impacts. These are just a few examples of what happens when projects fail to provide adequate parking to meet the demand caused by the project – the burden is shifted to innocent parties.

The lack of parking spaces in the Diridon area will be a hardship to SAP Center's employees and customers. For some events, SSE may have well over 400 employees who need to park within walking distance, many of whom arrive early in the day to start work and many others who arrive mid-day but leave late at night. In addition, some events occur during weekday daytime hours. All of these factors should be studied in the DEIR. A scientific, data-driven parking demand analysis using realistic data based on demand created by all the projects in this area must be completed and included in the DEIR.

Response Z.22

Refer to Response Z.18 regarding travel demand assumptions inherent in the analysis of air quality and GHG emissions; to the extent that drivers searching for parking can be considered to have CEQA impacts, these impacts have been accounted for in those travel assumptions. The remainder of the comment addresses topics that are expressly excluded from CEQA's consideration of environmental impacts. Nevertheless, for informational purposes, Draft EIR page 3.13-65 and LTA Section 12.3, Parking Intrusion Monitoring (page 230 of the LTA) explain that the project would be required to adopt a Neighborhood Traffic and Parking Intrusion Monitoring Plan, including a monitoring framework to evaluate, identify, and address parking intrusion and traffic calming impacts per the City's thresholds once occupancy is achieved. This plan, which would fulfill the requirements specified in Sections 4.18 and 4.16, respectively, of the City's Transportation Analysis Handbook for a Neighborhood Traffic Intrusion Monitoring Plan and a Parking Intrusion Monitoring Plan, would be reviewed and approved by the City.[153] Subsequent to publication of the Draft EIR, this plan has been prepared and made available for public review. As explained in LTA Section 12.1, "After project approval, initial monitoring data would be collected to establish the initial baseline to which future conditions would be compared. To more accurately measure the project's effect, baseline data would be reestablished as major changes to the background conditions occur that would potentially increase neighborhood and parking intrusion from other uses, such as after Caltrain Electrification, BART to Diridon station, or construction of other major developments in the area. Regular monitoring would occur after the project is constructed and occupied to ensure surrounding neighborhoods do not experience excessive cut-through traffic, speeding, and/or parking spillover. If the project is found to exceed established thresholds, specific actions would be required to reduce the effect of the increased traffic and/or parking in the area due to the Project."

The fact that neighborhood parking intrusion has been observed in the vicinity of other suburban transit facilities does not necessarily mean that similar effects would occur in the Diridon Station area; for example, it is not clear from the articles provided whether similar parking monitoring and management programs are in place for those facilities. Notably, there are many BART stations in more comparable urban settings (including downtown San Francisco, Oakland, and Berkeley) that offer no dedicated parking. Riders adjust their expectations based on perceived availability of parking at those locations and travel to/from the stations via different modes.

Comment Z.23

SECTION 4. "MINIMAL PARKING" AS AN OBJECTIVE OF THE PROJECT

Unfortunately, the DEIR for the Downtown West project completely ignores one of the primary objectives of the DSAP, recited in the first paragraph of this letter, regarding the continued need for sufficient parking and efficient access to and from the Arena. It is not clear what "Minimal Parking" means. Does this mean less than adequate parking? How

[153] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

much less? What mitigation has been developed as part of this project to mitigate the adverse environmental impacts caused by a lack of sufficient parking.

Have Travel Demand studies been conducted to provide the public and decision makers with the consequences of a minimal parking objective?

Footnote 4, (page 2-2) states:

> The project site, as defined herein, includes certain parcels not currently under the control of the applicant. That is, the project site includes parcels owned by the City of San José (parking lots adjacent to the SAP Center), as well as the Santa Clara County Valley Transportation Authority (southeast corner of West Santa Clara and Cahill Streets). These landowners have granted the applicant the authority to include their parcels in the project description and the applicant may purchase or lease one or more of these parcels in the future. The (sic) would also necessitate granting of access easements, land that would be added to the project site if the easements are granted. Refer to Section 2.2, *Project Site and Location*, for additional information.

Response Z.23

Refer to Responses Z.2 and Z.3 for a discussion of travel demand assumptions inherent in the analysis of air quality and GHG emissions, and the basis for not considering parking demand as a CEQA impact. Moreover, as explained in Draft EIR Section 2.14, Project Objectives, one of the project applicant's objectives reads: "Consistent with the [Memorandum of Understanding (MOU) entered into in December 2018 between the applicant and the City of San José], develop a project with minimal parking and robust Transportation Demand Management measures in order to encourage active transportation and public transit use, and to support implementation of the City's Climate Smart plan." The MOU itself sets forth a shared goal of the applicant and the City as follows: "Maximize Use of Public Transit and Minimize Parking. The City acknowledges and supports Google's desire to minimize parking for its own use and to maximize use of public transit by employees and visitors. Plan and develop parking for the Diridon Station Area that is not visually prominent and is conducive to adaptive re-use as transportation modes change in the future." The MOU further states that "The City and Google will work to develop a parking plan for the Diridon Station Area that addresses initial and long-term goals in order to balance the need for parking and the desire to minimize parking in the long-term. The parking plan is expected to include elements such as available physical spaces and tools/processes (such as Transportation Management Plan) necessary to support efficient operation of the Diridon Station Area." Thus, the project would advance goals of both the project applicant and the City to reduce parking and increase non-SOV travel.

To the extent that the comment is suggesting it is not appropriate under CEQA to include an objective relating to minimizing parking please refer to Section 3.2.2, Master Response 2: Specificity of the Draft EIR Project Description, which discusses CEQA requirements for project objectives. Section 2.14 of the Draft EIR sets forth detailed project objectives in three categories: Project Applicant Objectives (Section 2.14.7), including "Overarching Objectives" that describe the project's underlying purpose; City Objectives (Section 2.14.8); and Objectives of the City and Google Memorandum of Understanding, dated December 4, 2018 (Section 2.14.9). There is no prohibition against a project objective of providing fewer parking spaces than a similar project

might otherwise provide. As stated in Response Z.16, the 2018 Memorandum of Understanding expressly establishes as City policy minimizing parking and maximizing transit use on the project site. Moreover, as also stated in Response Z.16, this objective supports policies of the General Plan.

Comment Z.24

The City of San José and SSE are parties to an Arena Management Agreement (AMA), which includes a Transportation and Parking Management Plan (TPMP) of over 100 pages. The AMA requires the City to maintain certain levels of available parking in proximity to the Arena, to consult with SSE regarding changes in the street network in the vicinity of the Arena, and to manage traffic operations to ensure convenient and efficient ingress and egress to and from the Arena. Typically, environmental documents relating to projects in the vicinity of the Arena have considered these obligations as part of their analyses. In other words, the agencies have treated the City's obligations under the AMA as tantamount to a land use plan and have considered whether the project in question would be consistent with such plan.

The City's obligations related to parking and traffic are expressly incorporated into the June 2014 final plan report for the Diridon Station Area Plan (DSAP). The primary project objectives listed on page 1-5 of the original DSAP and in Section 4.1 of the recently released DSAP amendments (October 30, 2020) include the objective to "ensure the continued vitality of the San José Arena, recognizing that the San José Arena is a major anchor for both Downtown San José and the Diridon Station area, and that sufficient parking and efficient access for San José Arena Customers, consistent with the provisions of the Arena Management Agreement, are critical for the San José Arena's on-going success."

The DSAP includes numerous provisions in support of this objective and we see no proposed changes to these provisions in the recently released Draft of DSAP amendments. These provisions include the following:

1. Since its opening some two decades ago as the home of the San José Sharks, the San José Arena has consistently ranked among the 10 busiest indoor facilities for non-sporting entertainment events. Preserving the extraordinary success of Downton's "anchor tenant" appears paramount and is reflected in the Land Use Plan. Although densities will increase, and parking ratios will drop over time, it is imperative that Diridon's development occurs in a coordinated fashion with its transportation infrastructure to ensure adequate parking supply for the San José Arena and avoid traffic problems in each phase of development. (Page 2-3)
2. The San José Arena Management Agreement commits the City to pursue best efforts to achieve and maintain at least 6,350 parking spaces at Off-Site Parking Facilities available for Arena patrons within one-half mile of the West Santa Clara Street entrance to the Arena, of which approximately half of such spaces will be within one-third mile of the West Santa Clara Street entrance. In addition, the City will manage and facilitate convenient vehicular access to and from parking facilities located in the Diridon Station area. Future TPMPs need to be in compliance with this agreement in order to meet the City's obligations and ensure the continued success of the Arena as an anchor of the Diridon area and as a regional draw. (Page 2-133)

How does a minimal parking objective interrelate with the City's obligation to comply with the Arena Management Agreement (AMA)? The AMA is a baseline condition of the approved DSAP land use plan that must be preserved. The AMA should properly be a baseline condition for the DEIR – but is it? It appears to have been omitted. The DEIR fails to identify or evaluate the adverse impacts the Downtown West project will have on transportation and parking within the Diridon Station area. In fact, the DEIR includes an objective that is in direct conflict with the DSAP and the legally binding AMA. This objective is strangely categorized as an objective to "Connect People to Nature and Transit" on page 5-4 of the alternatives section of the DEIR:

- Consistent with the MOU, develop a project with minimal parking and robust Transportation Demand Management measures in order to encourage active transportation and public transit use, and to support implementation of the City's Climate Smart plan.

We are not sure how a lack of parking encourages active transportation and public transit use. Please show studies by traffic engineers evaluating this issue for the project area.

Neither the future BART nor HSR projects include any parking, and as we show in **EXHIBIT E (Watry Design)**, there will not be sufficient parking available in the project area to even meet the project's parking demand. The effects of a lack of parking can be devastating, resulting in indirect safety impacts to pedestrians and cyclists. Please show the cumulative impacts of BART and HSR riders driving to the Diridon Station area plus the increase in vehicles caused by this project and the DSAP amendments. Once the cumulative impacts are disclosed, then measurable mitigation measures should be presented and their effectiveness analyzed. At that point, the meaning of minimal parking should be defined, and the cumulative impacts and the effectiveness of the mitigation measures should be analyzed to see if the objective is being met. As presented in the DEIR the objective of minimal perking cannot be understood.

Response Z.24

Refer to Section 3.2.4, *Master Response 4: TDM Program*, regarding the relationship between reduced parking availability and TDM goals, and to Responses Z.2 and Z.3 for a discussion of travel demand assumptions in the Draft EIR and the requirements for parking analysis. Refer to Responses Z.1, Z.3, Z.4, Z.27, Z.47, and Z.50 regarding the City's obligations under the AMA and the Draft EIR's treatment of such obligations.

People tend to choose their means of travel based on a variety of factors, including the availability of parking. If the parking supply is known to be limited, then people consider other options for travel to a destination, whether it is the time of day or other modes that are available. The project area is planned to accommodate a variety of multimodal options in the future; thus allowing for travel to and from the project site via transit, bike, or walking. Academic research,

such as a forthcoming study, also supports the premise that limited parking encourages active transportation and public transit use.[154]

Comment Z.25

Please present studies by qualified traffic engineers demonstrating that the project can legitimately assume a 75% mode-share for transit users, pedestrians, and bicyclists.

Response Z.25

Refer to Section 3.2.4, *Master Response 4: TDM Program*, for a discussion of methods used to quantify the effectiveness of the project's TDM Program, and to Response Z.17 for a discussion of the mode share adjustment used in the parking analysis.

Comment Z.26

It must be noted that Table 62 of the LTA prepared for the project seems to state that a 50% reduction in parking is allowable based upon Municipal Code Section 20.70.330B. We must point out that in this case, the project is in violation of this section of the Municipal Code, which states:

> For mixed-use projects, the director may reduce the required parking spaces by up to fifty percent, including any other exceptions or reductions as allowed under Title 20, upon making the following findings:
>
> 1. That the reduction in parking will not adversely affect surrounding projects;
> 2. That the reduction in parking will not be dependent upon public parking supply; or reduce the surrounding public parking supply; and
> 3. The project demonstrates that it can maintain the TDM program for the life of the project and it is reasonably certain that the parking shall continue to be provided and maintained at the same location for the services of the building or use for which such parking is required, during the life of the building or use.

The analysis does not support the determination that the project is consistent with this Municipal Code requirement. The evaluation in the LTA does not demonstrate that surrounding land uses will not be affected by a drastic reduction in parking requirements. Also, the project will definitely reduce the supply of public parking, as existing public lots will be removed and not replaced. Please explain where in the DEIR is sufficient information to allow the director to make the necessary finding. What studies based on facts in the record are being prepared to meet this requirement?

Response Z.26

In order to grant the requested parking reduction, as indicated by the commenter, the City would be required to adopt the specified findings in connection with approval of the proposed project's General Development Plan. Because parking availability is not considered a CEQA issue, these

[154] Millard-Ball, Adam; Jeremy West, Nazanin Rezaei, and Garima Desai, *What Do Residential Lotteries Show Us About Transportation Choices?*; January 2021. Available at: https://people.ucsc.edu/~jwest1/articles/MillardBall_West_Rezaei_Desai_SFBMR_UrbanStudies.pdf. Accessed March 7, 2021.

findings are not required to be documented in the EIR. Nevertheless, Table 62 on page 219 of the LTA (Draft EIR Appendix J2) documents the project's proposed parking supply, and how that supply relates to the City's Municipal Code. Refer to Response Z.22 regarding parking in relation to surrounding land uses. As discussed on LTA pages 220 and 221, while the proposed parking supply is below that typically required by the municipal code, the standard municipal code parking requirements do not reflect the City's vision and mode split goals for Downtown, as expressed in the Envision San José 2040 General Plan. Moreover, the City's Planned Development zoning provisions allow for deviations with respect to generally applicable development standards, as proposed by the project. Additionally, as explained in Response Z.22, the project would adopt a Neighborhood Traffic Intrusion Monitoring Plan and a Parking Intrusion Monitoring Plan to address the potential for project parking demand to spill into adjacent neighborhoods.

Comment Z.27

SECTION 5. LACK OF AN ALTERNATIVE THAT RESPECTS THE AMA

The Arena building itself is not within the boundaries of the project or the DSAP; however, Parking Lots A, B, and C are included, and the project proposes to eliminate these vital parking areas with no explanation of how the spaces will be replaced. While Google is not a party to the AMA, the project cannot be constructed as envisioned without these lots. The need for adequate parking, and for continued efficient access to and from the Arena in accordance with the AMA, is a baseline condition of the approved DSAP land use plan that must be preserved. However, the DEIR fails to correctly recognize the significant effects the proposed project will have on transportation and parking within the Diridon Station area.

As outlined in CEQA Guidelines Section 15126.6(b) & (c):

> Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1) the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.
>
> Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination … .

Alternatives are evaluated based on their ability to meet project objectives. By including an objective that only provides "minimal parking" to be provided by the project, in violation of the existing DSAP and AMA, the DEIR does not allow a meaningful evaluation of project

alternatives. For example, a description of a northerly extension of Cahill Street begins on page 2-40 and states:

> To extend Cahill Street north of West Santa Clara Street to North Montgomery Street, the project applicant proposes certain modifications to exterior access and egress ways for the SAP Center, along the arena's west side and at the northwestern corner of the building. The existing stairs from the SAP Center descend to the existing elevation of the facility's main parking lot (Lots A, B, and C). However, the Cahill Street extension would be at generally the same elevation as West Santa Clara Street, which is approximately 8 to 10 feet below the elevation of Lots A, B, and C. Accordingly, with the Cahill Street extension, the SAP Center egress would need to descend to the new, lower Cahill Street level.
>
> Because of the internal layout of the SAP Center, internal modifications to add inside stairs or escalators would not likely be possible because they could result in a major disruption of the facility's Club Level. Thus, these modifications most likely could only occur on the exterior of the SAP Center. Accordingly, the project applicant proposes to demolish the existing western stairs to parking lot level, then construct two new staircases oriented at 90 degrees relative to the existing stairs (and parallel to the SAP Center's western façade). The new stairs would descend from the SAP Center's Concourse Level to the Cahill Street level both north and south of the existing stairs. In addition, at the northwest corner of the SAP Center, the applicant proposes to demolish the existing stairs and ramp, then construct a new longer staircase from the Concourse Level down to the Cahill Street level. The project would also construct an elevator to provide ADA compliance. A canopy would cover the new northwestern entry landing.
>
> The project applicant would need to reach agreement with both the City, the owner of the SAP Center, and Sharks & Sports Entertainment, Inc. (owner of the San José Sharks hockey team), the SAP Center's operator, to proceed with this component of the proposed project. (Emphasis added)

The Arena's parking is already being severely threatened by new transit projects and surrounding developments in the Diridon area. Neither the BART Phase II Extension to San José project or the High Speed Rail (HSR) project include any parking for transit users. This is significant because, as explained above, even without HSR, the Diridon Station area will be short by thousands of parking spaces. In addition, as stated in **EXHIBIT D (Wenck)**, Cahill Street would not connect to Interstate 280 and access to parking is significantly more oriented to Autumn Street and not a future Cahill Street extension. The changes described above would significantly affect SAP Center's success.

Adequate parking is critical to SAP Center's business goodwill, customer satisfaction, event attendance, and safety of our patrons. Making an objective of minimal parking does not allow a reasonable evaluation of alternatives, as required by CEQA. In fact, we can find no details in Chapter 5 *Alternatives* that evaluates the alternatives against this objective. Also, indirect impacts of a lack of parking are not evaluated and not included in the alternatives section.

Response Z.27

Refer to Response Z.2, which explains that parking impacts can no longer be considered under CEQA in determining the proposed project's physical environmental effects. Therefore, provision of more parking than is proposed under the project would not "avoid or substantially lessen one

or more of the significant effects" of the proposed project and is not an appropriate basis for an EIR alternative.

The Draft EIR (page 2-45) acknowledges that project implementation would require amendment of the AMA between the City and San José Arena Management, an entity affiliated with Sharks Sports and Entertainment LLC (owner of the San José Sharks hockey team), that addresses many of the SAP Center's operational issues, including parking and access. As stated in the EIR, the City and the project applicant have entered into an Option/Negotiation Rights Agreement that gives the applicant the right to purchase City-owned SAP Center Parking Lots A, B, and C within 5 years, or, if the applicant does not exercise this option, a right of first offer to purchase until 2041. "However, certain conditions must be met before Google can exercise those rights and acquire Lots A, B, and C. In particular, the City and San José Arena Management must reach terms to amend the parking provisions of the AMA, subject to the applicant's acceptance, or the AMA must expire or terminate on its own terms," in 2040. Thus, in order for the applicant to acquire Lots A, B, and C before 2040 as it intends, the parking provisions of the AMA must be amended. Because the AMA is an agreement between the City and San José Arena Management, it would be up to those entities to reach an agreement to amend the AMA; the project applicant is not a party to the AMA. As also explained in the Draft EIR, the City is evaluating various options for replacement parking for use by SAP Center visitors. However, none of these options has been selected or even designed, so an analysis of how the City may provide replacement parking is speculative. Refer to discussion on Draft EIR page 2-45. That said, the AMA remains a legally binding obligation of the City and the City remains committed to fulfilling its requirements thereunder. Additionally, as stated in Response Z.13, the project has been revised since publication of the Draft EIR to provide a minimum of 2,850 public/commercial parking spaces on the project site.

Refer to Response Z.23 regarding inclusion of minimizing parking as a project objective. As explained in Response Z.11, the proposed project's draft Development Agreement sets forth requirements for parking, including the amount of parking available to SAP Center patrons at each phase of project development.[155] The City would monitor compliance with these requirements as part of the Conformance Review process.

Additionally, as noted by the commenter, CEQA calls for an EIR to study a reasonable range of alternatives. Specifically, CEQA Guidelines Section 15126.6(a) provides that an EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." Refer to *Cherry Valley Pass Acres & Neighbors v. City of Beaumont*, 190 Cal. App. 4th 316, 38 (2010), *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d. 376, 404 (1988). "The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth those alternatives necessary to permit a reasoned choice." CEQA Guidelines Section 15126.6(f). The Draft EIR (Chapter 5) considers six different alternatives to the project, as well as several considered but

[155] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

rejected, which address multiple significant impacts of the project and more than satisfy the "rule of reason" requirement.

Moreover, it is not necessary or appropriate to consider potential alternatives that are incapable of reducing the project's environmental impacts. Refer to *City of Maywood v Los Angeles Unified Sch. Dist.*, 208 Cal. App. 4th 362, 419 (2012) (alternative would not reduce pedestrian safety or hazardous materials impacts); *Citizens for E. Shore Parks v State Lands Comm'n.*, 202 Cal. App. 4th 549, 563 (2011) (alternative did not reduce any identified significant impacts of project). Because a parking shortfall cannot be a significant impact under CEQA, an alternative that would leave the AMA unchanged is not warranted.

Comment Z.28

Traffic impacts will be caused by transit riders coming to the station in search of parking and circling repeatedly throughout the neighborhoods when they can't find available spaces. There is no scientific discussion of how this circling will affect surrounding neighborhoods in terms of pedestrian and bicyclist safety, and businesses due to negative land use and economic impacts, traffic safety, and interference with other downtown/Diridon area future development plans, etc. These are serious omissions and must be analyzed and corrected.

Response Z.28

Refer to Responses Z.2 and Z.3 regarding the conservative assumptions reflected in the project's LTA (Draft EIR Appendix J2) and to Response Z.22 regarding potential parking "spillover" effects. The neighborhood parking and intrusion analysis is presented as part of the LTA (Draft EIR Appendix J2), and is included for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). Per the City of San José's *Transportation Analysis Handbook*,[156] initial monitoring data for purposes of managing neighborhood parking and intrusion should be collected after project approval, not as part of the LTA process. To the extent the comment raises general concerns regarding economic/business impacts, and to the extent these effects are considered significant effects on the environment, Draft EIR Section 4.1.2 discusses direct and indirect economic growth relating to the project; also refer to Response Z.46.

Comment Z.29

A proposed project with so few details, that has the potential to damage the transportation and parking experience, can have not only physical impacts, but it can also result in ruinous economic impacts on the continued vitality of the Arena. Multiple events in an area of constrained parking and roadway volumes would affect the economic success of SAP Center – and Downtown. Significant long-term socioeconomic impacts will burden the Arena, the Diridon Station area (including the surrounding neighborhoods), Downtown, and the City as a

[156] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

whole. Yet, these potential impacts are not identified. In fact, they are minimized in Section 2.7.6, and the solutions for providing the lost parking for SAP Center are speculative.

Response Z.29

The Draft EIR appropriately focuses on potential physical environmental impacts of the proposed project that require evaluation under CEQA. Also, far from being minimized, non-CEQA impacts on transportation and parking are assessed and presented in detail for the readers' information. The further suggestion that these impacts will affect the economic success of SAP Center and Downtown, potentially "burdening" the Arena, the Diridon Station Area, Downtown, and the City as a whole, is not supported by evidence and is outside the scope of CEQA (refer to CEQA Guidelines Section 15064(e)). To the extent that economic effects can cause physical changes in the environment, the Draft EIR addresses the project's direct and indirect growth inducement in Section 4.1.2, *Economic Effects*.

Comment Z.30

A. TDM Plan Assessment

Appendix C4 of the DEIR is the TDM Plan Assessment. As stated in **EXHIBIT C**, the memorandum describes an arithmetic exercise applying maximum percentage trip reductions for selected required and optional TDM measures to approximate the maximum trip reduction the project could achieve. It is not an actual assessment of project TDM Program performance. Although the document states that the analysis employed methods and data in the California Air Pollution Control Officers Association (CAPCOA), August 2010 report "*Quantifying Greenhouse Gas Mitigation Measures*," the document does not present any data or studies showing that the TDM measures are appropriate to the site conditions or what benefit is projected.

The document, therefore, does not substantiate whether the project's TDM Program would meet or exceed the thresholds established by DEIR Mitigation Measure AQ-2h *Enhanced Transportation Management and Monitoring Program*. Table 2 (pages 8-9 of Appendix C4) includes selected TDM Strategies and respective maximum trip reductions and indicates a Total TDM Program Reduction of 27%. The procedure to derive the total category reductions is unclear and unsubstantiated. Because there has been no analysis of an actually required mitigation measure for the proposed project, there is no correlation between percentage reduction and vehicle trip reduction, which is the critical measure of effectiveness (i.e., the essence of TDM is to **reduce** single occupant vehicle trips). Therefore, any analysis in the DEIR that relies on a trip reduction of 27% to determine that an impact is less than significant is incorrect.

The analysis must show its work to allow the reader to understand this assessment of potential project trip reduction effects of TDM. There is no reason why an actual TDM plan, supported by a scientific analysis, has not been prepared for the DEIR. Google's global campus in Mountain View has not been able to secure steady alternative modes of transportation, as shown in **EXHIBIT K (Article Re N. Bayshore)**. How are we to know that they will be any more successful in San José? The DEIR must include industry standard

analysis based on facts in the record demonstrating the claimed trip reduction. Please identify these studies and the facts they are based on.

The “Mitigation Measures” in the TA (Appendix J1, pages 75-76) include a lengthy and abstract discussion of how TDM measures purport to be adequate to reduce air quality and VMT impacts to a less than significant level. Yet, we can find no comprehensive technical analysis to substantiate the discussion. Please provide the technical analysis.

The TDM discussion comes to the conclusion of a less than significant impact with implementation of a TDM Program based on “… an analysis of available transit and the likely effectiveness of TDM programs …” Was such an analysis done? If so, where is it documented? Is success only “likely?” To apply hypothetical trip reductions associated with a vague TDM Program to come to a less than significant impact conclusion is not sufficient for a CEQA document. CEQA does not allow a “kitchen sink” approach of simply listing all possible mitigation measures. Actual mitigation must be presented and analyzed for effectiveness. Please present the actual mitigation measures that will be used for this project and an evaluation of their effectiveness.

The last sentence on page 75 states the TDM measures “… would achieve a non-SOV mode share of 65 percent … equivalent to an average daily trips reduction of 27 percent …”. How were these results calculated? There is no proof in the DEIR that the TDM measures will achieve this level of non-SOV mode share especially because the measures only appear to be elementary performance standards postulated using simple arithmetic rather than an actual evaluation. This cannot be described as feasible mitigation as required by CEQA.

Answers to these questions cannot be found in the LTA (Appendix J2), which states on page 101 that travel demand effects of TDM were assessed by simply applying percentage trip reductions for three TDM measures, which were apparently extracted from a 2010 publication about quantifying greenhouse gas emissions (California Air Pollution Control Officers Association, Quantifying Greenhouse Gas Mitigation Measures, August 2010).

There is no indication that the analysis customized the application of these trip reductions to the project. Therefore, the “analysis” is unsubstantiated, incomplete, and misleading. The analysis must show its work to allow review of this critical assumption about the substantial trip reduction effects of TDM measures. Each proposed and substantiated TDM measure must be analyzed for its individual success in meeting performance criteria. CEQA requires it and the AMA requires that SSE be provided with the opportunity to review this information.

Page 101 of the LTA leaves us with additional questions regarding the shortfalls of the TDM analysis. Calculations regarding trip reductions must be shown for the following:

- Would transit passes be provided to all residents and employees? What are the results related to mode shift?
- What assumptions about parking policies would lead to a 10 percent mode share reduction?

- What Express Bus (employer-based) service is assumed? How many buses would be involved and how would they affect localized congestion and queuing?
- How was the summary total of 24 percent reduction in drive-alone trips derived? A footnote is referenced (footnote 14) but not included on the page.

Response Z.30

Refer to Section 3.2.4, *Master Response 4: TDM Program*. Refer to Response Z.2 regarding comparisons to TDM programs at other Google facilities.

Comment Z.31

B. VMT Analysis

As we stated previously in Section 1 of this letter, we are very concerned about the lack of project information included in the DEIR. This inadequacy results in an incomplete analysis of traffic impacts. Page 1 of the LTA includes an alarming disclaimer:

> As part of an LTA the City typically includes specific site access and on-site circulation evaluations, including driveway operations, sight distance, and other relevant metrics. However, the Project currently does not include a specific site plan that designates exact building location and access for each parcel. As development is initiated, the Project applicant will be required to develop focused LTAs for the Project area to address the City's requirements for site access and on-site circulation, in addition to providing detailed evaluation of multimodal access within the Project area.

The City of San José requires every project to include an analysis of driveway operations in an LTA. Driveway operations are very important to ensure the safety of motorists, pedestrians, and bicyclists, especially in light of the volume of traffic expected by the proposed project, the narrowing of streets, and the use of "dynamic lanes." To not discuss the potential impact of driveway operations and their effect on these important transportation modes now, when the environmental review process is occurring, is in violation of City policy and CEQA. We are dismayed as to why this project is not being treated the same as other projects in Downtown.

As a result, this LTA is incomplete because it does not sufficiently address site access and local circulation. For example, the *Local Access and Queueing Analysis* does not include intersections critical to the area, including N. Montgomery Street at W. Julian Street, W. Santa Clara Street, W. San Fernando, Park Avenue at N. Autumn Street, and the intersection of W. San Fernando at Almaden Blvd. Please provide this information. The City could have and should have developed a complete scope of analysis in cooperation with stakeholders. This was an imperative step in the analysis, yet it was not completed. In addition, in accordance with the AMA, SSE should be involved in the preparation and review of every subsequent LTA as stated in Section 1, Future Approvals.

Response Z.31

Refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description,* for details regarding the adequacy of the project description to analyze potential project impacts in

the Draft EIR. Refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue--Traffic Congestion and Delay*, for discussion of why localized circulation impacts are not considered significant effects on the environment under CEQA, and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, regarding the subsequent LTA process. As explained on page 1 of the LTA, an LTA is not part of the CEQA review process but is prepared in fulfillment of the City's development application purposes. The LTA is included as an appendix to the Draft EIR for informational purposes. The level of analysis presented in the Draft EIR is adequate and sufficient, and no further analysis is required under CEQA at this time.

Comment Z.32

Table 4 on page 41 of the Transportation Assessment (TA) (Appendix J1) states that the increase in vehicle trips over Existing Conditions due to the project is extraordinary – approximately +600 % for all cases (not considering the purported vehicle trip reductions due to TDM and substantial mode shift from single occupant vehicle put forward by Envision San José 2042 General Plan). This deserves explanation and clarification for context. What does this mean for stakeholders and neighbors in the project area? Simply saying VMT impacts of a project that produces a +600% increase in vehicles on a roadway network with a proposed reduction in capacity are less than significant with little evidence is not consistent with CEQA and renders the traffic analyses fundamentally flawed.

The above is especially true because of the confusion related to the timing of approvals of the anticipated amendments the Downtown Strategy and DSAP, as previously mentioned. How were the baseline and background conditions determined and how can we be confident that they are correctly applied to the analysis that was completed for the proposed project? The public and decision makers cannot be expected to determine this without appropriately presented information.

Response Z.32

A detailed discussion of how vehicle traffic generated by the project would affect local access and roadways is provided in the Chapter 4 of the LTA (Draft EIR Appendix J2). In addition, refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*, which explains that the LTA is conducted for City development application purposes, and not to determine the significance of a CEQA transportation impact. As explained in Response Z.2, consistent with SB 743, Council Policy 5-1 specifies that vehicle miles traveled is the City's primary metric for transportation studies under CEQA.

The comment also asks for clarification on how baseline and background transportation conditions were developed for the Draft EIR. The baseline condition for CEQA purposes is the same as Existing Conditions, which is based on 2019 conditions as described in LTA Chapter 3. As discussed on page 42, background transportation conditions include travel associated with "approved but not yet built" and "not occupied" developments in the area. This definition is

consistent with the guidance provided in the City of San José's *Transportation Analysis Handbook* and VTA's Transportation Impact Analysis Guidelines.[157,158]

Comment Z.33

Further, page 70 of the TA states that the Year 2040 Cumulative No Project scenario assumes "unspecified "… land use allocations currently contemplated as part of the City-initiated amendments to the DSAP…" and" the Year 2040 Plus Project scenario assumes all proposed DSAP amendments …" What are the land use reallocations and the proposed DSAP amendments? This failure to disclose the land use reallocations is a critical oversight because the reader cannot interpret the analysis without information and data describing the context and relative magnitudes of the DSAP and Project land uses and, moreover, the potential impacts caused by these two significant scenarios. To be clear, there is no meaningful basis for:

- Estimates of VMT Per Service Population (Table 11, p. 72) and the statement of "less than significant impact."
- Estimates of Journey to Work Mode Share (Table 12, p. 73) and the statement of "less than significant impact."
- Estimates of AM Peak Hour Transit Corridor Travel Speeds (Table 13, p. 74) and the statement of "significant impact."

Also, why was the transit corridor travel speeds evaluation done for just the AM Peak Hour? The PM Peak Hour condition is even more critical to access and circulation in the area, because the SAP Center generates substantial PM peak period person and vehicle trips before evening games and events.

Response Z.33

Draft EIR Section 3.11, *Population and Housing*, describes the land use reallocation assumed for the proposed DSAP amendments. Also refer to Response Z.6, which explains that the City is separately considering amendments to the DSAP, independent of the proposed project.

The General Plan Amendment analysis is presented in the discussion of Impacts TR-5 through TR-7 on Draft EIR pages 3.13-49 to 3.13-55, and in Chapter 6 of the TA (Draft EIR Appendix J1). The General Plan Amendment analysis, including the transit corridor speed analysis, was conducted consistent with City Council Policy 5-1 and the methodology outlined in the City's *Transportation Analysis Handbook*.[159] [160] The transit corridor speed analysis evaluated the AM peak hour consistent with these two City guidance documents. As shown in Table 10 on TA page 71, the significance threshold used to evaluate transit corridor travel speeds only applies to the AM peak hour and not the PM peak hour.

[157] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.
[158] https://www.vta.org/sites/default/files/documents/VTA_TIA_Guidelines_2014_MainDocumentOnly_FINAL.pdf.
[159] https://www.sanjoseca.gov/home/showdocument?id=28459.
[160] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

Comment Z.34

The detailed discussion under 2.4.1 *City of San José Travel Demand Forecasting Model* in the LTA (page 40) seems misplaced and should be incorporated in the TA – and the DEIR – to document this critical study element used for the CEQA evaluation. In other words, was this same "City model" used in the TA? Similarly, the General Plan Growth Reallocation discussion on pages 41 and 42 of the LTA provides details that should have been incorporated into the TA. Were the same assumptions applied in the TA?

The discussion of Traffic Volumes on page 42 of the LTA, which begins in the last paragraph, glosses over the development of Background traffic forecasts. The discussion is rote and incomplete, and the information in Appendix B, *Approved Developments*, is neither accessible nor useful for anyone other than the analysts and City staff familiar with technical jargon. The reader needs at minimum to be provided with a clear description of the intent of this scenario and procedures used to develop Background traffic forecasts, including a list of all included developments with land uses and traffic forecasts.

Further, pages 109, 114, and 119 of the LTA's project traffic assignments shown in Figures 27, 28 and 29 indicate zero (0) traffic on Cahill Street north of Santa Clara. This appears to be a fatal flaw in the analysis given the project description calls for an extension of Cahill Street to connect to North Montgomery Street to serve substantial project land uses and SAP Center.

Response Z.34

The same modeling assumptions for the City's Travel Demand Forecasting Model were used for both the TA and LTA (Draft EIR Appendices J1 and J2). Regarding the comment about including the modeling assumptions details from page 40 of the LTA in the TA; this text has been added on TA page 17. Refer to Chapter 4, *Revisions to the Draft EIR*, of this First Amendment for the revisions to the Draft EIR and its appendices. With respect to traffic on Cahill Street north of West Santa Clara Street the City's travel demand model assigned the majority of project traffic from Block C1 to North Montgomery Street rather than Cahill Street. The City agrees that additional travel along the Cahill Street extension to the north can be expected. This is a local circulation issue that is properly analyzed in the context of future parcel-specific development; however, it does not affect the adequacy of the CEQA-based VMT analysis. The Cahill Street extension traffic assignment would be reviewed in greater detail as part of the future focused LTAs that evaluate the internal circulation and site-access in more detail.

Comment Z.35

C. <u>Unrealistic Mode Share Goals</u>

Page 50 of the LTA includes a discussion regarding *Goal-Based Project Buildout Conditions*. The document states that this scenario "…is presented to illustrate the long-term vision of Downtown San José …" and "… represents the City's aspirational goals that could only be achieved if the full vision of Envision San José 2040 is realized." (emphasis added)

This hypothetical "what if" scenario is not substantiated or realistic. The stated goal of Envision San José 2040 is that "… no more than 40 percent of commute trips are completed by driving alone …" and this percentage, among other aspirational targets, is incorporated in the Goal-Based analysis. Further, the Integrated Final EIR for Downtown Strategy 2040 (the 2018 amendments to Envision San José 2040) estimated journey-to-work mode share (drive alone) to be 71.5 percent, which is much higher than the 40 percent goal cited.[6] Therefore, how is application of the 40 percent goal in this discussion even reasonable? As shown in **EXHIBIT K**, these goals have not been met in the North Bayshore area of Mountain View, where Google's global headquarters is located and where biking and transit options abound.

This hypothetical "what if" scenario is not relevant to the LTA, which is intended "… to identify adverse effects of the Project on the surrounding transportation system and recommend improvements." The City's Transportation Analysis Handbook makes no reference to any scenario beyond Background plus Project Conditions. The LTA for the major Cityview Office Development (3.6 million square feet of office) did not include a similarly aspirational scenario. The inclusion of this scenario is misleading because it introduces false expectations that no project has proven can be met.

This subsection ends with an obtuse statement that appears to reference the mitigation measure cited in the TA, a TDM Program, which was presumably based on "… an analysis of available transit and the likely effectiveness of TDM programs …" The same questions asked in comments on the TA are warranted: Was such an analysis done? If so, where is it documented? The reader must know how the effectiveness of the TDM program was evaluated and substantiated to reach a conclusion of less than significant traffic impacts.

Response Z.35

As discussed in Response Z.2, the Year 2040 Cumulative Plus Goal-Based Project Conditions traffic scenario is presented to provide information on how the project may interact with the larger transportation system should the City reach the mode split goals set forth in *2040 Envision San José*. In general, local deficiencies identified on the surrounding roadway network, including vehicular delay, are based on the Background Plus Project Build-Out Conditions (with Transportation Demand Management) traffic scenario, and the goal-based scenario is not presented in a stand-alone manner.

A detailed discussion of the assumptions that form the basis of the trip reductions applied as a result of the project's TDM Program is provided in Section 3.2.4, *Master Response 4: TDM Program*.

Comment Z.36

D. Other Comments

The LTA (page 185), includes NO DETAILS of the Synchro/SimTraffic analysis that underpins Section 8, the Localized Access and Queuing Analysis. This is a serious omission

[6] City of San José, Downtown Strategy 2040 Integrated Final EIR, December 2018, Table 3.15-9, p. 299.

that precludes review of street and intersection layouts and Synchro/SimTraffic analysis configurations.

Response Z.36

Exclusion of the referenced technical detail from the LTA (Draft EIR Appendix J2) was an oversight and does not alter conclusions of the analysis. Detailed Synchro/SimTraffic modeling output worksheets were added to Technical Appendix G of the LTA shortly after publication of the Draft EIR, within a matter of days of the omission having been brought to the City's attention, and within the Draft EIR public review period. Inasmuch as this appendix concerns local circulation and not VMT, this temporary omission was not relevant to the EIR's CEQA analysis and therefore does not warrant recirculation of the Draft EIR.

Comment Z.37

The LTA identifies several adverse effects of the project but provides no recommended improvements. This includes:

- Substantial adverse effects at 10 intersections under Background Conditions (pages 188-189), but no physical improvements are proposed. No rationale is provided. Why?
- Adverse effects at EVERY intersection listed under Background plus Project conditions (page 191, Table 52) caused by the project. The discussion following indicates most locations cannot be physically improved, although three intersections do show some promise for improvement. However, the section concludes with the statement "…the vehicle capacity enhancing improvements are not recommended." How is this reasonable with respect to maintaining vehicle access and circulation at the noted locations?
- The off-ramp queuing analysis shows substantial adverse effects under Background plus Project conditions but no improvements are identified (page 193). This is hard to understand given it can be interpreted as the City accepts resulting adverse effects on freeways. If it is the case that the project will have adverse effects on freeways, that should be clearly disclosed.
- The on-ramp queuing analysis shows substantial adverse effects under Background plus Project conditions (page 194) but no improvements are identified. Why are no improvements to mitigate the impacts proposed?

Response Z.37

Chapter 8 of the LTA (Draft EIR Appendix J2) provides an evaluation of intersection operations for City development application purposes and not to determine the significance of a CEQA transportation impact (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). Similarly, the localized queuing and access deficiencies identified in LTA Chapter 9 are also provided only for City development application purposes. With respect to the intersection operations deficiencies caused by the project identified on pages 182–183, potential improvements were evaluated at key bottlenecks rather than at individual intersections. As discussed on pages 189 and 190, potential improvements at these bottlenecks were identified and assessed based on physical and/or operational constraints. Ultimately, consistent with the City's multimodal goals and the project's TDM goals, vehicle capacity enhancing improvements

were not recommended, as increases in roadway capacity could lead to induced vehicle travel, which would increase VMT in the surrounding area. Instead, the project applicant would construct multimodal improvements at the Auzerais Avenue/SR 87 Off-Ramp intersection. Off-site improvements identified to address these and other identified deficiencies are discussed further in Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*.

Comment Z.38

Impact TR-1 of the DEIR (page 3.13-28) states "the project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. (*Less than Significant*)." However, it appears that this is only the case because the "project applicant would be required to prepare and submit a project-specific Recommended Temporary Traffic Control Plan (RTTCP)."

We can find no mention of the RTTCP as a component of the project description. To be able to conclude less than significant, the RTTCP must be part of the project. Otherwise, the impact is significant and the mitigation measure [the RTTCP] would then be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project.

The City would then have a way to track the required mitigation measure (the RTTCP) and ensure its implementation. Basing a conclusion of less than significant impact on a mitigation measure not included in the project is a violation of CEQA. This impact is significant, and mitigation must be required and not recommended. In addition, as stated in Section 1 under Future Approvals, SSE should be involved in the preparation of the RTTCP.

Response Z.38

As described in Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, the City would require preparation of project-specific Recommended Temporary Traffic Control Plans (RTTCPs) as an appendix to Subsequent Construction Impacts Mitigation Plans (CIMPs) prior to approval of building permits for each building or group of buildings The plans would be reviewed and approved by the San José Department of Public Works, consistent with the project-wide CIMP that will be reviewed by the City Council in conjunction with project entitlements and with the City's RTTCP, which is consistent with the California Manual of Uniform Traffic Control Devices.[161] Therefore, it is appropriate for the EIR to assume that preparation and implementation of such plans would avoid significant construction-period transportation impacts, including impacts on pedestrian, bicycle, and motorist safety. Although details of the traffic control plan were not included in the EIR Project Description, the RTTCP requirements are clearly provided in connection with the discussion of the impact the RTTCP is intended to address. Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for additional detail concerning the CIMPs and accompanying RTTCPs. Refer also to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

[161] California Department of Transportation (Caltrans), *California Manual of Uniform Traffic Control Devices*, Part 6, Temporary Traffic Control, 2014. Available at: https://dot.ca.gov/programs/safety-programs/camutcd/camutcd-rev5. Accessed March 8, 2021.

Comment Z.39

Page 242 of the DWDSG (Appendix M) described how changes to Cahill Street south (extension to Park Avenue) and Montgomery Street south (removal of segment) affect north-south throughput and operational efficiency by altering the critical Autumn-Montgomery Streets couplet.

While similar lane capacity may be provided, delays due to turning conflicts and absence of turn lanes would reduce effective throughput capacity on these streets, which would affect access to SAP Center. In addition, the new connection of Cahill Street and Park Avenue, along with reduced lane capacity on Park Avenue, would introduce new turning conflicts and delays on Park Avenue on the approach to Bird Avenue/Autumn Street. Finally, as noted in comments on the TA above, Cahill Street would have questionable throughput potential given that the DISC access and circulation needs are unknown.

As pointed out by Wenck Associates (**EXHIBIT D**), page 269 of Appendix M makes reference that Autumn Street could accommodate three lanes of traffic for southbound SAP Center egress. To provide this capacity, Autumn Street would have to be converted from a two-way street to a one-way street during the egress period for SAP Center events. This temporary conversion of the street from two-way to one-way operation would cause the following serious SAP operations management issues:

- High expense for traffic management personnel and control equipment; and
- Disruption for non-event traffic accustomed to two-way operation.

For these reasons, it is important to effectively accommodate SAP Center egress traffic without temporary conversion of one or more streets to one-way operation.

Response Z.39

Refer to Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for additional detail concerning subsequent LTAs that would be required in connection with future development on the project site. Concerning Barack Obama Boulevard (formerly South Autumn Street), at the request of the SAP Center, the project does include the ability for the segment between West Santa Clara and West San Fernando Streets to accommodate three vehicular lanes. This additional lane could take the form of a through or turn lane and traffic flow could be adjusted as needed to support SAP Center ingress and egress.

Comment Z.40

Page 3.13-45 of the DEIR and the TA describes the use of “dynamic lanes,” which as far as we know, have never been constructed in Downtown. These lanes are expected to be used for bicycle and auto parking, loading and unloading, stormwater management and landscaping, additional traffic, “furniture,” or SAP event traffic. It appears that, per the Vesting Tentative Map and Section 6.11 of Appendix M, the dynamic lanes would have widths of 7 and 8 feet, inclusive of gutters. This is substandard for traffic lanes and therefore, is not suitable for safe and efficient traffic flow even in temporary conditions. Dynamic Lanes should have minimum width of 10' as specified in San José Complete Streets Design

Standards & Guidelines (City of San José, May 2018; page 14, Lane Width Guidelines). Where are VMT impacts analyzed for these dynamic lanes?

We are also concerned about how these dynamic lanes will be managed, especially during SAP Center events. How will SAP Center be able to depend on their use if they are used for parking, loading/unloading, landscaping, or additional traffic?

Response Z.40

Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*. The application of dynamic lanes would be evaluated in subsequent Local Transportation Analyses. In addition, the proposed dynamic lanes would be used to improve traffic operations, and are not expected to cause an increase in vehicle demand, as their use is designed to maintain operations with the increased traffic volumes already included in the Draft EIR travel demand forecasts. Concerning dynamic lane widths, the Downtown West Design Standards and Guidelines have been revised since publication of the Draft EIR; Standard 6.11.1 now sets forth a width of up to 12 feet for dynamic lanes that would be used to accommodate event traffic, transit buses, or shuttles.[162]

Comment Z.41

As stated in **EXHIBIT E (Watry Design)**, Appendix H notes that taxi/TNC will require curb space for pick-up and drop-off. Will these curb spaces be located in the dynamic lanes utilizing them constantly? In addition, at the widths proposed (7 and 8 feet wide), the dynamic lanes cannot be used for "additional travel lanes" and do not meet the City's Complete Streets Guidelines. The discussion of these "dynamic lanes," which is not included in the project description, provides more questions than answers from both a VMT and operational standpoint.

Wenck Associates (**EXHIBIT D**) also assessed the proposed street segments for capacity, circulation, and access to parking. The recommended plan in the DEIR on Bird Avenue between San Carlos Street and Park Avenue would eliminate an existing third southbound lane, would eliminate the existing southbound right turn lane at San Carlos Street, and would eliminate the existing northbound right turn lane at Park Avenue. In addition to causing capacity problems along this segment, these changes would cause a serious design transition problem through the San Carlos Street intersection.

The plans show that the segment of Autumn Street between San Fernando Street and W. Santa Clara Street would provide just one lane in each direction, without a center left turn lane. This plan would result in insufficient capacity to accommodate the projected traffic and would cause a design transition problem through the San Fernando and Santa Clara Street intersections.

[162] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Plans presented in the DEIR to extend Cahill Street to Park Avenue will not be able to overcome the capacity deficiencies on Autumn Street for multiple reasons, including:

- Access for parking facilities is much more oriented to Autumn Street. Motorists will prefer to stay on Autumn Street for parking ingress and egress;
- Cahill Street will stop at Park Avenue and will not have continuity to I-280. This lack of continuity would deter motorists from maneuvering between the south on Bird Avenue and the north on Cahill Street; and
- The intersection of Cahill Street and Park Avenue would be highly problematic. The steep grade on Cahill Street approaching Park Avenue, and the close spacing between the railroad overpass and the S. Autumn Street/Bird Avenue intersection would create operational problems.

Please explain how these deficiencies will be addressed.

The plans for W. Julian Street between Stockton Avenue and Hwy. 87 would eliminate the existing eastbound right turn lane at Montgomery Street, which would increase delays for eastbound traffic, including motorists traveling to SAP Center.

The plans for Delmas Avenue between Santa Clara and San Fernando show the road as closed. If this street segment is closed, it is important that all parking spaces can be accessed from both Santa Clara Street and San Fernando Street. As a condition of approval for the former Delmas TOD project, Delmas Avenue between San Fernando Street and Park Avenue was required to be restriped to provide two southbound traffic lanes. In order to avoid serious congestion after SAP Center events, it is critically important for this requirement to be retained in any approval for development on the Delmas parcels.

We must point out that any of the above street network changes must be extensively studied from a design and engineering standpoint, which was not done as part of the environmental review for the project. SSE requests additional input during the planning and design stages of any street conversions, closures, or re-striping projects. Once they are implemented they would be irrevocable, and their effects could be detrimental for both SAP Center events, the surrounding neighborhood, and project traffic conditions.

Response Z.41

Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals,* for additional detail concerning subsequent LTAs that would be required. As stated there, these LTAs would address non-CEQA issues such as sight distance, on-site circulation, building access/egress, freight and passenger loading, use of curb space for taxi/transportation network company pickup and drop-off, emergency access, and potential conflicts with pedestrians/bicyclists or transit operations.

TNCs and their relationship to the City's Travel Demand Forecasting Model on are discussed on Draft EIR pages 3.13-27 and 3.13-28.

Comment Z.42

SECTION 7. LACK OF SPECIFIC MITIGATION MEASURES WITH PERFORMANCE STANDARDS

Section 15126.4 of the CEQA Guidelines (B) states:

> Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project environmental review when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure.(Emphasis added)

Mitigation measures must include performance criteria to substantiate that the measures (such as a TDM plan) will result in a quantifiable reduction in impacts. (*Sierra Club v. City. of Fresno*, 6 Cal. 5th 502, 522 (2018)). Performance standards should be objective, measurable, realistic, and stated clearly. The TDM plan for the project is merely a list with no specific measurable success criteria for each measure. This does not meet the requirements of CEQA.

The City of San José requires most projects to prepare TDM plans/programs similar to that proposed by the Downtown West project (Section 2.7.4 *Transportation Demand Management* and Section 3.1, *Air Quality*). However, we are not aware of any information prepared over the years that evaluates the success of such plans/programs in San José. We are also not aware as to instances where the City has actually implemented a "penalty structure" for non-compliance. How would these penalties be assessed? Who would actually enforce them?

There is no evidence that the proposed TDMs (MM AQ-2h) in Section 2.7.4 will be successful to reduce air quality or parking impacts. Please provide this information. Furthermore, to prepare a plan is not adequate mitigation under CEQA if there is no ability to determine if the measure will in fact, reduce the impact. Additionally, the lack of a stable project description makes it impossible to know if one TDM plan will be prepared or multiple plans as development comes forward, which multiple plans would be a piecemeal approach, inconsistent with CEQA. Please clarify the TDMs.

It is not impractical or infeasible for the project to include details and calculations now as to the extent to which air quality impacts would be reduced with the proposed TDM plan. There is no determination that the items included in the "list" of possible TDMs can be analyzed and ensured to reduce impacts to a less than significant level. Further, there is no proof that the TDM program will be maintained during the life of the project. Please provide this information.

Again, we must point out that no studies have been provided to show that the proposed TDM measures will be successful, and we know of no other projects in San José that have been allowed to provide such low rates of parking. The analysis prepared in response to this comment must include a proper and complete review of the critical assumption that the TDMs will result in a non-single occupancy vehicle rate of up to 65 percent, especially in light of the failure of efforts by Google in Mountain View (**EXHIBIT K, ARTICLE**), which similarly tried to enhance transit and bicycle options for travel.

Response Z.42

The project's TDM Program, as set forth in Mitigation Measure AQ-2h, as revised herein in this First Amendment (see Chapter 4, *Revisions to the Draft EIR*), includes both detailed formulation of program elements and objective, enforceable performance standards, consistent with CEQA Guidelines Section 15126.4, as quoted in the comment. Evidence of the sufficiency of the project's TDM Program to provide the maximum feasible mitigation of the project's air quality and noise impacts is provided in Draft EIR Appendix C4, Fehr & Peers TDM Effectiveness Memorandum (also revised herein; see Chapter 4, *Revisions to the Draft EIR*), and further discussed in Section 3.2.4, *Master Response 4: TDM Program*. The master response and Draft EIR Appendix C4 identify the types of possible actions that would achieve the modal outcomes studied in the Draft EIR, while allowing for flexibility in implementation as commute patterns, behavior and technology continue to evolve. In addition, the project's TDM Program, which would be subject to monitoring per Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, includes the specific performance standards of an auto mode share that matches the levels studied in the Draft EIR. These standards would increase from 55 percent non-single-occupancy vehicle (SOV) mode share up to 65 percent non-SOV, as additional transit options become available. To further strengthen the TDM Program requirements, Mitigation Measure AQ-2h has been modified from the Draft EIR to provide details regarding the proposed penalty structure (see Chapter 4, *Revisions to the Draft EIR*). To clarify, the project's enhanced TDM Program set forth in Mitigation Measure AQ-2h is intended to reduce the project's effects related to emissions of criteria air pollutants. Although this measure would obtain the maximum feasible reduction in SOV travel, it would not avoid the project's significant and unavoidable air quality impact. It is also noted that the enhanced TDM Program in Mitigation Measure AQ-2h is not required to address project transportation impacts related to plan or policy conflicts, vehicle miles traveled/mode share, safety hazards, or emergency access, as none of these project impacts would be significant. Mitigation Measure AQ-2h would, however, reduce the project-specific and cumulative effects on transit corridor speeds to a less-than-significant level.

Comment Z.43

As stated in our previous comments, another example of measures with no performance standards is related to the Recommended Temporary Traffic Control Plan (RTTCP), which we believe should be a mitigation measure for a significant impact that was not correctly identified in the DEIR. Further, we have serious reservations as to whether the RTTCP (page 3.13-29 of the DEIR) can, in fact, reduce impacts to a less than significant level, primarily due to the lack of associated, measurable performance standards.

For example, the Temporary Traffic Control Plan Elements are intended to provide continuity of movement for traffic, pedestrians, bicyclists, transit operations, and access to property/utilities at any time a roadway's normal function is suspended. These elements are only described as possible ("should") and are not required. The preparation of traffic control plans must be completed in advance and included in the environmental review document and then evaluated based on success criteria. SSE must be allowed to review any such plans as required by the AMA.

Further, the discussion states that the "Plan" (whatever it is) "shall include consideration of SAP Center ingress and egress for event days and allow for efficient movement and safe conditions for patrons of the arena." SSE would like to know what this plan includes now so that it can be evaluated in terms of safety impacts to patrons, as well as other pedestrians. These measures should also be included in the project's Design Guidelines and Standards and again, with so little project information provided in the DEIR, it is currently impossible to assess impacts.

The RTTCP includes a multitude of "plans" to be determined as some later date. Traffic construction, transit construction, pedestrian construction, bicycle construction, freight/delivery truck loading, parking construction, and emergency construction plans. Are these plans all separate documents with no integration as many projects will be constructed simultaneously? This does not lead to mitigation of construction impacts to a less than significant level and only causes more opportunities for gridlock. Please explain when and how these plans will be drafted and coordinated.

The discussion of Traffic Construction Management is especially alarming. The section states:

> **Traffic Construction Management:** Construction of the proposed project would have an adverse effect if it would cause traffic hazards, delays, or disruptions. According to the RTTCP, vehicular circulation should be maintained to the greatest extent possible, depending on the work area. Care should be taken to ensure that drivers are made aware of any traffic pattern changes well in advance of the deviation, using signs, flaggers, barricades, flags, flashers, or traffic cones. A combination of treatments may be necessary, depending on the circumstances and visibility.

What are these treatments exactly, and why are they not provided for review so that they can be assessed for specific performance standards? Page 3-13-63 seems to state that one RTTCP will be prepared for the entire project. If many projects are under construction simultaneously, how will these construction management treatments be implemented and when? If there is no way to travel through the area and to the SAP Center when all streets are closed, how can the existing land uses survive? Providing these answers now is the only way mitigation can be determined to be feasible, per the CEQA Guidelines Section 15126.4, and guaranteed to reduce impacts to a less than significant level.

We are also concerned by the discussion related to the "Parking Construction Management" (page 3.13-30 of the DEIR) which states:

> **Parking Construction Management:** Construction of the proposed project would cause direct effects on on-street parking availability and off-street parking lots—specifically, parking on Autumn Street and in the Diridon Station off-street lots directly east of the station. The City does not have guidance on accommodating parking in construction zones. The project applicant must include a plan for accommodating parking during construction, both for the construction workers and for people wishing to access the area's amenities including the SAP Center and transit.

For SSE to have any level of comfort that parking will be provided, we must know the locations for parking during construction. Unless the project proponent is required to take concrete action to prevent these impacts then the existing land uses, including surrounding neighborhoods and the Arena, will be significantly impacted.

Response Z.43

Because the RTTCP is a standard City requirement and RTTCPs will be prepared as part of Subsequent Construction Impacts Mitigation Plans (CIMPs) required by Municipal Code Section 13.36, it is appropriate to analyze the project in accordance with these requirements, rather than a counterfactual version of the project with no construction traffic control plan, which would not be approved. Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for additional detail concerning the RTTCP and CIMPs, including the CIMP that will be reviewed by the City Council in conjunction with project entitlements.[163] Also refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station,* concerning issues related to concurrent construction of projects in the DSAP.

Comment Z.44

Pertaining to Neighborhood Traffic and Parking Intrusion (page 3.13-65 of the DEIR), it is not credible given the amount of development proposed and vehicle trips generated by the project that the cut-through traffic and parking spillover will not occur within the surrounding neighborhood. This impact is a direct impact to pedestrian and bicyclist safety in the project area. Baseline monitoring should have been conducted as part of the project – not deferred until after project approval. It needs to be done now, so that the public and decision makers know what existing conditions are now. Then they would be able to determine the significance of this impact and how much worse the condition will get. This is a basic tenant of a CEQA document – to be an informational document.

Additional details are not provided regarding how monitoring will be performed and where. The public should have been involved in the development of a baseline condition. Similarly, a parking plan would have been greatly enhanced by knowing the parking situation in the project area now. Then a supportable analysis could have been provided of what conditions

[163] As of publication of this First Amendment, the applicant's proposed CIMP and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

will be in the future compared to the existing condition, as required by CEQA. Yet, no industry-standard parking analysis has been completed for the area or the project and thus, the DEIR defers the development of these important mitigation measures to the future, in violation of CEQA.

If these impacts affect the health and safety of arena patrons and residents of the surrounding neighborhoods, that must be considered to be a significant indirect impact during construction and in the long-term. These impacts must be assessed and mitigation in the form of specific, implementable, and feasible measures must be provided to reduce these serious impacts to a less than significant level.

Response Z.44

The neighborhood parking and intrusion analysis is presented as part of the LTA (Draft EIR Appendix J2), and is included for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). Refer to Response Z.22 for additional discussion of parking intrusion.

This analysis provided in the LTA does not identify a significant impact to bicycle or pedestrian facilities under CEQA, contrary to the claim in the comment, as increased traffic volumes on local roadways do not in and of themselves create hazardous conditions for bicyclists or pedestrians. While increased traffic volumes may lead to increased levels of traffic stress for bicyclists and pedestrians, hazardous conditions are defined in Appendix G to the CEQA Guidelines, which ask if the project would "substantially increase hazards due to a design feature…or incompatible uses." Increases in traffic volumes would not involve any design changes, and the land uses proposed are generally consistent with the General Plan land use designations for the project site and are consistent with, and complementary to, other planned development in the project vicinity (e.g., Diridon Station Area Plan, the Diridon Integrated Station Concept Plan). The bicycle and pedestrian analyses conducted for the LTA and presented in Chapters 6 and 7 were conducted consistent with the guidance provided in the City's *Transportation Analysis Handbook*. The project proposes design standards (e.g., new sidewalks throughout the project site, protected bikeways, shared streets, and bulb-outs) that are anticipated to calm traffic and improve safety, particularly for people walking and bicycling. Chapter 6 of the Downtown West Design Standards and Guidelines (Draft EIR Appendix M) provides additional detail on design standards related to pedestrian and bicycle safety (refer to Downtown West Design Standards and Guidelines Chapter 6, and in particular Section 6.4, Pedestrian Network, and Section 6.5, Bicycle and Micro-mobility Network).[164]

Potential health impacts to local residents resulting from project vehicle trips are assessed as part of the project's Air Quality analysis, presented in Draft EIR Section 3.1, *Air Quality*.

[164] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment Z.45

SECTION 8. IMPACTS DURING CONSTRUCTION

The project description does not include any construction information nor are construction staging locations, lengths of street closures or modifications, detours, street circulation changes or any other pertinent construction-related information included. The impacts caused by the construction of this massive project are not disclosed or mitigated.

Construction traffic will undoubtedly occur outside the peak hours in the mornings and evenings. In fact, these are prime times for when construction begins and ends. If streets are closed for days on end, adding construction-worker traffic (for which there may not be any parking) would only exacerbate an intolerable situation, especially after 6 pm on event nights at SAP Center. If BART and HSR are also under construction in the next 10-year timeframe, gridlock will be guaranteed.

Because there is a lack of project description, all mitigation measures are deferred and unknown. Logically, if there is no project to study, impacts cannot be identified and mitigation must be deferred. Off-street parking areas are not identified for construction-related vehicles, therefore, impacts as they apply to surrounding land uses cannot be determined. There are no measures to ensure that pedestrian and bicycle access is maintained or how accessibility will be provided. Truck haul routes, equipment staging locations, and street detours are not identified. Mechanisms to prevent roadway construction activities from reducing roadway capacity during special events presumably to occur at SAP Center are not identified.

CEQA (Section 15126.4) requires that mitigation measures must be feasible and fully enforceable and include the adoption of specific performance measures to ensure that mitigation can reduce or avoid impacts. Further, the mitigation must identify “the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.” The mitigation measures included in the DEIR do not meet this standard. If the project description were more developed, which a project of this magnitude should and can be, mitigation could be designed in compliance with CEQA.

The DEIR states that temporary traffic disruptions will be mitigated by the development and implementation of mitigation measures, however, the DEIR does not identify any specific details about this future mitigation or metrics of their effectiveness. This project will have extensive and atypical construction impacts throughout downtown San José, including the construction of utilidors and a massive utility network. As the DEIR acknowledges, construction is estimated to take many years and given the long duration and the heavy amount of construction work along major arterials and adjacent to existing businesses and residences in downtown and the DSAP area of San José, this appears, at best, to be a program-level analysis of these impacts. If the intention of this analysis is to be project-specific, then this is improper “deferred mitigation” under CEQA.

The basic mitigation details and measures of effectiveness need to be identified in this DEIR to show that this mitigation is in fact feasible and will reduce the transportation impacts,

particularly if this is identified as "mitigation" that is relied upon in the DEIR to reduce this significant unavoidable impact to a less than significant level under CEQA. As stated in CEQA Guidelines Section 15126.4(a)(B): "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." There are no specifics or performance standards regarding proposed mitigation measures in the DEIR.

One important ingredient of a DEIR is the discussion of steps that can be taken to mitigate adverse environmental consequences. The requirement that an EIR contain a detailed discussion of possible mitigation measures flows both from the language of the Act and, more expressly, from CEQA's implementing regulations.

Response Z.45

Contrary to the commenter's assertion, the Draft EIR includes a detailed discussion of reasonably foreseeable project construction and phasing in Section 2.3, *Development Program*, as well as pages 3.13-28 to 3.13-30 (Transportation, Impact TR-1). As explained in Response Z.38, the City would require preparation of one or more project-specific Recommended Temporary Traffic Control Plans (RTTCPs) as an appendix to Subsequent Construction Impacts Mitigation Plans (CIMPs) prepared in conformance with Municipal Code Section 13.36 to ensure that construction does not adversely affect circulation or safety in the vicinity of the project site, including at SAP Center, as construction progresses. The traffic control plans would be location-specific, meaning that they would identify site-specific haul routes to serve construction staging sites, as well as street closures and detours, if applicable. It is noted that construction staging would typically be anticipated to occur on or adjacent to a particular building site. The Subsequent CIMPs would be more focused than the area-wide CIMP that will be considered by the City Council in conjunction with project entitlements and that references ongoing coordination with the SAP Center during construction and across the development timeline.[165] Subsequent CIMPs would address potential disruption of nearby businesses and residents that may result from construction activities. In general, local circulation concerns do not implicate CEQA impacts, which is why construction activities are largely addressed through the separate process described here. To the extent that construction activities could implicate pedestrian, bicycle, or motorist safety, these potential impacts would be resolved on a site-specific basis through the Subsequent CIMP and accompanying RTTCP process. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station,* and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for additional detail concerning the CIMPs and accompanying RTTCPs.

Concerning utility construction, the use of a utilidor would consolidate much of the proposed project's utility network, thereby minimizing disruption compared to the same degree of utility installation undertaken in an uncoordinated manner. Additionally, much of the utilidor would be

[165] As of publication of this First Amendment, the applicant's proposed area-wide CIMP and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

developed on the applicant's property, within the basements of project buildings to be erected, while street crossings would utilize underground boring where feasible, thereby avoiding disruption of the street network. Refer also to Response Z.8.

Comment Z.46

Coordination alone is not adequate mitigation under CEQA. While Appendix G of the CEQA Guidelines does not specifically mention event centers, Question X. Land Use and Planning (a) asks: "Would the project physically divide an established community?" One and a half years of lane closures, lost parking, and disruptive construction activity immediately adjacent to long-established businesses (including the SAP Center) and residents, could significantly impact the viability of these businesses and would constitute physically dividing an established community. This impact is erroneously not identified, analyzed or mitigated in the DEIR.

Response Z.46

The comment expresses an opinion that the length of the construction period could significantly impact the viability of businesses (including the SAP Center) and thus would physically divide an established community. To the extent this comment refers to direct physical effects as a result of the proposed project, this is explained on Draft EIR pages 3.9-31 to 3.9-32:

> The design of the proposed project would not include physical barriers or obstacles to circulation that would restrict existing patterns of movement between the project site and the surrounding neighborhoods. In fact, the proposed project would include features designed to encourage and promote public access and vehicular and pedestrian circulation, where limited access exists today.

This comment also infers that a prolonged construction period could result in closure of businesses. The comment suggests that vacancies in or around the project site could physically divide an established community. Under CEQA, economic or social effects are not considered significant effects on the environment. Rather, these effects are considered as potential linkages or indirect connections between the proposed project and physical environmental effects. More specifically, the direction for treatment of economic and social effects is stated in CEQA Guidelines Section 15131(a):

> Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on physical changes.

Anticipated economic or social effects of a project may be used in the determination of the significance of physical changes caused by the project.[166] As required by CEQA, the focus of the analysis in the Draft EIR is on the physical changes that would result from the approval and implementation of the proposed project. Consistent with the requirements of CEQA, the Draft

[166] CEQA Guidelines Sections 15064(e), 15131(b).

EIR includes consideration of potential adverse physical environmental effects that could be the result of socioeconomic and/or economic changes that could be triggered by the proposed project, and as appropriate considers social and economic factors that may affect the significance of a physical effect. Draft EIR Section 3.11, *Population and Housing*, Impact PH-2, pages 3.11-23 to 3.11-26, considers socioeconomic effects related to the potential of the proposed project to result in displacement of housing or residents; Draft EIR Section 4.1.2, *Economic Effects*, discusses direct and indirect economic growth relating to the project. The discussion below focuses on the socioeconomic issue of urban decay.

As used in CEQA, the term "urban decay" was introduced by the Court of Appeal in the case entitled *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App.4th 1184 (*Bakersfield Citizens*). In that decision, the court required the City of Bakersfield to revise and recirculate two EIRs for two proposed Wal-Mart stores because the documents both failed to address the possible indirect physical effects flowing from the direct economic effects of the two projects. Though the court did not expressly define "urban decay," the court seemed to equate the concept with a "chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake."[167]

For the purposes of this assessment and consistent with the above described court decision, "urban decay" is not simply a condition in which buildings become vacant as businesses compete with each other in the normal course of the market-based economy, nor is it a condition where a building may be vacated by one business or used and reused by a different business or for alternative purposes. Rather, under CEQA and for the purposes of analysis in this EIR, "urban decay" is defined as physical deterioration of properties or structures that is so prevalent, substantial, and lasting a significant period of time that it impairs the proper utilization of the properties and structures, and the health, safety, and welfare of the surrounding community. Physical deterioration includes abnormally high business vacancies, abandoned buildings, boarded doors and windows, and long-term unauthorized use of the properties and parking lots, extensive or offensive graffiti painted on buildings, dumping of refuse or overturned dumpsters on properties, dead trees and shrubbery, and uncontrolled weed growth.

Prolonged business vacancies which could result in urban decay generally result from a lack of sufficient demand for commercial goods or services within a market area. Under these conditions, there isn't sufficient demand for the provision of goods or services to support the existing inventory of developed commercial space within a market area. Within any market area a small percentage of commercial vacancy is common and is considered a natural part of the market economy. In most market areas, the vacant or partially occupied commercial spaces are regularly maintained, as vacancies are assumed to be temporary and building owners have an economic incentive to maintain their property in order to make it more attractive for future tenants. Urban decay conditions can potentially occur in market areas where a large, persistent deficit in the demand for commercial services exists, relative to the available inventory of commercial space.

[167] *Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal. App.4th 1184*, p. 1204.

As explained in Draft EIR Section 3.11, *Population and Housing*, pages 3.11-17 to 3.11-18, the proposed project would generate an average of approximately 1,100 construction jobs per year.[168] Commercial buildings in the vicinity of the proposed project are generally maintained and vacant commercial spaces do not reveal prolonged vacancy and stalled maintenance. It is anticipated that, during construction, there would not be a substantial drop in local business demand given the increase in construction employment on site and temporary nature of the construction period. After construction, the City anticipates that demand in the area surrounding the project site for commercial goods and services, and in turn for commercial space, would increase, which would lessen the potential for prolonged commercial space vacancies to occur. Therefore, to the extent this comment asserts that the proposed project's construction period and loss of parking would result in some form of urban decay and/or the physical division of an established community, the comment does not provide evidence or a justification for why the temporary construction period would physically divide a community, which established community the proposed project would divide, or that the construction would result in urban decay. Therefore, no changes to the Draft EIR are required in response to this comment. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station,* and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, for additional detail concerning the required Construction Impact Mitigation Plans.

Comment Z.47

The DEIR states that there will be lane closures (and impliedly sidewalk closures) on many streets in the DSAP area, yet specific details are not provided on Figure 2-65 or anywhere else. Therefore: (1) The document does not accurately identify the potential adverse impacts; and (2) The Arena will suffer significant adverse impacts if any portion of any sidewalks are inaccessible to pedestrians or if the vehicular capacity of the surrounding streets is diminished. As to the first issue, the DEIR is deficient on its face due to the inconsistency. As to the second issue, SSE is strongly opposed to any intrusion onto Santa Clara, Montgomery, and Autumn Streets by the project construction.

The hazardous materials section (page 3.7-90) states:

> Project construction activities would occur mostly within the footprint of parcels on the project site, with the exception of the off-site transportation of equipment and materials; utility improvements on adjacent streets; and off-site transportation improvements (described in Section 2.7.6, *Off-Site Transportation Improvements*). Construction equipment and materials would enter and exit parcel work sites via existing public roads. The temporary increases in construction traffic and potential temporary closures of nearby roads could interfere with emergency services traffic in the project vicinity.
>
> The City of San José would require the preparation and implementation of construction traffic plans for each parcel, group of parcels, or off-site improvements as condition of construction and building permits. The construction traffic plans would manage the movement of vehicles, including those transporting hazardous materials,

[168] The Draft EIR's estimate of construction jobs is derived from the EIR's air quality analysis and is not intended to encompass all construction-related employment, inasmuch as the estimate is based on the number of pieces of construction equipment in use on a job site. The estimate also excludes vendors delivering supplies to the construction site; trips by those vehicles are calculated separately in the air quality analysis.

> on roads. Although construction activities may result in temporary single-lane closures, these activities would not require the complete closure of streets. Therefore, emergency access would be maintained.
>
> During the construction of the new egress for the SAP Center, the fire department would not allow egress construction to occur at the same time as an event. Therefore, the construction activities would not interfere with emergency access for the SAP Center. In addition, the removal and replacement of the SAP Center stairs would be required to conform with building and fire code requirements, ensuring adequate egress during emergencies.
>
> With implementation of the required construction traffic plans, the volume and timing of construction traffic would be managed to avoid adversely affecting the level of service on nearby roads. The impact of the proposed project relative to emergency response or evacuation plans would be less than significant.

We must point out that "single-lane" street closures will interfere with not only emergency services traffic in the area, but also affect pedestrian and bicycle facilities. As we know, most construction projects, especially Downtown, depend on street rights-of-way for construction and equipment staging, including the placement of cranes. How can a high-rise structure be built "on-site", especially those in the final stages of construction on a particular site? This needs to be explained before the proposed mitigation measure can be evaluated.

The extension of Cahill Street must be built before any construction can occur on Lots A, B, and C, east and north of SAP Center. We can think of no way this construction can occur and not affect egress and ingress to the Arena during events. Nor does the DEIR explain how this could be done. The blocking of entrances and exits would occur as a result of construction even when active construction is not occurring. The DEIR gives us no details on how this impact will be avoided. The future preparation of construction traffic plans is deferred mitigation with no performance criteria in violation of CEQA. This is a significant environmental effect to emergency services without mitigation. Please explain how this can be accomplished and what provisions are in place for SSE review per the AMA.

Response Z.47

Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, and Response Z.38 regarding the requirements for preparation and implementation of RTTCPs.

Concerning the northern extension of Cahill Street, it is not the case that this would have to be developed prior to construction on Lots A, B, and C (project Blocks C1 and C2). Rather, it is anticipated that the Cahill Street extension would be developed in conjunction with development on Blocks C1 and C2. And, as explained in Response Z.27, in order for the applicant to acquire Lots A, B, and C and develop Block C1 and C2 before 2040 as it intends, the AMA between an entity controlled by the commenter and the City (which extends through 2040) will have to have been amended. It stands to reason that if the AMA is amended to allow for such development, the commenter's concerns, including construction of the northerly Cahill Street extension, would have been satisfactorily addressed.

In response to the comments regarding the potential for single-lane closures to interfere with emergency services, the Draft EIR as quoted above notes that any such closures would not extend to the full width of the street. Through use of sirens, emergency vehicles may use additional portions of the right-of-way, and would not have their access to the area substantially impeded due to single-lane closures; it is widely recognized that such partial street closures are a common occurrence in urban areas without creating substantial concerns for emergency vehicle access. In addition, the Construction Impact Mitigation Plan (CIMP) proposed for approval as part of the project references ongoing coordination with the SAP Center during construction and across the development timeline.[169] Also as noted in the comment, each construction phase would be required to provide further detail to the City prior to initiation of work; this will allow for future review of access concerns based on pertinent information. As such, the project would not result in a significant impact to emergency access due to construction activity.

Comment Z.48

Truck haul routes whether for construction or long-term equipment and utilities use are not yet determined and while the DEIR states that they were "modeled" for air quality analyses, they can be changed by the applicant. These should be disclosed. We also note that per Figure 3.1-2 of the DEIR, many of the haul routes are located along existing residential streets, which is not consistent with the DEIR's declaration that "Truck routes shall be established to avoid both onsite and off-site sensitive receptors." These routes could be used regularly for at least 10 years and should be known now. If they are changed, how will residents be notified?

Preparing future "plans" for "Construction Emissions Minimization" and "Construction Traffic" with no scientific performance criteria is deferred mitigation. Significant impacts can occur to existing and future sensitive receptors in violation of CEQA. Again, we believe that the lack of project information renders the DEIR a "program-level" document wherein subsequent environmental review should occur as actual development is proposed to give the decision makers and public an accurate identification of impacts and project-specific mitigation.

Page 3.1-97 states:

> The project applicant shall encourage walking, bicycling, and transit use by construction employees by offering incentives such as on-site bike parking, transit subsidies, and additional shuttles. The project shall achieve a performance standard of diverting at least 50 percent of construction employee trips from single-occupant vehicles. This may include the use of carpools and vanpools for construction workers.

Further detail is required. Where will shuttles drop workers off and pick them up? How will the project determine that 50 percent of single-occupant vehicle trips by construction workers are being diverted? How will this be measured and enforced? How will pedestrian and cyclist safety be affected by this action?

[169] As of publication of this First Amendment, the applicant's proposed CIMP and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Response Z.48

As mentioned by the commenter, the anticipated construction haul routes are identified in Figure 3.1-2, *Modeled Construction Haul Routes*. These are the routes that were modeled in the health risk assessment (HRA) to identify exposure of nearby sensitive receptors to toxic air contaminant (TAC) emissions from on-road construction trucks operating along haul routes. Although the title of the figure is *Modeled Construction Haul Routes*, these are the actual haul routes provided by the project construction engineers. Further, Mitigation Measure AQ-3 requires that trucks follow the modeled haul route, unless the applicant quantitatively demonstrates to the City that any alternative haul routes would not result in health risks that exceed the project-level thresholds of significance. Consequently, the Draft EIR both discloses the haul routes that are planned for construction and provides an enforceable mechanism to ensure that either the haul routes are adhered to or that any alternative routes do not cause significant impacts. Construction haul routes would be reviewed and approved prior to construction by the City's Department of Transportation.

Regarding the proximity of the construction haul routes to sensitive receptors, the commenter is correct that a number of routes are along streets with residences. However, it is the intent of the applicant and the city to limit the amount of truck activity along residential streets as much as possible, which is enforced through Mitigation Measure AQ-2a, Construction Emissions Minimization Plan, and AQ-3, Exposure to Air Pollution—Toxic Air Contaminants. It should be noted that residences (either single-family homes or multifamily apartment buildings) are located along all streets surrounding the project site, so it would not be possible for haul trucks to entirely avoid driving near residences.

The commenter also notes that these routes are inconsistent with the Draft EIR's commitment to locate haul routes to avoid sensitive receptors. This commitment appears in Mitigation Measure AQ-2a, Construction Emissions Minimization Plan, item 3.f, Additional Exhaust Emissions Control Measures. The full text of the measure is:

> f. Truck routes shall be established to avoid both on-site and off-site sensitive receptors. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. This program must demonstrate how the project applicant will locate the truck routes as far from on-site receptors as possible and how truck activity (travel, idling, and deliveries) will be minimized. The Construction Emissions Minimization Plan must include the location of construction truck routes and must demonstrate that routes have been established as far as possible from the locations of all on-site and off-site sensitive receptors.

Reading beyond the first sentence in the measure, the project is required to locate haul routes *as far as possible from the locations of all on-site and off-site sensitive receptors*; the measure does not require avoiding sensitive receptors entirely, which would be impossible given the site layout and its location in downtown San José, surrounded by residential land uses (just as it would have been impossible to entirely avoid such receptors during construction of any major Downtown construction project, including the SAP Center). Therefore, there is no inconsistency.

In addition, San José 2040 General Plan Policy MS-11.3 requires that the City review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter (refer to Draft EIR page 3.1-38). This provides further ability for the City to require the project applicant to minimize truck-related pollutant exposure to nearby residents.

The commenter also expresses concern about changes to the anticipated (modeled) haul routes and how residents would be notified of these changes. Mitigation Measure AQ-3, Exposure to Air Pollution—Toxic Air Contaminants, requires the following:

> 2. Construction trucks shall adhere to the modeled haul route as presented in Figure 3.1-2. If an alternative truck haul route is used, the project applicant shall quantitatively demonstrate to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, that these haul routes would not result in health risks that exceed the project-level thresholds of significance for either existing off-site or new on-site sensitive receptors.

This prohibits the alteration of truck haul routes in ways that would result in significant health risks to sensitive receptors. Therefore, the worst-case health risk impacts on receptors are disclosed in the Draft EIR (refer to Draft EIR pages 3.1-132 to 3.1-139).

The commenter also suggests that Mitigation Measure AQ-2a, Construction Emissions Minimization Plan, does not contain "scientific" performance criteria and is therefore deferred mitigation. As a result, the commenter is concerned that significant health risk impacts on sensitive receptors that were not analyzed in the Draft EIR could occur in the future. Some of the performance criteria and requirements contained in Mitigation Measure AQ-2a include:

- All off-road construction equipment with engines greater than 25 horsepower must adhere to Tier 4 Final off-road emissions standards, and the applicant must submit an equipment inventory and Certification Statement to the City (item 1a).
- The project applicant shall maintain records of its efforts to comply with all requirements of this measure (item 2).
- The Construction Emissions Minimization Plan (Emissions Plan) must include the construction timeline and an equipment inventory (including equipment type, equipment manufacturer, engine model year, engine certification [tier rating], horsepower, and expected fuel usage and hours of operation) (item 5a).
- The contract specifications must include all applicable requirements of the Emissions Plan (item 5c).
- The project applicant must submit an equipment inventory and Certification Statement to the City verifying the Emissions Plan (item 5d).
- The Emissions Plan would be made available to the public for review on-site during working hours (item 5e).
- The project applicant must submit annual reports to the City, which will indicate the actual location of construction during each year, and must demonstrate how all construction activities are consistent with the Emissions Plan (item 6).

- Failure to comply with any of these requirements would constitute a material breach of the contractor's agreement with the project applicant and/or the general contractor (multiple items).

These measures are objective, achievable, and effective in reducing emissions to the greatest extent feasible, and the commenter does not identify any particular mitigation measures or standards that are believed to be lacking. Moreover, preparation of a site-specific construction plan, including a plan for emissions minimization, has become increasingly incorporated as a standard mitigation measure and/or condition of approval by many California jurisdictions as they seek to reduce exposure of residents and other sensitive receptors to construction emissions. No blanket approach can be employed because the location and conditions of each individual building and site would dictate the nature of the site-specific Construction Emissions Minimization Plan. In addition, the provisions of these plans would be incorporated as part of the project's mitigation monitoring and reporting plan (MMRP) and would be enforced by the City. Further, construction haul routes would be reviewed and approved prior to construction by the City's Department of Transportation.

Despite these and other mitigation measures, the Draft EIR finds that health risk impacts on sensitive receptors would be significant and unavoidable with mitigation. The Draft EIR estimates that the project would result in a lifetime excess cancer risk,[170] and an annual average $PM_{2.5}$ concentration[171] for existing offsite sensitive receptors which exceed BAAQMD's significance thresholds. Therefore, despite implementation of all reasonably feasible and effective mitigation measures, the Draft EIR already determines a significant impact for sensitive receptors.

The air quality analysis in Section 3.1, *Air Quality*, is built on specific project-level information, including a construction schedule with phases and subphases, project-specific construction equipment fleet with horsepower and engine specifications, and maximum development quantities (square footage) for all buildings and facilities constructed as part of the project. Criteria pollutant and TAC emissions were modeled almost entirely using project-specific information, with generic modeling assumptions employed only in limited instances in which project-specific information was unavailable. All air quality impacts associated with the proposed project, along with all mitigation measures identified to reduce these impacts, are based on project-level information for the actual development anticipated. Refer to the *Approach to Analysis* section (Draft EIR pages 3.1-45 to 3.1-74), Draft EIR Appendix C1, *Air Quality and Greenhouse Gas Emissions Calculations*; Draft EIR Appendix C2, *Health Risk Assessment*; and Draft EIR Appendix C3, *Health Impact Assessment*, for additional detail, including all of the project-specific activities modeled (such as the construction schedule and equipment fleet), and all of the calculations performed to support the air quality impacts analysis.

[170] As indicated in Table 3.1-18, the maximum mitigated cancer risk at the off-site child receptor would be 19.6 for combined construction and operations beginning in 2024 after implementation of all feasible mitigation, which would exceed BAAQMD's threshold for significance of 10.

[171] As indicated in Table 3.1-20, the annual average maximum $PM_{2.5}$ concentration at the off-site child receptor would be 0.74 for operations in year 2032 after implementation of all feasible mitigation, which would exceed BAAQMD's threshold for significance of 0.3 $\mu g/m^3$.

The commenter is also concerned that the construction worker commute provision of Mitigation Measure AQ-2a does not contain enough detail, and that the performance standard of diverting trips will be difficult to measure and enforce. As required by Mitigation Measure AQ-2a (paragraph 5), construction worker vehicle trip minimization requirements would be included in contractor specifications to be issued by the project applicant for each subsequently proposed development within the project site. Shuttles, if determined necessary, would operate between active construction sites and major transit nodes, such as BART's Berryessa station. This would be determined during project construction as workers are commuting to the site. Annual reporting of the effectiveness of the plan, including with respect to construction worker travel and the rate of single-occupancy commute vehicle trips, would be required as part of the project's MMRP, to allow for City monitoring and enforcement if needed. In addition, Mitigation Measure AQ-2a requires that the project applicant must submit annual reports to the City that will indicate the actual location of construction during each year and will demonstrate how all construction activities are consistent with the Emissions Plan, which includes the worker commute requirements. Nevertheless, these forms of travel will also be addressed in the Construction Emissions Minimization Plan.

Concerning bicycle and pedestrian safety, as described in Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, the City would require preparation of project-specific Recommended Temporary Traffic Control Plans (RTTCPs) as an appendix to Subsequent Construction Impacts Mitigation Plans (CIMPs) prior to approval of building permits for each building or group of buildings. Each site-specific CIMP/RTTCP would contain a traffic control plan providing for safety and continuity of movement for traffic, pedestrians, bicyclists, and transit whenever a roadway's normal function is suspended for construction.

Comment Z.49

We are also concerned about construction-related traffic impacts of the bridge structure that may be built all at one time, requiring detours, or one lane at a time, constricting traffic flow. We see no specific information on construction details, nor of how traffic will be diverted and for what length of time, especially during the AM and PM peak hours and during SAP Center events. Indirect safety impacts to pedestrians and bicyclists during construction are also not addressed.

Response Z.49

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station* and Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*.

Comment Z.50

SECTION 9. ECONOMIC CONSEQUENCES

The lack of a stable project description and the deferral of approvals to some unknown time will result in significant adverse environmental impacts not adequately addressed, as described above. There will also be significant long-term socioeconomic impacts that will burden the Arena, the Diridon Station area (including the surrounding neighborhoods), and

the City as a whole. Travel to Arena events is unlike commuter transportation analysis. Like other sports and entertainment venues, travel to the Arena is discretionary. Thus, worsening transportation or parking conditions, which may not deter a commuter from making a required trip to work or home, will often completely deter a patron from going to an Arena event. Consequently, good transportation access is required in order for the Arena's on-going success, both in the long-term and during construction. A proposed development project that damages the transportation and parking experience can have ruinous economic impacts on the continued vitality of the Arena.

The San José City Council approved the extension to the Arena Management Agreement in 2015 based on the community and economic asset the SAP Center had become under SSE's management, noting in a memo from 5 councilmembers recommending the approval that "[W]ith tens of millions in annual economic impact, the building annually generates over $5 million in sales, hotel and other tax revenues for the General fund, supporting the City's provision of basis services."

As noted in this comment letter, a reduction in adequate parking supply and street capacity impacts the ability of SSE to successfully operate the arena because patrons cannot easily access the facility and so are less likely to attend events. This results in reduced revenue to the city, as well as the likely potential for a loss of jobs. The economic impact of reduced arena operations is being felt by the city now due to the shutdown arising from the covid-19 pandemic and some similar impacts associated with the project are expected. The economic studies which are included in the Draft EIR do not account for the impact to the Arena as a cost of the project and should be assessed, particularly since the DSAP goals include ensuring the continued successful operation of the SAP Center.

Response Z.50

As noted in Response Z.29, the Draft EIR appropriately focuses on potential physical environmental impacts of the proposed project that require evaluation under CEQA. Also, non-CEQA impacts on transportation and parking are assessed and presented for informational purposes. Parking in particular is discussed in the Project Description (starting on page 2-45) and in Section 3.13 (starting on page 3.13-64). The suggestion that these impacts would affect the economic success of SAP Center and Downtown, potentially "burdening" the Arena, the Diridon Station Area, Downtown, and the City as a whole, is not supported by evidence and is outside the scope of CEQA (refer to CEQA Guidelines Section 15064(e)).

The City is invested in the success of the Arena and as explained in the Draft EIR (page 2-45), the AMA provides that the City must ensure a minimum amount of parking spaces through the term of the agreement. Also, the City continues to plan for (and collaborate with other agencies to plan for) increased transit, bicycle, and pedestrian access to the Arena. While travel to the Arena is "discretionary" in the sense that attendees chose to come to events, and the non-CEQA analysis of intersections indicates that some intersections near the Arena will experience significant congestion in peak commute hours by 2040 (Draft EIR page 3.13-58), there is no evidence that non-CEQA impacts related to traffic congestion or parking, if they were to occur, would be

sufficiently dire to prevent access to the Arena during on- or off-peak hours or cause substantial numbers of people to choose not to attend events.

The Arena sits at the intersection major roadways/freeways and at a transit hub served by multiple service providers. The Arena also sits in an area in which the project proposes dense, urban development, providing both potential event patrons as well as access improvements for pedestrians and bicycles. There are similar (and considerably larger) sports arenas that are economically successful despite—or because of—being located in an urban area, with limited parking and congested roadways. One has to look no farther than the home of the San Francisco Giants at Oracle Park for an example. Oracle Park has approximately 3,500 official parking spaces, is located along the congested King/Embarcadero corridor, and had an average attendance of over 33,000 in 2019.[172,173]

Refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*, regarding the project description.

Comment Z.51

CONCLUSION

In closing, I would like to reiterate the mutual intention of the City and SSE as expressed in the AMA Side Letter two years ago:

> We believe that with proper planning, the Diridon Station Area can support robust corporate development, a multi-modal transportation system, and a successful world-class sports and entertainment arena. However, the plan must also address critical needs of the SAP Center regarding transportation and parking.

Consistent with this, SSE supports Google's desire to redevelop a portion of the Diridon Station area. However, the DEIR must include a stable, finite project description, suitable analysis based on fact (not assumption), and definitive, enforceable mitigation of the significant adverse environmental impacts. It is SSE's belief, grounded in long experience, that such mitigation will result in a project that can achieve the goals of Google and the City, while preserving the viability of SAP Center.

Response Z.51

This is a general comment and does not identify specific issues other than general assertions of inadequacy. As a result, no specific response is required. The Draft EIR meets all requirements of CEQA, including a stable, finite project description (Chapter 2), detailed analyses of potential direct, indirect, and cumulative impacts on the environment supported by a long list of references and exercise of appropriate methodologies and professional judgement, and provides enforceable mitigation measures for the significant impacts identified (Chapter 3).

[172] https://www.mlb.com/giants/ballpark/transportation/parking. Accessed 1/29/2021.
[173] https://www.baseball-reference.com/teams/SFG/attend.shtml. Accessed 1/29/2021.

Refer to Section 3.2.2, *Master Response 2: Specificity of the Draft EIR Project Description*, for more discussion of the project description.

Comment Z.52

DEIR – APPENDIX C4 Transportation Demand Management (TDM) Plan Assessment

p. 2 This statement is misleading: "This memorandum assesses the maximum [vehicle miles traveled (VMT)] reduction a robust TDM program could achieve by evaluating all reasonably available and quantifiable TDM measures, regardless of what measures are proposed by the Project." The memorandum describes an arithmetic exercise applying maximum percentage trip reductions for selected required and optional TDM measures to approximate the maximum trip reduction the Project could possibly achieve, not an actual assessment of Project TDM Program performance. Although the document stated the analyst employed methods and data in the California Air Pollution Control Officers Association (CAPCOA), August 2010 report "Quantifying Greenhouse Gas Mitigation Measures" (California Air Pollution Control Officers Association, Quantifying Greenhouse Gas Mitigation Measures, August 2010), the document does not present any data or studies showing that the TDM measures are appropriate to the site conditions or what benefit is projected. In other words, this document does not provide any analysis or study of what VMT reductions will be achieved by any TDM measures required as part of the Project.

The document therefore does not substantiate whether the Project TDM Program would meet or exceed the thresholds established by DEIR Mitigation Measure AQ-2h Enhanced Transportation Management and Monitoring Program.

pp. 8-9 Table 2 lists selected TDM Strategies and respective maximum trip reductions and indicates a Total TDM Program Reduction of 27%. The procedure to derive the total category reductions is unclear and unsubstantiated. Furthermore, no analysis and findings are provided to allow the reader to relate percentage trip reduction to numerical trip reduction and therefore connect this assessment to critical analysis and findings in the TA (Chapter 3. Project Travel Demand) and LTA (Chapter 4. Project Travel Demand).

The analyst must show its work to allow the reader to understand this assessment of potential Project trip reduction effects of TDM. The reader needs to see at minimum the following details.

- Descriptions of all TDM strategies and how they are applied to specific trip making components of the Project
- Calculations of person and vehicle trips without and with each TDM strategy

Response Z.52

Refer to Section 3.2.4, *Master Response 4: TDM Program*, for details regarding the methods used in quantifying the effectiveness of the project's TDM Program.

Comment Z.53

DEIR – APPENDIX J1 Draft Transportation Assessment (TA) Report

p. 3 The matter of a "focused LTA" appears here with only a sentence about purpose. There is no explanation of relevance and context. What is an LTA and a "focused LTA," and why is it important to the Project?

Response Z.53

Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, concerning future LTAs that would be prepared.

Comment Z.54

p. 3 The description of bicycle network changes needs definitions of referenced bikeway classes I through IV, so the reader can follow the discussion.

Response Z.54

Descriptions of the bicycle classifications (i.e., Classes I, II, III, and IV) are provided on Draft EIR pages 3.13-9 to 3.13-12 and on page 33 of the TA (Draft EIR Appendix J1). While the detailed classification descriptions are provided later in the TA, the summary of the proposed bicycle network changes provide sufficient detail to understand the proposed changes.

Comment Z.55

p. 6 The discussion of AB 900 and the specific transportation requirement that "the project will achieve at least 15 percent greater transportation efficiency than comparable projects" establishes the fundamental trip reduction intent of the Project. Other than referencing a separate analysis of trip reduction potential, which indicates the Project exceeds the application threshold, no other details are provided. This section should summarize key assumptions, procedures and findings so the reader can understand the referenced analysis. Even so, as indicated by comments above under DEIR – APPENDIX C4 Transportation Demand Management (TDM) Plan Assessment, the actual performance of the Project TDM Program was not quantified, so any added explanation here is just speculation regarding future possibilities.

Response Z.55

The AB 900 application and review process is related to, but separate from, the project's environmental review under CEQA. The discussion on page 5–6 of the project Transportation Assessment (TA) merely sets forth the requirements of the AB 900 certification process and the means in which the project applicant documented compliance. Moreover, as explained on Draft EIR pages 1-5–1-6, several revisions were made to the project between AB 900 certification and publication of the Draft EIR. Information on the AB 900 application is provided on Draft EIR pages 1-7 to 1-10. The trip reductions identified in the AB 900 application were not included in the transportation impact analysis presented in the TA (Draft EIR Appendix J1). Instead, the EIR Transportation Analysis complied with the City of San José's procedures for transportation study,

which involved the use of methodologies described in the Draft EIR (page 3.13-26). The reasons for using a different approach to trip reductions in the AB 900 application than was used in the TA is discussed on TA page 6. Refer to Section 3.2.4, *Master Response 4: TDM Program*, regarding the effectiveness of the project's TDM Program, which is designed to achieve a 27 percent reduction in vehicle trips.

Comment Z.56

p. 16 The Analysis Scenarios don't match the LTA Scenarios. Why?

p.38 The statement "The use of the 2015 model represents a conservative estimate of trip generation estimates." is questionable given assumptions about employment density for office (250 sf/employee). This is a fairly dated "standard" value for commercial office use that could be substantially lower than current actual employment densities at typical Google projects. To be clear, this looks like a low estimate of trip generation, not a conservative estimate. Please justify this assumption based on relevant empirical data.

p. 40 "Total vehicle trips are derived based on model results for average vehicle occupancy and are shown in Table 4." This statement would be greatly enhanced with information about the resulting "average vehicle occupancy" rates.

p. 41 Referring to Table 4, the marginal increase – over Existing Conditions - in vehicle trips with the Project is extraordinary – approximately +600 percent for all cases (not considering the purported vehicle trip reductions due to TDM and substantial mode shift from single occupant vehicle put forward in the Envision San José 2042 General Plan). This deserves explanation and clarification for context. What does this mean for stakeholders in the Project area? Skipping to the bottom line regarding CEQA, how can it be that "the Project would have … less than significant … VMT impact"? (p. 86) when supporting analysis produces a +600% increase in vehicles trips on a street network that is designed to minimize traffic?

Response Z.56

As noted on page 38 of the TA (Draft EIR Appendix J1), the use of the City's Travel Demand Forecasting Model represents a conservative estimate of the project's trip generation. The Existing Conditions scenario assumes base year 2015 land uses and transportation network but does not account for anticipated enhancements to transit service, such as Caltrain Electrification and BART Phase II, which would also reduce vehicle trips and associated VMT generated by the project. The office density of 250 square feet per person can vary by individual building, but for purposes of the citywide model represents a citywide average. Refer to Draft EIR page 3.11-15 for more information about the employment density assumptions for purposes of the EIR.

The model derived average vehicle occupancy rates to develop the total vehicle trips range between 2.2 and 2.4 depending on the scenario evaluated.

As described on Draft EIR pages 2-8 and 2-9, much of the project site is currently developed with low density one- and two-story buildings that cover only portions of their lots, with the remaining

unbuilt lot space used as surface parking. The total floor area of existing buildings on the project site is approximately 618,000 square feet; many of the existing buildings are vacant. The project proposes to develop a dense urban core, which as shown in Table 3 on page 40 of the TA (Draft EIR Appendix J1) would result in an increase of vehicle trips. Impacts of the project are evaluated following CEQA Guidelines, which use VMT and not vehicle congestion to determine impacts. Vehicle access is discussed in more detail in the LTA (Draft EIR Appendix J2). The LTA is presented for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*).

Comment Z.57

p. 61 The first sentence in the last paragraph is incomplete.

Response Z.57

Comment noted. The text in the first sentence of the last paragraph on page 61 of the TA (Draft EIR Appendix J1) is revised as follows (new text is double-underlined; deletions are shown in ~~strikethrough~~): "The Concept Layout includes a primary concourse in the north, oriented toward West Santa Clara Street, and a southern concourse, oriented toward West San Fernando Street."

Comment Z.58

p. 62 The fact that the "… [Diridon Station Intermodal Center (DISC)] layouts were adopted [by City Council] after the release of the Project NOP …" does not excuse the City from evaluating what is known – conceptually of course – with regard to the Project "framework plan" (also conceptual at this time). This section should state clearly what is meant by the statement "… the current framework plan does not directly accommodate the Concept Plan …" so the reader can understand the implication regarding DISC and Project implementation. Is this discussion not – in fact – stating the Project has a conflict with this transit plan? That is, DISC in concept would generate trips by all modes and introduce numerous functional requirements and conflicts on adjacent accessways and streets, which in turn would have substantial implications on the Project description and its potential success as envisioned. This would likely introduce new adverse effects for all stakeholders, which should be clearly disclosed to the lay reader.

p. 62 "The Project applicant will actively work with the City and the DISC partner agencies to address the final selected layout, while still meeting the objectives of the Project." This sentence should clearly state SSE is one of the parties the Applicant and City will work with.

Response Z.58

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, regarding coordination efforts.

Comment Z.59

p. 64 The statement "…the project applicant must prepare and submit [future] LTAs…" is appreciated and critical. The significance of Arena operations means that SSE should be directly involved in these LTAs; this should be clearly stated.

p. 64 This sentence is awkward: "For this reason, the proposed project would not introduce any geometric design features or incompatible uses, and this impact would be less than significant." There is no data provided to support this statement, leaving many questions unanswered. For example:

- For what reason?
- "The project would not introduce any geometric design features…" Meaning?
- "… this impact would be less than significant." What impact?

Response Z.59

As discussed on Draft EIR page 3.13-45, the project's adjustments to the street network would need to comply, subject to allowances in Municipal Code Title 13 and Title 19, with the City of San José's Complete Streets Design Standards and Guidelines as well as the Planned Development Permit, both of which include design specifications to ensure safety. For this reason, the project would not substantially increase hazards due to a geometric design feature or incompatible uses.

In addition, through the City's development review process, consistent with Council Policy 5-1,[174] the City would ensure that individual buildings and phases do not include any improper geometric design features or incompatible uses. Specifically, the project applicant must prepare and submit an LTA evaluating sight distance, on-site circulation, and building access/egress when sufficient information is available for each building or development phase to allow the City to evaluate those aspects of the project for conformance with the City's Complete Streets Design Standards and Guidelines,[175] and any other relevant City standards before recordation of final maps.

Comment Z.60

p. 69 The third sentence under Emergency Access Summary that starts with "LTAs evaluating …" does not indicate such LTAs **must** be prepared, which was stated under Hazardous Design Features on p. 64. The requirement for LTAs – implied by "must" – applies to all topics of analysis. Furthermore, these LTAs are critical. As noted above, the significance of Arena operations means that SSE should be directly involved in these LTAs; this should be clearly stated.

[174] https://www.sanjoseca.gov/home/showdocument?id=28459.
[175] https://www.sanjoseca.gov/home/showpublisheddocument?id=33113.

Response Z.60

Refer to Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*, concerning future LTAs that would be prepared.

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, regarding coordination efforts.

Comment Z.61

p. 70 The first paragraph indicates the Year 2040 Cumulative No Project scenario assumes unspecified "… land use allocations currently contemplated as part of the City-initiated amendments to the DSAP …" and "the Year 2040 Plus Project scenario assumes all proposed DSAP amendments …" What are the land use reallocations and the proposed DSAP amendments? This failure to disclose the land use reallocations is a critical oversight because the reader cannot interpret the analysis without information and data describing the context and relative magnitudes of the DSAP and Project land uses and, moreover, the potential impacts caused by these two significant scenarios. To be clear, there is no meaningful basis for:

- Estimates of VMT Per Service Population (Table 11, p. 72) and the statement of "less than significant impact".
- Estimates of Journey to Work Mode Share (Table 12, p. 73) and the statement of "less than significant impact".
- Estimates of AM Peak Hour Transit Corridor Travel Speeds (Table 13, p. 74) and the statement of "significant impact". Also, why was the transit corridor travel speeds evaluation done for just the AM Peak Hour? The PM Peak Hour condition is even more critical to area access and circulation because SAP Center generates substantial PM peak period person and vehicle trips before games and events.

p. 75 Referring to text under "Mitigation Measure," it appears the stated mitigation measure for the noted significant impact is not supported by any analysis. The following points underscore this observation.

- The first paragraph effectively disclaims the ability of the City model to evaluate "… Project-specific features, such as TDM elements …". The paragraph also does not state what the intent of the mitigation is. How, then, does one evaluate the special aspects of the Project and trip and VMT implications? A meaningful evaluation can only be conducted if the document provides a detailed discussion and quantification of "post-model" trip generation changes.
- The second paragraph highlights a General Plan target and concludes – without any substantiation – "Based on City provided data, the Project would need to achieve a 75 percent non-[single occupant vehicle (SOV)] mode split to reach citywide mode split targets." How was this derived?
- The third paragraph jumps to the conclusion regarding the necessary mitigation measure for the noted impact, a TDM Program, which was presumably based on "… an analysis of available transit and the likely effectiveness of TDM programs…". Was such an analysis done? If so, where is it documented?

- The last sentence states the mitigation measure "…would achieve a non-SOV mode share of 65 percent … equivalent to an average daily trips reduction of 27 percent…". How were these results calculated? They appear to be elementary performance standards postulated using simple arithmetic rather than an actual evaluation with minimum details such as the following.
  - Descriptions of all TDM strategies and how they are applied to specific trip making components of the Project
  - Calculations of person and vehicle trips without and with TDM strategy, for each TDM strategy

Response Z.61

Refer to Response Z.33 regarding the reallocation assumptions for the Diridon Station Area Plan amendment and General Plan Amendment analysis methods and thresholds; this reallocation is described in detail in Draft Section 3.11, *Population and Housing*.

Refer to Section 3.2.4, *Master Response 4: TDM Program*, regarding Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program.

Comment Z.62

p. 76 The Project applicant's TDM Program must be approved to secure the Planned Development Permit. Given the magnitude and complexity of the Project, the TDM Program must be backed up by a comprehensive technical analysis as it will be subject to substantial scrutiny by the community and stakeholders. Proposing a TDM program that is not supported by a comprehensive technical analysis means that the TDM program is unlikely to achieve any of the goals necessary to achieve meaningful mitigation. As noted above, the significance of Arena operations means that SSE should be directly involved in the TDM Program review process; this should be clearly stated.

p. 77 The required SOV trip reduction strategies do not include express bus or commuter shuttle services, which are common to other Google developments. Why?

Response Z.62

Refer to Section 3.2.4, *Master Response 4: TDM Program*, regarding Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program.

Comment Z.63

DEIR – APPENDIX J2 Draft Local Transportation Analysis (LTA) Report

p. 1 The requirement for "focused LTAs" is appreciated and critical. The significance of Arena operations means that SSE should be directly involved in these LTAs; this should be clearly stated.

Response Z.63

Refer to Response Z.11.

Comment Z.64

However, the disclaimer "… the Project does not include a specific site plan that designates exact building location and access for each parcel …" is generalized and unacceptable for a project of this magnitude and complexity. As a result, this LTA is incomplete because it does not sufficiently address site access and local circulation. For example, the Local Access and Queueing Analysis does not include intersections critical to the area, including N Montgomery at W Julian, W Santa Clara and W San Fernando, Park at N Autumn and W San Fernando at Almaden Blvd. The City could have and should have developed a complete scope of analysis in cooperation with stakeholders.

Response Z.64

Impacts of the project were evaluated following the CEQA Guidelines, which use VMT and not vehicle congestion to determine impacts. Vehicle access is discussed in more detail in the LTA (Draft EIR Appendix J2). The LTA is presented for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*).

The project is subject to Council Policy 5-1 which, as discussed on Draft EIR page 3.13-45, requires project applicants to prepare and submit an LTA once final building footprints and site designs have been developed. Once this detail is available for each building or development phase, the LTA would evaluate sight distance, on-site circulation, and building access/egress to allow the City to evaluate those aspects of the project for conformance with the City's Complete Streets Design Standards and Guidelines,[176] and any other relevant City standards. This includes evaluation of the internal roadway network. Assignment of vehicles within the internal roadway network is dependent on locations of parking facilities as well as driveway locations, which have not yet been defined.

Comment Z.65

p. 5 As noted in comments on the TA, it appears the "Enhanced TDM Program" mitigation measure is not supported by any analysis. Therefore, applying the hypothetical trip reductions implied in the Enhanced TDM Program in the LTA is not substantiated and a fatal flaw.

Response Z.65

Refer to Section 3.2.4, *Master Response 4: TDM Program*, regarding Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program.

Comment Z.66

p. 39 The Analysis Scenarios don't match the TA Scenarios. Why?

p. 40 Table 4 Summary of Analysis Scenarios indicates "analysis not required" under Background Phase 1. This initial phase of Project development is relatively large as are the

[176] https://www.sanjoseca.gov/home/showpublisheddocument?id=33113.

respective transit services included (BART Phase II and Caltrain Business Plan service levels), which indicate that this analysis element would be quite important as a benchmark. Please explain the rationale for not analyzing this scenario.

p. 40 The detailed discussion under 2.4.1 City of San José Travel Demand Forecasting Model – its genesis and use – is helpful. However, it seems misplaced and should be incorporated in the TA – and the DEIR – to document this critical study element used for the CEQA evaluation. In other words, was this same "City model" used in the TA?

p. 41-42 Continuing, the General Plan Growth Reallocation discussion provides details that should have been incorporated into the TA. *Were the same assumptions applied in the TA?*

p. 42 The discussion of Traffic Volumes, which begins in the last paragraph, glosses over the development of Background traffic forecasts. The discussion is rote and incomplete, and the information in Appendix B Approved Developments is neither accessible nor useful for anyone other than the analysts and City staff used to technical jargon. The reader needs at minimum a clear description of the intent of this scenario and procedures used to develop Background traffic forecasts, including a list of all included developments with land uses and traffic forecasts.

p. 50 Under Goal-Based Project Buildout Conditions, the document states that this scenario "… is presented to illustrate the long-term vision of Downtown San José …" and "… represents the City's aspirational goals that could only be achieved if the full vision of Envision San José 2040 is realized." {emphasis added} This hypothetical "what if" scenario is not substantiated or realistic. For example, the stated goal of Envision San José 2040 is that "… no more than 40 percent of commute trips are completed by driving alone …" and this percentage, among other aspirational targets, is incorporated in the Goal-Based analysis. In comparison, the Integrated Final EIR for Downtown Strategy 2040 (the 2018 amendments to Envision San José 2040) estimated journey-to-work (commute) mode share drive alone to be 71.5 percent, which is much higher than the 40 percent goal cited. (City of San José, Downtown Strategy 2040 Integrated Final EIR, December 2018, Table 3.15-9, p. 299). How is application of the 40 percent goal in this analysis reasonable?

This hypothetical "what if" scenario is not relevant to the LTA, which is intended "… to identify adverse effects of the Project on the surrounding transportation system and recommend improvements." The City's Transportation Analysis Handbook makes no reference to any scenario beyond Background plus Project Conditions. The LTA for the major Cityview Office Development (3.6 million square feet of office) did not include a similarly aspirational scenario. The inclusion of this scenario is misleading because it introduces false expectations.

This subsection ends with an obtuse statement that appears to reference the mitigation measure cited in the TA, a TDM Program, which was presumably based on "… an analysis of available transit and the likely effectiveness of TDM programs …". The same questions asked in comments on the TA is warranted: Was such an analysis done? If so, where is it

documented? The reader must know how the effectiveness of the TDM program was evaluated and substantiated to reach a conclusion of a less than significant traffic impact.

These critical observations call into question ALL subsequent analysis of Goal-Based scenarios and is a fatal flaw of the analysis.

Response Z.66

The TA (Draft EIR Appendix J1) and LTA (Draft EIR Appendix J2) were prepared consistent with City Council Policy 5-1 and the City's *Transportation Analysis Handbook*.[177, 178] Based on those guidelines the TA includes the analysis of Existing and Cumulative traffic scenarios, while for City approval purposes (i.e., non-CEQA) the LTA includes Existing and Background traffic scenarios.

The LTA is presented for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). Phase 1 Project and Goal-Based Project Buildout traffic scenarios included in the LTA are evaluated for informational purposes only, as they are not required to be evaluated based on the City's guidance documents referenced above. The local access and queuing analysis was only conducted under the Project Buildout and Goal-Based Project Buildout traffic scenarios to provide information on the full buildout operating conditions. The purpose of the Goal-Based Project Buildout traffic scenario is to illustrate the roadway network demands that are reflective of the City goals outlined in Envision 2040.

Refer to Responses Z.2 and Z.34 regarding the use of the City of San José Travel Demand Forecasting Model for the TA and LTA (Draft EIR Appendices J1 and J2).

Comment Z.67

p. 97 Under 4.1.1 Trip Generation Methods, the last sentence in the first paragraph says "… the more aspirational goal-based approach was only applied to the Buildout scenario and appears to conflict with the sentence under 4.1.1.2 Goal-Based Travel Characteristics that says, "The goal-based mode split analysis is used for cumulative plus Project analysis …" {emphasis added}. Please clarify which scenarios include the "goal-based approach."

p. 101 Travel demand effects of TDM were assessed by simply applying percentage trip reductions for three TDM measures, which were apparently extracted from a 2010 publication about quantifying greenhouse gas emissions that the analyst provided technical analysis on (California Air Pollution Control Officers Association, Quantifying Greenhouse Gas Mitigation Measures, August 2010). There is no indication that the analyst customized the application of these trip reductions to the Project. Therefore, the stated effectiveness of the TDM program is unsubstantiated, incomplete and misleading. The analyst must show its

[177] https://www.sanjoseca.gov/home/showdocument?id=28459.
[178] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461. Accessed March 8, 2021.

work to allow review of this critical assumption about the claimed substantial trip reduction effects of TDM.

The following questions highlight the serious shortfall in this analysis.

- Would Transit Passes be provided to all residents and employees? What are the results related to mode shift? Show the calculations regarding trip reductions.
- What assumptions about Parking Policies would lead to a 10 percent mode share reduction? Show the calculations regarding trip reductions.
- What Express Bus (employer-based) service is assumed? How many buses would be involved and how would they affect localized congestion and queuing? Show the calculations regarding trip reductions.
- How was the summary total of 24 percent reduction in drive-alone trips derived? A footnote is referenced (footnote 14) but not included on the page. Show the calculations regarding trip reductions.

p. 106 Which analysis scenario was used to estimate the Project Trip Distribution in Figure 26?

pp. 109, 114, 119 Project traffic assignments shown in Figures 27, 28 and 29 indicate zero (0) traffic on Cahill Street north of Santa Clara. This appears to be a fatal flaw in the analysis given the Project description calls for an extension of Cahill Street to connect to North Montgomery Street to serve substantial Project land uses and SAP Center.

Inspection of Project traffic assignments at several intersections found volumes were relatively low compared to absolute Project traffic generation values of 7,900 to 8,900 peak hour vehicle trips (per Table 17). For example:

- Approximately 300 Project trips (vehicles per hour) were assigned to The Alameda east of Stockton, whereas the Project trip distribution indicated at least 10% of Project traffic, which would equate to 800 to 900 vehicles per hour.
- Approximately 900 to 1,100 Project trips (vehicles per hour) were assigned to SR 87 north of downtown, whereas the Project trip distribution indicated 25% of Project traffic, which would equate to 2,000 plus vehicles per hour.
- Approximately 800 to 900 Project trips (vehicles per hour) were assigned to SR 87 south of downtown, whereas the Project trip distribution indicated 15% of Project traffic, which would equate to 1,200 plus vehicles per hour.

This indicates uncertainty in basic traffic forecasts and resulting intersection operating conditions. The analyst must show work to demonstrate the findings are credible.

Response Z.67

Refer to Section 3.2.4, *Master Response 4: TDM Program*, regarding the TDM Program and the effectiveness of specific elements included in the proposed TDM Program. Concerning trip assignment, as discussed in Chapter 4 of the Local Transportation Analysis (LTA; Appendix J2 to the Draft EIR) project trips were distributed onto the roadway system using the City's travel model. Specifically, the City model was adjusted to reflect the trip generation estimates

summarized in Table 19 of the LTA and the model was re-run to distribute the trips. The project trip distribution presented on Figure 26 of the LTA shows the average trip distribution rates between the a.m. and p.m. model output for the Project Buildout Scenario (Scenario 2c) that are rounded to the nearest 5. The project trip distribution on City streets is also not intended to show a specific route, but the general direction from which trips are coming; thus Figure 26 is not intended to estimate the project trip assignment with specificity. It should also be noted that for trip distribution on the freeways, there can be multiple access points. For example for the trips traveling to and from SR 87 north of the project site, this would include trips that would use the Taylor Street interchange, Julian Street interchange, as well as Park Avenue (inbound) and Woz Way (outbound) ramps. Refer also to Response Z.34.

Comment Z.68

p. 123 Regarding units of measure for transit demand, the statement at the top of the page says demand is expressed in Project transit trips that will use a given service. From experience, “transit trips” is not a precise unit of measure. How was transit demand, noted on Table 24 as “seats on in-service vehicles” derived? Isn’t the customary City model output “boardings” - not seats?

p. 134 – 147 As noted above (p. 50), all Goal-Based scenarios are flawed because the associated mode split targets are not reasonable.

p. 147 The finding of “substantial adverse effect” noted at the top of the page is unsubstantiated. Show the work related to measured delay compared to noted guidelines so the reader can understand this crucial finding.

p. 147 The requirement that the applicant fund a study to evaluate a dedicated public service lane along Santa Clara/The Alameda is positive. However, a timeline for this work should be included.

Response Z.68

Refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*, for additional details transit demand analysis.

The project applicant is currently working with the City to determine timing of improvement projects identified in the LTA (Draft EIR Appendix J2), including the City’s public service lane study. Since the funding of this study, which is proposed to be a condition of approval for the project, is not required as part of mitigation for an impact identified in the EIR, no additional detail is required to be disclosed in the EIR.

Comment Z.69

p. 185 The document includes NO DETAILS of the Synchro/SimTraffic analysis that underpins Section 8 Localized Access and Queuing Analysis. This is a serious omission that precludes review of street and intersection layouts and Synchro/SimTraffic analysis configurations.

p. 186 Appendix B is referenced as containing calculation sheets for the Synchro/SimTraffic analysis. THE NOTED APPENDIX DATA IS NOT INCLUDED IN THE DOCUMENT. (Krupka Consulting notified the City about this and a document called “Appendix G Synchro/SimTraffic Calcs” was provided with the indication that it would be included in the amended document. However, Appendix G only contains SimTraffic “queuing and blocking” reports and post-processor volume and delay charts, which are useful as backup, but does not contain important intersection layout information and network descriptions.)

p. 186 The intersections listed at the bottom of the page are incorrectly numbered.

p. 188 Conditions at Intersection 24 Santa Clara/Cahill, shown in Table 51, may not be correct given zero (0) traffic was assigned to Cahill north of Santa Clara (see comment on p. 109 + above). Also, how can the PM Peak Hour Background condition at this intersection be LOS B (Table 51) if the Existing condition is LOS E (Table 50)?

pp. 188-189 Substantial adverse effects are noted for 10 intersections under Background conditions, but no physical improvements are proposed. No rationale is provided. Why?

p. 189 The statement beginning “It should be noted …” indicates the LOS adverse effects documented above “… would be lower than identified” appears to be wrong. The “… additional 9 percentage point trip reduction …” applies to Goal-Based scenarios according to the first paragraph of p. 98 and indeed was not applied on purpose. Therefore, the statement about lower impacts is inappropriate.

p. 189 The statement about “… ongoing signal coordination …” improving intersection operations and progression is unsubstantiated. In fact, there is no information in this report quantifying effects of signal coordination.

p. 191 Table 52 indicates the Project will cause adverse effects at EVERY intersection listed (under Background plus Project conditions). The discussion following indicates most locations cannot be physically improved, although three intersections do show some promise for improvement. However, the section concludes with the statement “… the vehicle capacity enhancing improvements are not recommended.” How is this reasonable with respect to maintaining vehicle access and circulation at the noted locations?

Response Z.69

The referenced technical detail was inadvertently excluded from the LTA (Draft EIR Appendix J2) and does not alter conclusions of the analysis. Detailed Synchro/SimTraffic modeling output worksheets were added to Technical Appendix G of the LTA shortly after publication of the Draft EIR, within a matter of days of the omission having been brought to the City’s attention, and within the Draft EIR public review period. Inasmuch as this appendix concerns local circulation and not VMT, this temporary omission was not relevant to the EIR’s CEQA analysis and therefore does not warrant recirculation of the Draft EIR.

The intersection numbers on page 186 of the LTA (Draft EIR Appendix J2) are incorrect and are revised as follows:

- Intersection ~~#13~~ 22 – Julian Street & Stockton Avenue during PM peak hour
- Intersection ~~#19~~ 28 – Julian Street & Autumn Parkway during the PM peak hour
- Intersection ~~#23~~ 32 – Park Avenue & Delmas Avenue/SR 87 Southbound Off-Ramp during the PM peak hours
- Intersection ~~#24~~ 30 – Park Avenue& SR 87 Northbound On-Ramp/Woz Way during the PM peak hour
- Intersection ~~#26~~ 35 – Woz Way & SR 87 N Off-Ramp during the AM and PM peak hours

The LTA is presented for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). The statement on page 189 regarding the LOS analysis results for the Project Buildout traffic scenario being worse than what would likely occur with project implementation, is correct. This traffic scenario does not include the additional 9 percentage point trip reduction that would be required under the project's Expanded Transportation Demand Management Program (Mitigation Measure AQ-2h), which is described in detail on Draft EIR pages 3.1-101 to 3.1-105, and is revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*).

As noted on LTA page 192, consistent with the City's multimodal goals and the project's Transportation Demand Management goals, the vehicle capacity enhancing improvements are not recommended. Added vehicle capacity induces travel. Instead, the project applicant would make a financial contribution to the Bird Avenue/I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community to facilitate multimodal access.

Comment Z.70

p. 193 The off-ramp queuing analysis shows substantial adverse effects (under Background plus Project conditions) but no improvements. This is hard to understand given it can be interpreted as the City accepts resulting adverse effects on freeways.

p. 194 The on-ramp queuing analysis shows substantial adverse effects (under Background plus Project conditions) but no improvements. Why are no improvements proposed to address adverse effects?

Response Z.70

The LTA, including ramp queuing analysis, is presented for City development application purposes and not for CEQA impact determination (refer to Section 3.2.8, *Master Response 8: Non-CEQA Issue—Traffic Congestion and Delay*). As noted on LTA page 193, consistent with the City's multimodal goals and the project's Transportation Demand Management goals, the vehicle capacity enhancing improvements were not recommended. Added vehicle capacity induces travel. Instead, the project applicant would make a financial contribution to the Bird

Avenue/I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community to facilitate multimodal access.

Comment Z.71

p. 218 The evaluation of parking requirements in Table 62 (p. 219) includes the 50 percent reduction cited as allowable "… if proven that the reduction in parking supply will not adversely affect surrounding projects or facilities … ". There is no apparent quantification of such proof. Analysis by a qualified traffic engineer using industry standard methods is required to prove the reduction in parking will not adversely impact surrounding facilities. It is noted that SAP Center is a facility that would be directly affected by Project parking provisions.

p. 220 Parking demand effects of TDM were assessed by simply applying percentage trip reductions for three TDM measures, which were apparently extracted from a 2010 publication about quantifying greenhouse gas emissions that the analyst provided technical analysis on (California Air Pollution Control Officers Association, Quantifying Greenhouse Gas Mitigation Measures, August 2010). There is no indication that the analyst customized the application of these trip reductions to the Project. This is not substantiated and is incomplete and misleading. The analyst must show its work to allow review of this critical assumption and resulting conclusions about substantial trip reduction effects of TDM.

p. 221 The discussion about free parking inducing driving is interesting but the cited reference and conclusion is a theoretical experiment using the "Bradford Hill criteria" - adapted from the field of epidemiology (per reference cited in footnote 20 in the document). This observation is not substantiated by empirical study and is of questionable relevance for a professional parking analysis.

p. 222 The section on SAP Center parking is general and includes only one paragraph that mentions agreements between the City and SAP Center.

Response Z.71

Refer to Response Z.3.

Comment Z.72

DEIR – APPENDIX M Downtown West Design Standards and Guidelines

p. 242 **The Project intent regarding the street network**, to reallocate "…each street right-of-way … to minimize area dedicated for vehicles, while maintaining traffic throughput and operational efficiency …" is generally aligned with reasonable New Urbanism tenets. However, the Project **will introduce adverse effects related to SAP Center access and egress** as discussed below.

This document offers a few casual references to SAP Center access but provides nothing that discusses or analyzes the significant day to day event traffic management efforts

required to make SAP Center successful. The importance of effective traffic management to the SAP Center is ingrained in detailed agreements between SAP Center and the City. The current system works well, but the Project changes will dramatically alter the system and this document should include specific strategies to implement adequate event management. The following points highlight critical adverse effects that must be defined to allow SAP Center, the City and the Project to ascertain functional and cost responsibilities.

- Conversion of two-way streets to one-way operation before or after events requires a major increase in traffic management efforts over strategies currently employed; in practice, this disrupts non-event traffic and event traffic given drivers are accustomed to two-way traffic operations.
- To avoid confusion, all temporary traffic control devices and traffic handling requirements must be very clear to drivers.
- Changes in street capacity proposed by the Project must be evaluated using industry standard traffic engineering operations analysis.

Extending Cahill north to North Montgomery would complement north-south traffic access but its viability is uncertain given implications regarding SAP Center infrastructure and conforming improvements to existing grades are not discussed.

Changes to Cahill south (extension to Park) and Montgomery south (removal of segment) will affect north-south throughput and operational efficiency by altering the critical Autumn-Montgomery couplet. While similar lane capacity may be provided, delays due to turning conflicts and absence of turn lanes would reduce effective throughput capacity on these streets, which would affect access to SAP Center. Furthermore, Cahill is designated as a local connector that serves low vehicle volumes and prioritizes pedestrians and cyclists, which by design does not support throughput. Finally, the new connection of Cahill and Park, along with reduced lane capacity on Park, would introduce new turning conflicts and delays on Park on the approach to Bird/Autumn.

Response Z.72

As discussed on Draft EIR page 3.13-45, the project's adjustments to the street network would need to comply, subject to allowances in Municipal Code Title 13 and Title 19, with the City of San José's Complete Streets Design Standards and Guidelines as well as the proposed Downtown West Planned Development Permit, both of which include design specifications to ensure safety.

In addition, through the City's development review process, consistent with Council Policy 5-1,[179] the City would ensure that individual buildings and phases do not include any improper geometric design features or incompatible uses. Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*. The internal street network, including features such as turn-pockets, will likely be analyzed as part of these subsequent focused LTAs.

[179] https://www.sanjoseca.gov/home/showdocument?id=28459.

Comment Z.73

Also, as noted in comments on the TA (p. 62), development of Diridon Station, referenced as the DISC Concept Layout, is essentially dismissed: "… the current framework plan does not directly accommodate the Concept Plan because the DISC layouts were adopted *{by the City Council}* after the release of the Project NOP." The TA notes the "Project will complement development of Diridon Station …" but offers no evidence to support this general claim. *How could it, given the Project analyst did not study and integrate the DISC Concept Plan?* Clearly, DISC in concept would generate trips by all modes and introduce numerous functional requirements and conflicts on adjacent accessways and streets, which in turn would have substantial implications on the Project description and its potential success as envisioned. This would likely introduce new adverse effects for all stakeholders such as SAP Center. *Specifically, Cahill street would have questionable throughput potential given it would bear the brunt of DISC trip generation burden.* Not taking the DISC into account prevents a realistic picture of the changes the Project will make to the environment.

Response Z.73

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment Z.74

p. 246 Dynamic Lanes, per the Vesting Tentative Map, would have widths of 7' and 8' This is substandard for traffic lanes and therefore is not suitable for safe and efficient traffic flow even in temporary conditions. Dynamic Lanes should have minimum width of 10' as specified in San José Complete Streets Design Standards & Guidelines (City of San José, May 2018; page 14, Lane Width Guidelines).

Response Z.74

Refer to Responses Z.40 and Z.72.

Comment Z.75

p. 263 No turn lanes are shown for Cahill Street. This is an adverse effect given it will introduce turning conflicts, delay and queuing at intersections and driveways, which is not consistent with the desire to serve SAP Center event traffic. Dynamic Lanes - only if minimum 10' wide - can help offset this adverse effect.

p. 266 No turn lanes are shown for North Montgomery Street. This is an adverse effect given it will introduce turning conflicts, delay and queuing at intersections and driveways. It is not consistent with the desire to serve SAP Center event traffic. Dynamic Lanes - only if minimum 10' wide - can help offset this adverse effect.

p. 268 No turn lanes are shown for South Autumn (Core). This is an adverse effect given it will introduce turning conflicts, delay and queuing at intersections and driveways. It is not

consistent with the desire to serve SAP Center event traffic. Dynamic Lanes - only if minimum 10' wide - can help offset this adverse effect.

p. 268 It is unclear whether turn lanes shown for S. Autumn (Meander) are at intersections only or are continuous two-way center left turn lanes. If continuous, the point about providing additional capacity for southbound SAP Center egress must be qualified to indicate such use of the turn lane and the northbound lane (temporarily reversed) would require active event traffic management If turn lanes are provided at intersections only, this is an adverse effect given it will create turning conflicts, delay and queuing at intersections and driveways and is not consistent with the stated intent to serve SAP Center event traffic (noted on p. 269).

p. 270 Bird Avenue is shown with a two-way turn lane, which is incongruent with its function as a critical connector to I-280 (and SAP Center). Turning capacity must be emphasized in this segment and would likely require maintenance of the existing right of way rather than the reduction in right of way shown. For example, the proposed removal of the existing third southbound lane on this segment and the downstream right turn lane at San Carlos will reduce traffic capacity and is considered an adverse effect.

p. 273 On West Santa Clara, a two-lane left turn lane is not feasible given there are no two-lane receiving legs on connecting streets.

p. 275 The significant reduction in width and traffic capacity proposed for Park Avenue will result in adverse effects (safety and delay) with the proposed Cahill extension and intersection at Park Avenue. Additional through and turning capacity on Park Avenue will be necessary to help offset this adverse effect.

p. 277 West Julian – existing and proposed – is constrained by the Caltrain overhead structure, which limits vehicle access to Project land uses and SAP Center. Reconstruction is clearly necessary to address Project and area accessibility looking forward. The section shown, which is east of Caltrain, proposes additional right of way for bikeways and removes the existing eastbound right turn lane. By observation, this is an adverse effect that will cause additional delays on this street.

p. 279 The provision permitting dynamic lane width up to 10 feet should also include use by traffic. This is consistent with the comment above about dynamic lane width.

Response Z.75

Refer to Response Z.72.

Comment Z.76

INTRODUCTION

This Technical Memo provides recommendations concerning certain transportation planning issues that are critical to the continuing success of SAP Center. These issues have arisen in connection with the City’s current efforts to amend the Diridon Station Area Plan to

accommodate Google's Downtown West project, the new integrated transit station, and other developments in the Diridon Station area. There are numerous transportation issues associated with the proposed developments, but this Memo focuses only on impacts related to potential changes to the street network, including changes shown on various plans posted by the City on its websites, and in particular the slide presentation dated April 3, 2020, entitled "Transportation" and presented by Ramses Madou (the **Transportation Slide Presentation**).

It is widely recognized that the construction of BART, High Speed Rail, Downtown West and other developments will cause severe traffic and parking problems for SAP Center, other downtown businesses and nearby neighborhoods for many years, if not decades. Even following completion of construction, SAP Center and others will be facing ongoing traffic and parking impacts caused by the intensification, such as an increase in traffic volumes on local roadways and an increase in parking demand (without a corresponding increase in parking supply).

Although the City has placed a strong emphasis on pedestrians, bicycles and mass transit to solve transportation issues in the downtown core, this effort seems disproportionate when considering that there has been no meaningful change in the drive-alone commute mode share since at least 2007. (Excerpts from the 2019 General Plan Annual Performance Review are attached as **Exhibit A**.) Studies have shown that automobile access will remain essential for the majority of SAP Center customers for the foreseeable future (including those arriving via ride share services), especially since most of SAP Center's customers live in areas not well served by transit. Therefore, SAP Center must remain vigilant about reviewing development proposals in order to advise City planners of potential negative impacts relating to accessibility, traffic capacity, parking, extraordinary traffic management measures, and so forth.

COORDINATION UNDER ARENA MANAGEMENT AGREEMENT

The Arena Management Agreement (AMA) requires close coordination between the City and SAP Center regarding transportation matters that may affect ingress to and egress from the Arena, with the objective of ensuring that appropriate mitigation measures are included to protect the Arena's operations from adverse impacts. Among other things, the City must coordinate "regarding any material changes to the design, configuration or operation of the major streets and intersections in the vicinity of the Arena to the extent that they may have a direct impact on the safe and efficient flow of vehicular, bicycle, and pedestrian traffic to and from the Arena." Prior to undertaking any work, the City must meet with Manager "to discuss Manager's input and suggestions." (AMA Section 21.)

This Memo is intended to be shared with the City as part of such coordination efforts, and includes specific recommendations to help ensure that any changes to the street network will not adversely impact SAP Center's operations.

Response Z.76

This is a general comment that serves to introduce more specific comments about proposed changes to the road network. These specific comments are responded to in detail below (refer to Responses Z.78 through Z.86). The comments set forth the opinion that the City's focus on transit, pedestrian, and bicycle access is "disproportionate" and make reference to unspecified studies indicating that automobile access will remain essential for the majority of SAP Center patrons. Comments Z.76 through Z.84 make various design suggestions for transportation facilities on the project site and in the vicinity. To the extent that these design suggestions are not comments on the adequacy or accuracy of the Draft EIR and/or relate to non-CEQA issues, like ingress and egress, they are not comments requiring a further response. The comments will be forwarded to the decision makers, including the San José City Council, for their consideration during deliberations on the proposed project.

Comment Z.77

STREET NETWORK ELEMENTS

When evaluating the street network in terms of efficient ingress and egress for SAP Center event customers, we believe that the following three elements are the most significant:

1. The location and arrangement of street segments between the Arena and freeway ramps in terms of their ability to provide direct, accessible routes for SAP Center customers;
2. The capacity of such street segments to handle the volume of traffic generated by Arena events when combined with peak hour traffic, based primarily on the number of traffic lanes included in each segment; and
3. The width of the traffic lanes in terms of the ability of traffic to flow freely and safely at a reasonable speed.

The Transportation Slide Presentation included information relevant to item 1 above, but not items 2 or 3. Both item 2, number of traffic lanes, and item 3, lane widths, are highly important regarding adequate functioning of the roadway system, and thus those items also are addressed in this Memo.

Response Z.77

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required.

Comment Z.78

LANE WIDTHS

Historically, the standard traffic lane width has been 12 feet. Increasingly, in dense urban areas such as the Diridon Station Area, governmental agencies have used 11-foot lanes for through traffic and a 10 foot width for turn lanes. For all roadways in the Diridon Station Area, we recommend that all through traffic lanes remain at least 11 or 12 feet wide, and that all

turn lanes remain at least 10 to 12 feet wide. Anything less could result in serious safety problems, road congestion, and other traffic issues. If a roadway includes flex lanes, those lanes can be used for parking, drop-off, loading or travel lanes if they are at least 10 feet wide. If narrower than 10 feet, they should not be used for travel lanes.

Response Z.78

Refer to Response Z.72. The project applicant proposes to meet City standards for lane widths.

Comment Z.79

REVIEW OF ROADWAY SECTIONS

The remaining sections of this Memo describe and review each of the following roadway segments in terms of ingress and egress for SAP Center event customers:

a) Bird Avenue and Autumn Street between I-280 and Santa Clara Street

b) Santa Clara Street between Stockton Avenue and Almaden Boulevard

c) Julian Street between Stockton Avenue and Highway 87

d) Delmas Avenue between Santa Clara Street and Highway 87

e) Exit ramp from northbound Highway 87 to Santa Clara Street

The roadways listed in a) through d) are included in this Memorandum because, based on our experience over the years, these locations have shown to be especially important in effectively accommodating traffic ingress and egress for SAP Center events, a conclusion that is reinforced by traffic volume data. The sections discussing these four roadway segments also include the recommended number of traffic lanes necessary to adequately accommodate SAP Center traffic.

The freeway off-ramp listed in e) above is included in this Memo because it is being considered for closure by the City (which would be disastrous for SAP Center). There are many other roadways, intersections and off-ramps that impact SAP Center, but the above are the ones that merit comment at his time based on the Transportation Slide Presentation.

Several sections in this Memo refer to traffic volumes for SAP Center motorists and total traffic volumes. The source for these volumes is Figure 8a, Background Traffic Volumes, San José Ballpark Supplemental EIR, produced by Hexagon Transportation Consultants, Inc. (This Figure is attached as **Exhibit B**.)

Response Z.79

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required.

Comment Z.80

A. BIRD AVENUE AND S. AUTUMN STREET BETWEEN I-280 AND SANTA CLARA STREET

For the purpose of this section, two presumptions, per the City's plans, are 1) that S. Autumn Street will be converted to a two-way roadway between its existing intersection with S. Montgomery Street and Santa Clara Street and 2) that S. Montgomery Street will be converted to a two-way local street, which will extend only between San Fernando and Santa Clara Streets.

During the 6 to 7 pm hour before an SAP Center event, this route from I-280 accommodates about 500 vehicles traveling northbound to the event. During this hour, the total northbound traffic at San Carlos Street typically exceeds 1,100 vehicles. During the exiting peak hour from an SAP Center event, the number of southbound SAP Center vehicles exceeds 500 because a larger portion of the total attendees exit during this peak hour.

In the Transportation Slide Presentation, the Bird Avenue/Autumn Street route is shown to be a City Connector route. According to the City's 2040 General Plan, "These streets typically have four or six traffic lanes and would accommodate moderate to high volumes of through traffic within and beyond the City."

The recommended number of lanes along this route is as follows (which is consistent with existing conditions from I-280 to the existing S. Montgomery/S. Autumn intersection, and also consistent with the City's designation as a City Connector route):

- Bird Avenue between I-280 and San Carlos Street – three through lanes in each direction, with left and right turn lanes and a raised center median
- Bird Avenue between San Carlos Street and Park Avenue – three through southbound lanes, two through northbound lanes, with left and right turn lanes and a raised center median.
- S. Autumn Street between Park Avenue and Santa Clara Street, two through lanes in each direction, with a left turn lane and a raised center median, except that a third southbound lane is needed on the approach to Park Avenue.

Response Z.80

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required.

Comment Z.81

B. SANTA CLARA STREET BETWEEN STOCKTON AVENUE AND ALMADEN BOULEVARD

During the 6 to 7 pm hour before an SAP Center event, westbound Santa Clara Street west of Highway 87 accommodates about 850 vehicles traveling to the event. The total westbound volume at this time and location on Santa Clara Street is about 1,500 vehicles. In addition to

this heavy use of westbound Santa Clara Street west of Highway 87, eastbound Santa Clara Street also accommodates a significant volume of SAP Center vehicles during the arrival peak period, many of which are destined to parking in the Cahill Lots.

In the Transportation Slide Presentation, Santa Clara Street is shown to be a Grand Boulevard. According to the City's 2040 General Plan, "Grand Boulevards serve as major transportation corridors that connect City neighborhoods. In most cases these are primary routes for VTA light-rail, bus rapid transit (BRT), and standard/community buses, as well as other public transit vehicles … . These streets accommodate moderate to high volumes of through traffic within and beyond the city."

SAP Center would not be negatively impacted by the City's designation of Santa Clara Street as a Grand Boulevard. To effectively accommodate both regular traffic and Arena traffic in the 6 to 7 pm hour before events, it is recommended that this street maintain the existing two general traffic lanes in each direction, with left turn lanes and a raised center median. If a dedicated transit lane is considered, it should be in addition to the existing general traffic lanes.

Response Z.81

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required.

Comment Z.82

C. JULIAN STREET BETWEEN STOCKTON AVENUE AND HIGHWAY 87

During the 6 to 7 pm hour before an SAP Center event, westbound Julian Street west of Highway 87 accommodates about 400 vehicles traveling to the event. During this hour, the total westbound volume at this location on Julian Street is about 800 vehicles. Eastbound Julian Street between Stockton Avenue and the parking entrance at N. Montgomery Street also accommodates a significant volume of SAP Center vehicles during the arrival peak period. A high volume of SAP Center traffic in the reverse directions also occurs during the peak period at the end of an event.

The City's 2040 General Plan shows Julian Street to be a City Connector between N. Autumn Street and Highway 87 and a Local Connector between N. Autumn Street and Stockton Avenue. The Transportation Slide Presentation does not address the function of Julian Street east of N. Montgomery Street and designates this street as a City Connector between N. Montgomery Street and the railroad tracks. According to the City's 2040 General Plan, a Local Connector is similar to a City Connector, except that it would accommodate lower volumes and generally provide just two traffic lanes.

Though there are some differences between the functional designation for Julian Street in the 2040 General Plan, as compared to the designation shown in the Transportation Slide Presentation, the basic emphasis of both documents designating Julian Street as a City

Connector is acceptable for SAP Center. The same designation (as a City Connector) is needed between N. Montgomery Street and Highway 87, given the SAP Center parking access at N. Montgomery Street and the plans to possibly extend Cahill Street north to N. Montgomery Street and then Julian Street. If the City prefers designation of Julian Street as a Local Connector west of N. Montgomery Street, that would also be acceptable for SAP Center.

To adequately accommodate SAP Center event traffic, it is recommended that Julian Street between N. Montgomery Street and Highway 87 provide two through lanes in each direction, with a left turn lane and raised center median. Between Stockton Avenue and N. Montgomery Street, Julian Street should provide one lane in each direction, with a westbound right turn lane provided at Stockton Avenue and eastbound left and right turn lanes provided at N. Montgomery Street. All the above lane recommendations are consistent with the City's functional designations and with existing conditions.

Response Z.82

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required.

Comment Z.83

D. DELMAS AVENUE BETWEEN SANTA CLARA STREET AND HIGHWAY 87

Delmas Avenue has served two highly important traffic functions for SAP Center:

- Access to large parking lots on both sides of Delmas Avenue between Santa Clara and San Fernando Streets that have been heavily utilized by SAP Center customers.
- Egress route from SAP Center parking in the Delmas and Diridon areas to a southbound Highway 87 entrance ramp from Delmas Avenue just south of Auzerais Avenue. This high volume exit route is estimated to accommodate at least 750 vehicles in the exiting peak hour, which is the volume of SAP Center vehicles during the arrival peak hour that turn left onto Santa Clara Street from the northbound Highway 87 exit ramp to Santa Clara Street.

The City's 2040 General Plan shows Delmas Avenue as a City Connector between Santa Clara and San Fernando Streets and appears to show this street as a Local Connector between San Fernando Street and Auzerais Avenue. The Transportation Slide Presentation shows Delmas Avenue as a Local Connector between Santa Clara and San Fernando Streets and does not address the functional designation south of San Fernando Street.

SAP Center would not be negatively impacted if the City designates Delmas Avenue as a Local Connector over the full distance between Santa Clara Street and Auzerais Avenue, so long as sufficient traffic lanes are provided to accommodate SAP Center traffic. Specifically, it is recommended that Delmas Avenue incorporate the same number and type of traffic

lanes as are presented in the prior Delmas TOD development plans approved by the City, including:

- Two northbound lanes on Delmas Avenue approaching Santa Clara Street
- Two southbound lanes on Delmas Avenue approaching San Fernando Street
- Restriping Delmas Avenue between San Fernando Street and Park Avenue to provide two southbound lanes

Response Z.83

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required.

Comment Z.84

E. EXIT RAMP FROM NORTHBOUND HIGHWAY 87 TO SANTA CLARA STREET

This exit ramp is one of several freeway interchanges that are critical in accommodating SAP Center motorists as they travel from the regional highway system to local streets that serve SAP Center. This particular exit ramp is addressed in this Memo, because the City is considering closing this ramp.

The Hexagon traffic information attached as Exhibit B to this Memo includes counts of SAP Center traffic during the 6 to 7 pm hour before an event at this exit ramp from northbound Highway 87 to Santa Clara Street, together with counts at the Highway 87 and Julian Street interchange and at the I-280/Bird Avenue interchange. These counts reveal that significantly more SAP Center event traffic uses the Highway 87 exit to Santa Clara Street than either of the other two interchanges:

- Total of 990 SAP Center motorists on the Santa Clara Street exit ramp – 760 turning left to the west on Santa Clara Street and 230 turning right to the east.
- Total of 515 SAP Center motorists on the two exit ramps to Bird Avenue from I-280
- Total of 390 SAP Center motorists on the two exit ramps from Highway 87 to Julian Street

A primary reason for the high counts on the Santa Clara Street exit ramp is that Santa Clara Street is centrally located relative to SAP Center parking both near the Arena and in the downtown area. Given the convenience of this access and its high usage for SAP Center customers, closure of this ramp would have two serious negative consequences:

- Require SAP Center customers to choose and navigate much less convenient routes to access their preferred parking locations.
- Likely cause serious congestion on the remaining entry routes, e.g. Bird Avenue from I-280 and Julian Street from Highway 87.

To avoid these serious negative impacts, it is imperative that the exit ramp from northbound Highway 87 to Santa Clara Street be retained, without change.

Response Z.84

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required.

Comment Z.85

SUPPLEMENTAL COMMENTS REGARDING PARTICULAR STREET SEGMENTS

a) Bird Avenue between San Carlos and Park – A problem exists, because the recommended plan in the DEIR would eliminate an existing third southbound lane, would eliminate the existing southbound right turn lane at San Carlos, and would eliminate the existing northbound right turn lane at Park. In addition to causing capacity problems along this segment, these changes would cause a serious design transition problem through the San Carlos intersection.

b) Autumn Street between Park and San Fernando – The recommended plan for this segment would provide just one lane in each direction and a center left turn lane. This plan would cause insufficient capacity to accommodate the projected traffic and would cause a design transition problem through the Park intersection.

c) Autumn Street between San Fernando and Santa Clara – The recommended plan for this segment would provide just one lane in each direction, without a center left turn lane. This plan would result in insufficient capacity to accommodate the projected traffic and would cause a design transition problem through the San Fernando and Santa Clara intersections. Plans presented in the DEIR to extend Cahill Street to Park Avenue will not be able to overcome the capacity deficiencies on Autumn Street for multiple reasons, including:

Access for parking facilities is much more oriented to Autumn Street. Motorists will prefer to stay on Autumn Street for parking ingress and egress.

Cahill Street will stop at Park Avenue and will not have continuity to I-280. This lack of continuity would deter motorists from maneuvering between the south on Bird Avenue and the north on Cahill Street.

The intersection of Cahill Street and Park Avenue would be highly problematic. The steep grade on Cahill Street approaching Park Avenue, and the close spacing between the railroad overpass and the Autumn/Bird intersection would create operational problems.

d) Julian Street between Stockton and Hwy. 87. The plan recommended in the DEIR would eliminate the existing eastbound right turn lane at Montgomery Street, which would increase delays for eastbound traffic, including motorists traveling to SAP Center.

e) Delmas Avenue between Santa Clara and San Fernando – If this street segment is closed, it is important that all parking spaces can be accessed from both Santa Clara and San Fernando.

f) Delmas Avenue south of San Fernando – A condition of approval for the former Delmas TOD project is that the project includes restriping of Delmas between San Fernando and Park to provide two southbound traffic lanes. In order to avoid serious

congestion after SAP Center events, it is highly important for this condition to be retained in an approval for development on the Delmas parcels.

Response Z.85

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required. As stated in Response Z.72, the project applicant would be required to prepare and submit Focused LTAs to the City for review. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, regarding focused LTAs.

For informational purposes, the following is provided. As shown in Downtown West Design Standards and Guidelines Figure 6.54 Prohibited curb cut locations, West Santa Clara Street is a preferred location for access to parking on Block E, which is in addition to parking access from West San Fernando Street. The condition of approval for the former Delmas TOD project is noted, however no changes to Delmas Avenue south of West San Fernando Street are proposed for the Downtown West project.

Comment Z.86

SUPPLEMENTAL COMMENTS REGARDING TRAFFIC MANAGEMENT

Page 269 in Appendix M for the DEIR makes reference that Autumn Street could accommodate three lanes of traffic for southbound SAP Center egress. To provide that three-lane capacity, Autumn Street would have to be converted from a two-way street to a one-way street during the egress period for SAP Center events. This temporary conversion of the street from two-way to one-way operation would cause two serious problems: a) high expense for traffic management personnel and control equipment and b) disruption for non-event traffic accustomed to two-way operation. For these reasons, it is important to effectively accommodate SAP Center egress traffic without temporary conversion of one or more streets to one-way operation.

Response Z.86

As stated in Response Z.76, this comment expresses opinions concerning the design of transportation facilities on the project site and in the project vicinity. It is not a comment on the adequacy or accuracy of the Draft EIR, and no response is required. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, regarding focused LTAs.

Comment Z.87

1. There are not details provided on how many parking stalls would be located at each individual site in the DEIR or Land Use documents. The documents only list a broad total number for each phase of construction. Per Table 2-3 on page 2-67 of the DEIR they reference total counts by phase. In Table 2-3 there is a footnote which says, ***"Includes a portion of the residential spaces could be available for shared use by office employees. Some commercial parking could also be provided at off-***

site location(s), should such off-site parking be developed separately from the project in the future." Without specific detail on the amount of parking in each location, it is not possible to evaluate the impact of parking to the surrounding area. Normally documents show the location of parking and amount of parking within each building as well as the configuration of whether the parking is above, or below ground or within a building, standalone parking structure or parking lot in order to understand the impacts of the parking within the area. Since parking will be removed that services SAP Center, which is required to be close to the arena, not specifically identifying the location and amounts of parking makes it impossible to evaluate the possible impacts.

Response Z.87

Refer to Response Z.3.

Comment Z.88

2. Documents show curb cuts as being allowed from W. Santa Clara Street to the Delmas (E1) sites on page 296 of the Downtown West Design Standards Guidelines, but in the enlarged site view on pages 136 and 138, it is not clear where this might occur. Entry/exits to underground parking on W. Santa Clara Street are important for event customer use of this site for parking. The illustrative drawings in general do not show actual curb cuts, as documents usually would. Therefore, it is not possible to determine whether they can adequately serve access for parking or to understand impacts associated with curb cuts.

Response Z.88

Refer to Response Z.31.

Comment Z.89

3. With the extension of Cahill Street running along the west side of SAP Center, entrance and exit paths from the concourse level landings that currently bring people into Lot ABC parking area will need to be modified to get patrons down to the new street level grade. Per page 2-40 it states the ABC lots are 7-8 feet above the street, which is true, but the concourse level where the patrons exit from is an additional 8 feet higher for a total of 16' of elevation that the design needs to address. The documents do not adequately describe the northwest entrance and its importance to SAP Center. This is one of the main entrances to the arena and its design is of utmost importance to the ongoing operations of the facility and its identity. The document does not provide any sort of drawing or analysis to demonstrate how this will be accomplished and how it will be addressed within the proposed right of ways of the Cahill St. extension, so it is not possible to determine the full impact to the Arena. Normally there would be drawings demonstrating the design including floor plans, sections and elevations. In order to understand the impacts the documents should provide more detailed design drawings for review.

Response Z.89

Refer to Draft EIR page 2-40 for a discussion of the project's proposed solution to the Arena access issue noted by the commenter. As indicated, the applicant proposes to replace the existing western stairs to the parking lot level, and construct two new staircases oriented at 90 degrees,

allowing Arena patrons to descend from the Concourse Level to Cahill Street both north and south of the existing stairs. The applicant also proposes to remove the existing stairs and ramp at the northwest corner of the SAP Center, and construct a replacement staircase from the Concourse Level as well as an elevator. The Draft EIR acknowledges that the applicant would need to reach agreement with the City and SSE to proceed with this component of the proposed project.

Comment Z.90

4. In Appendix H there are a few questions regarding the shared parking analysis. For the office parking the base rate of 2.5/1000, which is the unreduced rate, is used to begin the calculation but for the residential parking, the reduced rate of 0.4/du is used to begin the calculation instead of 1.0/du, which is the unreduced rate. Generally, the analysis uses the base unreduced rate to begin the calculation. Table 3 in Appendix H explains the results of the shared analysis. The calculations use multiple scenarios of mode shift, which is shifting from single occupant vehicle (SOV) to another mode. Based on the calculations using the ULI model, the mode shift that would be equivalent to the City's zoning ordinance reduction methodology of 2.5/ksf reduced to 1.1/ksf would be approximately 63%. In order to achieve this, the City requires substantial TDM measures be employed. It is not clear what additional TDM measures will be utilized beyond the base City code requirements to assume a further reduction to 65%. For the mode shifts of 70% and 75% the analysis assumes that "market forces" will reduce the demand. No evidence has been provided demonstrating that the "market forces" described currently exist in San José today, or how the project will have control over the "market forces" to create the ability for the reduction.
5. In Appendix H, it notes that some of the mode shift would utilize taxi/TNC which requires curb space for pick up and drop off. It is not clear where these curb spaces will be located so it is not possible to determine the impacts that they might have.
6. There is a conflict in the representation of the stall counts required by the base City code.
    a. Per page 2-21 of the DEIR text it references a total a requirement of 10,290 total off-street spaces (7,782 commercial spaces and 2,508 residential spaces).
    b. Per page 3.13-64,65 of the DEIR text it references a total a requirement of 10,290 total off-street spaces (7,782 commercial spaces and 2,508 residential spaces).
    c. Per Downtown West: Mixed-Use Rezoning and Development Plan Draft Local Transportation Analysis Appendix H Parking Analysis for Commercial Uses it references a total requirement of 9,351 total spaces (6,981 commercial spaces and 2,360 residential spaces).
    d. Per Downtown West: Mixed-Use Rezoning and Development Plan Draft Local Transportation Analysis Chapter 10 it references a total requirement of 9,351 total spaces (6,981 commercial spaces and 2,360 residential spaces).

Response Z.90

Refer to Response Z.3 and Z.16.

AA. Shasta/Hanchett Park Neighborhood Association (12/8/20)

Comment AA.1

Given the scale of the Downtown West proposal, and the rare opportunity it presents to reshape an underutilized portion of West San Jose under the auspices of a single, coherent development proposal, the project needs to be held to a higher standard. Therefore, our comments and concerns include, but are not limited to, the following:

- **Google Outreach:** We commend Google for taking a direct, active interest in engaging with adjacent neighborhoods. Google's willingness to meet and discuss the project, and its potential impacts, should be the standard for engagement on any development proposal.

Response AA.1

This is a general comment about the applicant's community engagement and not about the adequacy of the EIR. Therefore, no response is required.

Comment AA.2

- **Downtown West Design Standards and Guidelines (DWDSG):** Given the size and scope of the proposal, the DWDSG should be the standard for the entirety of the Diridon Station Area (DSA). To hold Google to a higher, more consistent standard than the remainder of the DSA sends the wrong message, and misses an opportunity to create a coherent, vibrant district. The City of San José should require that all development within the DSA meet the standards of the DWDSG.

Response AA.2

The City and project applicant share the commenter's goal for creation of a coherent and vibrant district. The Downtown West Design Standards and Guidelines document is part of the project's proposed Planned Development Permit. Other projects outside of Downtown West within the Diridon Station Area would require their own Site Development Permits and would be required to comply with the City's Downtown Design Guidelines. Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*. The comment, which does not concern the adequacy or accuracy of the Draft EIR for the proposed Downtown West project, will be forwarded to decision-makers, including the City Council, for their consideration.

Comment AA.3

- **Construction Phasing:** The development cycle for Downtown West and the DSAP is a matter of decades. The planning for this time period needs to be just as robust as that for the end product. Any Construction Management Plan (CMP) needs to address all these realities; environmental documents that are created and analyzed in a silo, ignoring tangible adjacencies and real physical and economic challenges, cannot be considered comprehensive. Given the project's immediate adjacency to Diridon Station, the Diridon Integrated Station Concept (DISC) should be a construction phasing and mitigation concern as well. Long before the development is fully occupied, there will be a decade or more of construction, impacting public services, transportation, and quality of life issues for the surrounding residents.

Response AA.3

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*.

Comment AA.4

- **Lack of Parks and Open Space:** The Quimby Act requires (3) acres of park area for every 1,000 persons. The Envision San José 2040 General Plan policy provides for 3.5 acres per 1,000 persons. The DEIR indicates a project population, at full build-out, of 12,980 people. Under the Quimby Act, this equates to 38.94 acres of park land, while City Policy would call for 45.43 acres. The DEIR indicates that 15 acres will be provided, 10 acres of which is private land that will allow public access. The DEIR does not outline quantifiable mitigations to address the drastic under-provision of parks. The General Plan and 2014 DSAP identified the San José Fire Department (SJFD) Training Center as a potential site for a 5-acre community park. This has been removed, with no indication as to how it will be replaced / mitigated.

Response AA.4

As described in the Draft EIR, the project would include approximately 15 acres of publicly accessible parks and open spaces throughout the development area, which includes parks, plazas, trails, mid-block passages, semi-public spaces, and riparian buffers and corridors. Of this, approximately 10.2 acres of publicly accessible open space would be developed and owned by the project applicant. The privately owned publicly accessible open space is not being considered toward the project's parkland obligation.

Approximately 4.8 acres of improved, turnkey public parks and trail would be dedicated to the City to satisfy a portion of the parkland obligation. The total obligation would be met through parkland dedication and improvement of the 4.8 acres, as well as in lieu fees if any obligation remains. More detail on the project's parkland obligation, dedicated and improved parkland can be found in the project's draft Development Agreement (released March 2021), which includes a separate Parkland Agreement in Exhibit E of the Development Agreement.[180]

The Fire Training Facility is approximately 4 acres that was previously owned by the City. It was part of the DSAP's aspiration to build an 8-acre community park on the Fire Training Facility and adjacent property, including the Los Gatos Creek riparian corridor, setback, and privately owned land to the southeast. Building the park would have required relocating the Fire Training Facility, cleaning up the site, and acquiring the remaining land—a financially challenging and long-term endeavor for the City.

In December 2018, the City agreed to sell the Fire Training site to Google and adopted an MOU with Google that states that its development project should not decrease the overall open space in the Diridon Station Area. The intention of this provision is to provide an equivalent amount of parkland and open space as part of the Downtown West project and implementation of the DSAP,

[180] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

as amended. As explained in Response Z.7, the City has identified a new site for the Fire Training Facility on Senter Road and is moving forward with planned relocation of the facility.

If approved, the Downtown West project would enable construction of 4.8 acres of City-dedicated parkland and construction of half a mile of the Los Gatos Creek Trail—including a trail segment and publicly accessible open space on the current Fire Training site. In addition, the Downtown West project includes 10.2 acres of privately-owned, publicly accessible open space (of which about 4.2 acres would be privately owned, publicly accessible park) and the Draft Amended DSAP proposes about 4 acres of public parkland/trails outside of the Downtown West project boundaries. Together with payment of in-lieu fees and/or parkland improvement credits, the project will comply with all applicable City parkland requirements.

Comment AA.5

- **Private Land as Park Space:** Private land should not be counted towards park requirements. What, if any, restrictions are to be put in place to prevent this 'park space' from being sold, and converted back to private use? How can a plaza filled with tables for an adjacent restaurant or coffee shop be considered public space? Will members of the public be guaranteed the right to use such seating, regardless of whether or not they have purchased anything from the nearby venue? Will restaurants be forbidden from taking reservations for said seating, or roping / fencing off said seating during peak hours?

Response AA.5

As explained in Responses G.14 and R.4, the project applicant proposes to satisfy the project's parkland obligation through dedicating 4.8 acres of park/trails to the City, constructing the park/trails, and paying an in-lieu fee if any portion of the obligation remains. Privately owned, publicly accessible open spaces are not proposed to be used to meet the project's parkland obligation.

The 10.2 acres of privately owned publicly accessible open space would include approximately 7 acres that would be subject to restrictive covenants to ensure public access in perpetuity. The covenants would also set forth the categories and limitations on use for that open space, including the hours of operation and scope of permissible park use. Of the approximately 7 acres, about 4.2 acres would be privately owned, publicly accessible park, about 2.5 acres would be riparian setback, and about 0.4 acres would consist of riparian corridor within the project site; these areas would all be legally bound to ensure the public can access these areas over the long term. Additionally, privately owned, publicly accessible open spaces would be subject to provisions relating to public events, private events, and temporary closures, as set forth in the draft Development Agreement. The remaining approximately 3 acres of privately owned, publicly accessible open space would be semi-public open space and mid-block passages. These areas would be publicly accessible, subject to conditions set forth in the project's vesting tentative map. The complete terms governing use of privately owned, publicly accessible open spaces including hours of operation, rules, and allowable temporary closures, as agreed upon with the Department of Parks, Recreation and Neighborhood Services, are detailed in the draft Development

Agreement, which includes a number of exhibits relating to privately owned, publicly accessible open space (Exhibit F of the draft Development Agreement).[181]

Some areas of these open spaces are envisioned to include restaurant seating, consistent with a provision of city code that categorizes such spaces as "semi-public," meaning that, while publicly accessible, it may have different hours and/or access conditions than the City-dedicated open space. These spaces would be managed by the applicant or the occupant of the adjacent building. However, they provide an important component to open space by providing activation and safety measures to the adjacent spaces. Only about 1.8 acres of the 15 acres of total project open space would be semi-public (i.e., with certain access restrictions and/or more limited hours, compared to publicly accessible parks). No privately-owned publicly accessible open spaces would receive any credit against the project's parkland obligation.

Comment AA.6

- **Trails and Mid-Block Passages as Park Space:** Google has quite correctly embraced the use of the Los Gatos Creek Trail as an integral part of its proposed internal, non-vehicular circulation. However, counting linear strips of macadam, used solely for circulation, as park space is inappropriate. Similarly, the mid-block passages are a means by which to allow Google employee circulation. If properly lined with ground floor commercial spaces, they can become important connectors, but, like the trails, these are byways for non-vehicular and pedestrian circulation. A development proposal would not be given park land credits for providing landscape pavers at dedicated vehicular circulation; why does hardscape for non-vehicular circulation qualify as park space?

Response AA.6

The project's City-dedicated park and trail provision is consistent with the City's code requirements for parkland dedication in association with a development project. These requirements allow for trail dedication. They also achieve the vision laid out in the master plan for Los Gatos Creek Trail Master Plan Reach 5. Connection of the Los Gatos Creek Trail has been a long-time vision and desire of both the City and members of the public.

Mid-block passages are not part of the proposed project's City-dedicated parkland, and the project applicant would receive no credit against the project's parkland obligation for these spaces. Mid-block passages are envisioned as social and active spaces, and would form a part of a range of different types of open spaces across the project, from small-scale and urban to more expansive spaces with flexible programming. An example is the Paseo de San Antonio near the San José State Campus. These passages would be connected to City-dedicated parks and privately owned public parks and would allow clear and safe circulation between them. Mid-block passages would constitute approximately 1.4 acres of the project's total 15 acres of public open space.

[181] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment AA.7

- **Park Maintenance and Service:** The City of San José has a proven track record of making substantial capital expenditures for parks and community centers, and then underfunding maintenance and programming. The DEIR indicates no mechanism by which the multiple proposed 'serviced' and 'unserviced' pavilions will be maintained; given the City's penchant for neglecting such things, it cannot be assumed that this will be done properly without a specific, binding agreement being put into place as part of the development approval.

Response AA.7

The comment does not raise any substantive environmental issues that require further response, or specifically address the adequacy of the EIR. Kiosks and pavilions are proposed as complementary open space design elements and are not required in the plan. Suggested locations of kiosks and pavilions are identified on both City-dedicated and private open space. Neither are required standards of the Downtown West Design Standards and Guidelines open space design. The decision whether to include kiosks and pavilions on City-dedicated parkland would be made when these parks are designed. Final design and programming of City-dedicated parks will be subject to standard public process for public parkland development. City parks less than two acres are contracted out for maintenance; this would include the five City-dedicated parks on the project site. The City is confident the contracted maintenance group can maintain the parks. Privately owned open spaces would be maintained by the project sponsor.

Comment AA.8

- **Separating Means of Transportation:** The City's General Plan Land Use Goals, and its embrace of Vision Zero, emphasize that walking and bicycling become primary transportation methods. While the DEIR shows substantial improvements, it falls short in key areas. Connecting the Los Gatos Creek Trail across West Santa Clara Street with token crosswalk and curb improvements is inadequate. The DEIR calls for massive intensification of uses at this area; an office building, two residential buildings, an events center, the adaptive re-use of the San Jose Water Company Building, a large plaza, the upgraded Los Gatos Creek Trail, the Guadalupe River Park Trail, Arena Green (with the pending Urban Confluence structure), and SAP Center. The proposed improvements would only nominally improve the congestion caused by SAP Center alone and would do little to substantively protect cyclists and pedestrians. The City has cited an overcrossing as an 'ideal solution', at some future, undefined date. The overcrossing needs to be studied as part of the project proposal, and a solution, based on robust analysis of pedestrian and non-vehicular access, should be part of any development approval.

  A pedestrian crossover on West Santa Clara Street, close to Diridon Station, would address further shortcomings in the current proposal. The lack of a BART station entrance on the north side of West Santa Clara Street will create a substantial uptick in traffic across West Santa Clara, as will Downtown West's substantial developments to the north. The DEIR does not address this likely order-of-magnitude increase in crossings.

Response AA.8

The comment addresses characteristics of the proposed project and not the adequacy of the EIR. As noted by the commenter, the project does not propose a grade-separated pedestrian crossover

on West Santa Clara Street within the project boundary. Nonetheless, the City is currently developing a long-term vision for trail connections in the area as part of the DSAP Amendment and Downtown Transportation Plan, and this improvement could be considered in that context. The draft DSAP Amendment (page 80) acknowledges concerns with an at-grade crossing due to traffic volumes on West Santa Clara Street. An undercrossing would be technically challenging due to the configuration of the existing bridge over Los Gatos Creek. Accordingly, the draft DSAP Amendment concludes that a pedestrian overcrossing is the preferred long-term option.[182]

Comment AA.9

- **West San Fernando Street and Cahill Park Promenade:** West San Fernando Street between Race Street and the project area is indicated as a protected bike lane. This would bisect Cahill Park, eliminating the promenade between the playground and the open grass. West San Fernando Street is a narrow street that already experiences heavy pedestrian, motorized scooter, skateboard, and bicycle usage. The area was converted to permit parking as part of the Arena Traffic and Parking Management Plan (TPMP) more than twenty-five years ago. The proposed protected bike lane is vital, but it undermines the TPMP's detailed commitments and requirements. The proposal reduces the safety and functionality of the single large park immediately adjacent to Downtown West - a proposal that is drastically lacking in parks, reduces the efficacy of mitigations made as part of the Arena's construction - directly undermining the City's commitments to its residents, and substantially increases the non-vehicular usage of a street that is already substandard in many ways - a clear dismissal of Vision Zero principles. Analysis and recommendations for how to improve West San Fernando Street and Cahill Park without causing these substantial harms must be included in the development proposal.

Response AA.9

The commenter refers to a proposed bicycle lane on West San Fernando Street at Cahill Park. However, bicycle lanes to the west of the project site on West San Fernando Street are not included as part of the proposed project. Figure 3 on page 10 of the Transportation Analysis (Draft EIR Appendix J1) illustrates bicycle network changes proposed by the project. On West San Fernando Street, the project proposes to construct on-street bicycle facilities between Cahill Street and Barack Obama Boulevard (formerly South Autumn Street), which is located to the east of Cahill Park. It appears that the commenter is referring to a bicycle lane proposed as part of the Draft San José Better Bike Plan 2025,[183] which is not related to the proposed project. As this comment does not address the adequacy of the EIR, no further response is needed.

Comment AA.10

- **Expedite Downtown Transportation Plan:** West San Fernando Street, Cahill Park, and West Santa Clara Street at Diridon Station will all be bottlenecks that clearly prioritize car and bus traffic. The Downtown Transportation Plan (DTP) should be expedited, so that its findings and recommendations can be incorporated into the Downtown West proposal. To undertake an effort as substantial as the DTP, only to

[182] See the City's Diridon Station Area Plan webpage for the draft DSAP Amendment: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/area-plans/diridon-station-area-plan.
[183] https://www.bikesanjose.com/draftplan.

have it not apply to the single largest district-wide development proposal in the City's history, is either farcical or a cynical effort to ensure that any impacts of the Downtown West proposal are dismissed as 'existing'. The DTP should provide City Council and PBCE staff with the necessary data and models to address the potential impacts of Downtown West and the DSAP Amendments before they are approved.

Response AA.10

The commenter's concerns about the timeline of the Downtown Transportation Plan, which is not the subject of this EIR, are noted. As this comment does not address the adequacy of the EIR, no further response is needed.

Comment AA.11

Historic Resources: Downtown West calls for the preservation of only one-third of the identified historic resources within its boundaries. If nine developers came before the City with proposals for the DSA, and six of them asked to demolish the resource, the City's Historic Preservation Officer and Historic Landmarks Commission would find this unacceptable. For Google to cite logistics and cost as obstacles to preserving the resources is comical; as of September 2020, Alphabet, Google's parent company, had $132 billion in liquid assets on hand, a $13 billion increase in one year. In the past, the City has challenged local developers' claims of preservation as being financially restrictive; one such developer even proposed moving the First Church of Christ, Scientist, a City Landmark, *twice* during construction, to accommodate their condominium proposal. Why is the City willing to accept that one of the five most valuable companies in the world cannot afford to preserve, relocate, or adaptively reuse six structures across over 60 acres?

One need only turn to Google's 'Ten Things We Know To Be True', the company's publicly stated philosophy, to find gaps in the DEIR's findings:

- *'7 – There's Always More Information Out There':* Google states that *"other efforts required a bit more creativity"*. Mayor Liccardo once echoed this sentiment, when speaking about the revitalization of St. James Park. To paraphrase the Mayor, he said that, when doing something as comprehensive as the rethinking of a major urban park, the City needed to get creative about financing the undertaking. St. James Park's revival is a minor undertaking compared to Downtown West, and Google clearly has the means and team members to think more creatively and come up with uses for these historic structures.
- *'10 – Great Just Isn't Good Enough'*. The header speaks directly to the current proposal. Defaulting to the standard means by which local developers opt-out of extra effort is disingenuous for a company with Google's stated philosophy, financial means, and professed dedication to San José. The text insists that Google strives for *"products and services that set new standards"*, yet the response to addressing the inevitable impacts upon the area's historic resources is anything but a 'new standard'. The verbiage also insists that *"we're always looking for new places where we can make a difference. Ultimately, our constant dissatisfaction with the way things are becomes the driving force behind everything we do."* The project's response to historic resources falls well short of this aspiration.

Three of the six historic resources – the homes at 559, 563, and 567 West Julian Street – are candidates for the City's receiver site program. Relocating the homes to a single site would help meet Google's stated environmental goals. The DEIR includes a commitment to affordable housing; reusing existing housing stock on a new, underutilized site would, with the right precepts and covenants, embrace affordable housing, maintain existing housing stock, and show a commitment to the preservation of historic resources. The property at 615 Stockton Avenue – an empty single story commercial building surrounded by surface parking, a stone's throw from the western boundary of Downtown West – could readily accept all three structures. S/HPNA's Board and some of its member residents have indicated our willingness to work with the City and Google to make this happen, as it would be a net benefit to all parties. We strongly encourage Google to incorporate this relocation and reuse of historic resources and underutilized land into their development proposal.

Response AA.11

The mitigation measures in the draft EIR require a series of actions that are typically required for projects that would demolish or otherwise significantly impact historic resources. They are consistent with measures required for development projects throughout the City of San José and include Mitigation Measure CU-1b, Relocation.

Regarding the group of three residences at 559, 563, and 567 West Julian Street, it is noted initially that, as stated on Draft EIR page 3.3-18, the three together appear eligible for Candidate City Landmark status as a group, although none appears to individually qualify as a historical resource under CEQA. Accordingly, the grouping of three structures—a single CEQA historical resource—represents one of five historical resources described in the Draft EIR as proposed for demolition. As described in Chapter 1, *Introduction*, of this First Amendment, the project applicant has modified the proposed project since publication of the Draft EIR to include on-site relocation of the group of three residential buildings at 559, 563, and 567 West Julian Street to a site on the east side of Barack Obama Boulevard between the Valley Transportation Authority light rail tracks and Block D8 (the existing building at 450 West Santa Clara Street). The relocated buildings would be renovated and designated for active use. However, as explained in Response L.8, because the relocation would remove these residences from their historic context and change their use, and because the existing separation between the buildings would not be maintained, the buildings would not necessarily be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation, the impact of relocation would be significant and unavoidable, as was the impact of the previously proposed demolition. Nevertheless, this change would reduce the severity of the impact compared to that of demolition identified in the Draft EIR. Additionally, the applicant has committed to salvage and on-site reuse or relocation of portions of the facade of 145 South Montgomery Street (Sunlite Baking Co.), as well as additional measures relating to Structures of Merit (refer to Response Y.8). (For more information, refer to the proposed changes in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment.)

It is unclear what the commenter means by reference to the "City's receiver site program." The City of San José does not have an established program to identify, acquire, provide funding for,

or otherwise facilitate receiver sites for relocation of historic resources, and the City is not aware of any established private programs to make receiver sites available. Relocation of historic resources typically depends on individual project proposals and/or individual property owners offering to make their properties available to receive the relocated resources.

The site at 615 Stockton Avenue has been presented as a possible receiver site in a number of comments. However, this site is not under the control of the project applicant, does not appear to be publicly listed for sale or lease, and has been the subject of other recent development proposals. Mitigation Measure CU-1b requires the project applicant to take specific actions to facilitate the relocation of historic resources, where physically feasible (i.e., the resources at 343 North Montgomery Street [partial]; 345 North Montgomery Street; and 145 South Montgomery Street [partial]). These actions include public outreach to identify interested receivers, preparation of a relocation implementation plan, rehabilitation, and provision of funding. If the property owner wishes to become a receiver site for historic resources, or if another party is interested in pursuing relocation to this or another site, that would be permitted and Mitigation Measure CU-1b, Relocation, would require the applicant to work with the interested parties to provide the funding assistance noted above, as well as completing the other required steps under the mitigation measure.

More generally, the commenter questions the Draft EIR's conclusion that preservation of additional historic resources is not feasible. Determining feasibility includes consideration of "economic, environmental, social and technological factors" (Public Resources Code Section 21061.1). The Draft EIR demonstrates that it is not physically feasible to relocate certain historic resources on site—specifically the entire building located at 580 Lorraine Avenue and portions of the buildings located at 145 South Montgomery Street and 343 North Montgomery Street—due to irregular and poor quality construction, and instability if separated into movable segments (Draft EIR page 3.3-67; Appendix E3). No evidence has been provided to counter the conclusion that it is physically infeasible to relocate these resources. With respect to the remaining historic resources proposed for demolition, the City has determined that it is not economically feasible to require the applicant to relocate all of the resources, which would entail not only the costs of physical relocation but the costs to acquire real property, and potentially receiver site demolition/preparation, temporary utility relocation, and other factors (see Draft EIR Appendix E3).

Mitigation may be found economically infeasible if "the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." *Citizens of Goleta Valley v. Board of Supervisors*, 197 Cal. App. 3d. 1167, 1181 (1988). The financial standing of the project applicant is not relevant to whether an alternative or mitigation measure is feasible for purposes of CEQA. For example, in a case involving a project sponsored by Apple founder Steve Jobs, the court emphasized that "Jobs's personal wealth or ability to shoulder the costs of the proposed alternatives is irrelevant. … CEQA should not be interpreted to allow discrimination between project applicants for an identical project based upon the financial status of the applicant." *Uphold Our Heritage v. Town of Woodside*, 147 Cal. App. 4th 587, 599–600 (2007) (citing *Maintain Our Desert Environment v. Town of Apple Valley*, 124 Cal. App. 4th 430

[2004]). The financial position of applicant Google, LLC or its parent company has no bearing on the feasibility of the mitigation measures or alternatives analyzed in the EIR.

In addition to proposed mitigation, the Draft EIR includes a range of alternatives to the proposed project, including two preservation alternatives and three alternatives that would result in less development on the project site, increasing the potential for preservation of one or more of the historic resources proposed for demolition. Project decision-makers will have an opportunity to consider these alternatives as well as the efficacy of proposed mitigation measures. Refer to Responses L.8 and Y.7 for more information regarding preservation actions and alternatives.

BB. Sierra Club – Loma Prieta Chapter (12/8/20)

Comment BB.1

Biological Resources – Riparian Setbacks and Habitat Plan

Google LLC, the project applicant, is proposing the Downtown West Mixed-Use Plan (proposed project) as part of the company's expansion of its workforce and business operations in the Bay Area. Draft EIR Section 2.12 Downtown West Design Standards and Guidelines states, "As part of the proposed project, the project applicant is proposing the adoption of detailed design standards and guidelines that would apply to development on the project site. These enforceable Downtown West Design Standards and Guidelines, a draft of which is provided in Appendix M, would be approved as part of the Planned Development Permit. In addition to the project-specific Downtown West Design Standards and Guidelines, the Downtown Design Guidelines and the Complete Streets Standards and Guidelines would continue to apply to development of the project unless a standard or guideline under the Downtown Design Guidelines or the Complete Streets Standards and Guidelines is expressly superseded by the Downtown West Design Standards and Guidelines."

The Downtown West Design Standards and Guidelines, FIGURE 4.16: Riparian setbacks and ecological enhancement zone, depicts several Santa Clara Valley Habitat Plan covered activities that shall not be permitted since under Condition 11, Exemptions, as it states, "Regardless of project location, stream setback exceptions may not reduce a Category 1 stream setback to less than a distance of 50 feet for new development or 35 feet for existing or previously developed sites with legal buildings and uses (Figure 6-3b). All applicable fees must be paid for areas granted an exception." Page 6-54, https://www.scvhabitatagency.org/DocumentCenter/View/128/Chapter-6-Conditions-on-Covered-Activitiesand-Application-Process The Downtown West Design Standards and Guidelines, page 83, states, "Consistent with the previously approved project on the former San Jose Water Company site, the Project provides a 30-foot setback for new building construction from the top of the channel wall along the Guadalupe River." This is inconsistent with the Santa Clara Habitat Plan for this Category 1 stream. It may qualify for an exception to the 100 ft. setback since an existing development already exists but still a minimum 35 ft. setback is required.

The Downtown West Design Standards and Guidelines, S4.8.3 Los Gatos Creek Riparian Setback, page 85 states, "If existing structures encroach on the Los Gatos Creek Riparian Setback, replacement structures are permitted subject to standards of Sections 5.5 and 5.6." yet there are structures of the project well within the Santa Clara Habitat Plan minimum setback for this Category 1 stream. Again, the Santa Clara Habitat Plan for this Category 1 stream does not permit structures to be replaced unless they are setback to its minimum required 35 ft. FIGURE 4.42: Illustrative plan of the Creekside Walk at South Autumn Street, clearly depicts existing buildings well within the minimum setback which should not be permitted to be replaced in the 35 ft. setback.

Furthermore, construction staging should not be allowed within the 50 ft. setback area.

Please include in the EIR discussion of the reduced setback exception, how the required findings will be made, and how encroachment into the 50' and 35' riparian setbacks will be mitigated under the rules of the Habitat Plan and regulations of other agencies.

Response BB.1

As explained in Chapter 1, *Introduction*, of this First Amendment, the project applicant has revised the project since publication of the Draft EIR such that all new building construction would be outside a 50-foot riparian setback from both Los Gatos Creek and the Guadalupe River, thereby complying with the riparian setback exceptions allowed under City Council Policy 6-34 and exceeding the minimum 35-foot riparian setback in Condition 11 of the Santa Clara Valley Habitat Plan. Refer to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*, which discusses riparian setbacks for the proposed project, and Response BB.3, which addresses construction-related impacts.

Comment BB.2

Biological Resources – Mitigation and Monitoring Plans

Many possible impacts from the project are deferred to mitigation and monitoring plans and adaptive management, for example the *Riparian Habitat Mitigation and Monitoring Plan and the Riparian Vegetation Monitoring Plan*. Instead, up front mitigations should be emphasized such as: requiring lower building height and massing step-back to avoid riparian shading and avian impacts; avoidance of glass curtain walls within riparian setback area (up to 300' for bird safety); and requiring construction activities to avoid existing higher quality riparian areas.

Response BB.2

Potential construction-related impacts were analyzed based on the project information currently available, based on conservative assumptions about the extent and timing of proposed development. Each of the mitigation and monitoring plans proposed in the Draft EIR provides performance standards and adequate assurances to ensure that Project impacts are fully recognized and mitigated to less than significant using a standard, methodical approach that

avoids and minimizes impacts to biological resources. Regarding bird-safe design, the project applicant has revised the proposed project since publication of the Draft EIR such that the Downtown West Design Standards and Guidelines now include bird-safe design Standard 5.17.5, in addition to compliance with the bird safety requirements of the Downtown Design Guidelines and Standards identified in Table 3.2-4 (page 3.2-30) of the Draft EIR.[184] In general, Standard 5.17.5 would require bird-safe treatment on uninterrupted glazing segments larger than 24 square feet located within 300 feet of a riparian corridor and 60 feet or less in height on facades that have 50 percent or less glazed surface. This standard would effectively enhance Standard 4.4.2b of the Downtown Design Guidelines—which requires bird-safe façades proximate to riparian corridors where the façade is 50 percent or more glass—by expanding the bird-safe façade requirement to façades with less than 50 percent glazing if they have uninterrupted glazing segments larger than 24 square feet.

Comment BB.3

Noise – Impacts on Riparian Habitats

Wherever mitigations refer to "noise sensitive land use," change this to "noise sensitive land use or riparian corridor." Similarly, for "Stationary-Source Equipment Placement" change to "… shall be located as far from adjacent properties and riparian corridors as possible." Other noise mitigation measures should be updated similarly to ensure the riparian corridor is protected from noise sources to the same extent as sensitive land uses.

Response BB.3

Potential construction-related noise impacts were analyzed in Impact BI-2 based on the project information currently available. Noise effects on wildlife species within the riparian corridor are expected to be less than significant due to compliance with General Plan Policy EC-1.7 (which requires noise reduction devices on construction equipment and, for projects lasting longer than 12 months such as the proposed project, a construction noise logistics plan) and Standard Condition of Approval NO-1 (which requires generally limiting construction to daytime hours, constructing noise barriers, prohibiting unnecessary idling of internal combustion engines, and a number of additional construction noise reduction measures as described in the Section 3.10, *Noise and Vibration*). At the recommendation of the commenter, Mitigation Measure NO-1c, Master Construction Noise Reduction Plan, is revised as follows to incorporate areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor under the measure's coverage (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

> **Mitigation Measure NO-1c: Master Construction Noise Reduction Plan**
>
> Prior to the issuance of the first demolition, grading, or building permit for new construction within the project site or for any of the project's new public and private infrastructure, the project applicant shall prepare a Master Construction Noise Reduction Plan, to be implemented as development occurs throughout the project site to address

[184] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

demolition and construction ~~of buildings~~ within 500 feet of residential uses, ~~or~~ within 200 feet of commercial or office uses, or areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval, and implementation of the identified measures shall be required as a condition of each permit. This Master Construction Noise Reduction Plan shall include, at a minimum, the following noise reduction measures:

Additionally, this same revision is made to paragraph 3 of Mitigation Measure NO-1c (covering Site Perimeter Barriers), paragraph 4 (Stationary-Source Equipment Placement), paragraph 5 (Stationary-Source Equipment Local Barriers), and paragraph 7 (Construction Equipment). Refer to Response X.1 and Chapter 4, *Revisions to the Draft EIR,* for the full text of the revised mitigation measure.

For demolition, construction, and renovation on the blocks closest to the riparian corridor (Blocks D8, D9, D10, D11, D12, D13, E1, E2, E3, G1, H2, H3, H5, and H6, as revised herein), mitigation measures are included to avoid construction-related noise (and lighting) impacts on nesting birds and bats. To clarify that construction of existing or new buildings could occur along Los Gatos Creek between West Santa Clara and West San Fernando Streets, the fourth paragraph of Draft EIR page 3.2-62 is revised as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

Lighting and Noise. As described earlier in this impact discussion under *Impacts of the Footbridge,* increases in artificial night lighting during construction could impact wildlife in the riparian corridor. Construction would generally occur during the daylight hours (7 a.m. to 7 p.m.), except during 24-hour continuous concrete pours for major building foundations, which could be required for residential/commercial buildings; however, work within, or within 50 feet of, the riparian corridor (e.g., boardwalks, creekside paths, and bridges) would be limited to daylight hours. Construction-related night lighting is only expected to potentially impact wildlife when used for building construction adjacent to the Los Gatos Creek or Guadalupe River riparian corridors. ~~Six~~ Eight blocks in the vicinity of the riparian corridor are planned for new construction: Blocks E1, E2, and E3 (collectively referred to as Block E), and Blocks G1, H2, ~~and~~ H3, H5, and H6. Additionally, renovation and/or replacement construction could occur on Blocks D8, D9, D10, D11, D12, and D13. This impact would be **potentially significant**.

Comment BB.4

Transportation – Parking

Parking in this district needs to be efficient and usable by the public as well as office workers and residents. Districtwide parking strategies have not yet been defined by the City.[1]

[1] DEIR page 3.13-23: The City will also prepare area-wide implementation strategies for shared parking, infrastructure financing, and affordable housing.

We note that parking is described as follows:

> DEIR Project Description, page 2.14: The project proposes to provide up to 4,800 publicly accessible commercial parking spaces in below-ground parking structures of up to three levels, as well as above grade in a limited number of the office structures. Some of the commercial parking could be provided using mechanical parking stackers, which permit the floor area of a single parking space to accommodate more than one vehicle. Up to about 2,360 unbundled parking spaces would be available for the proposed project's residential uses, and would be provided in either below-ground or above-ground parking structures; a portion of these residential spaces could be available for shared parking by project office employees

We have the following concerns:

> Inefficiency: Scattering public parking in a variety of office buildings is a recipe for inefficient use of parking, regardless of how good interactive signage may be that indicates empty spots in random buildings along a one-mile-long area.
>
> Event center parking: For the SAP center, visitors with no familiarity to the area will be looking for parking. It is not realistic to assume that the public will wander from building to building looking for an available parking spot.
>
> Security concerns will make parking unavailable: It is our experience that Google has security considerations that frequently require it to secure its buildings from random acts of terrorism. Providing public access to the basement levels of its buildings, with public parking, is not a viable solution for Google office buildings. Only public parking garages are going to assure the public permanent access to Google office parking.
>
> Parking is a critical element in the success of the Diridon area. The project description is not a sustainable solution to shared parking: MOST of the parking should be accumulated in clearly marked public parking structures that are located about a 5 to 10-minute walk apart, easily found and with good signage. ALL office parking is supposed to be shared parking and some residential parking is shared.
>
> Timing for parking in office buildings: Is shared parking in office buildings going to be shared throughout the day? Or only during the evening hours?
>
> Parking in separate public parking structures is the only way, long term, to assure that office parking will be available to the public at all times and will be efficiently utilized.
>
> Mitigation: Clear requirements for percentage of parking to be in public parking structures for publicly accessible parking and shared parking need to be included as mitigation requirements.

Response BB.4

As stated on Draft EIR page 3-1, SB 743 became effective on January 1, 2014, and, among other things, added Section 21099 to the California Public Resources Code, which states that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." The proposed project meets the definition of a mixed-use residential project on an infill site located within a transit priority area as specified by California Public Resources Code Section 21099. Accordingly, parking impacts can no longer be considered under CEQA in determining the proposed project's physical environmental effects. Therefore, comments related to parking do not address the adequacy or accuracy of the Draft EIR.

However, for informational purposes it should be noted that parking would be located in above- or below grade- structures and would be commercial, publicly available parking. Parking would be distributed throughout the site, allowing for ease of entry and exit, particularly for SAP center events; further, appropriate signage would be used to promote ease of access and efficient wayfinding. Parking would be shared among land uses, meaning that at least some public parking would transition to SAP Center parking during events. Currently, parking management (i.e., use of technology, policy, and pricing to respond to demand and improve parking availability) is under consideration for the project; the parking management could be public or private.

Comment BB.5

Hydrology and Water Quality – Stormwater

Hydrology, Stormwater management, page 3.8-6: Under existing conditions, stormwater runoff from the project site is not treated before its discharge to the City's collection network.[2] The project area includes 3.5 miles of backbone storm drainpipe (18 inches in diameter or larger) with five outfalls extending to the Guadalupe River and nine outfalls to Los Gatos Creek. Three pump stations drain under the railway underpass, at Julian Street, Santa Clara Street, and Park Avenue. This infrastructure serves to prevent flooding of streets and highways and is maintained by the City's Department of Transportation and Public Works Department.

We have the following concerns about stormwater runoff and potential water quality issues:

> DEIR TABLE 3.8-2 BENEFICIAL USES AND IMPAIRMENT STATUS OF WATER BODIES IN THE PROJECT AREA lists contaminants in stormwater being directed to water bodies in the area. Toxics from tire dust and brake dust are not listed in this table. Recent studies have shown that toxics from these are lethal to fish.[3] Existing storm water lines are directing stormwater into nearby creeks and waterways. Toxic tire dust and brake dust should be included as contaminants that need to be removed from stormwater before discharge into streams.
>
> Monitoring should include toxic tire dust and brake dust in the list of toxins that are tested.
>
> ALL stormwater from all the streets should go through bioretention basins that are specially designed to remove toxins from tire and brake dust before the water goes into pipes that discharge into the creeks and rivers.

[2] Arup, Lendlease & Sherwood Design Engineers, Google Downtown West Infrastructure Plan, October 7, 2020.

[3] Science Daily Dec 2020: Tire-related chemical is largely responsible for adult Coho salmon deaths in urban streams.
The Guardian Dec 3, 2020: Pollution from car tires that washes into waterways is helping cause a mass die-off of salmon on the US west coast, researchers have found.
In recent years, scientists have realized half or more of the Coho salmon, also known as silver salmon, returning to streams in Washington state were dying before spawning. https://www.theguardian.com/environment/2020/dec/03/coho-salmon-pollution-car-tires-dieoff#:~:text=Pollution%20from%20car%20tires%20that,state%20were%20dying%20before%20spawning

Response BB.5

The project includes measures to comply with City policies for stormwater management which contain requirements (such as those suggested by the commenter) to intercept contaminants, which includes such toxins as tire and break dust. Design measures are described in Section 10.3, *Stormwater Management*, within EIR Appendix K, *Infrastructure Plan*. As described in Appendix K, the project would, at a minimum, comply with all stormwater management requirements for both quantity and quality, as provided by the City's Green Stormwater Infrastructure plan dated September 2019. Runoff from public and private parcels is anticipated to be treated separately before entering the storm drain system. As discussed in the EIR under Impact HY-4 (page 3.8-38), "(w)here public streets proposed for modification contain stormwater drainage structures that would trigger treatment recommendations from the [Green Stormwater Infrastructure] Plan, the streets would be designed to incorporate stormwater treatment facilities (pervious paving and/or biofiltration elements) in the public right-of-way. Private blocks would be designed to implement site design, source control, and Low Impact Development–based stormwater management consistent with Provision C.3 of the MRP, and would incorporate recommendations from the GSI Plan to limit contamination in stormwater runoff. Specific measures may include biofiltration for pollutant source control, capture, and remediation and landscaping with native plants, which would be installed and maintained as part of the proposed project." Moreover, following construction, the overall impervious surface area would be reduced with the project's development compared to existing conditions, which is anticipated result in an overall improvement in stormwater quality discharged from the project site. Accordingly, the proposed project would result in improvement in the quality of stormwater discharged from the project site, compared to existing conditions, and the project impact would therefore be less than significant.

Comment BB.6

Hydrology and Water Quality – Dewatering

Thank you for your attention to groundwater dewatering in the DEIR. Groundwater levels at the project site range between 0 and 20 feet, per groundwater elevation data from the Valley Water website. Therefore, any below-ground construction for the project will require dewatering and may permanently impact the water table and subsurface groundwater flows.

Therefore, we suggest the following additional mitigation measures:

> Require analysis of the impacts of groundwater pumping on the surface water levels in Los Gatos Creek and Guadalupe River (Hydrogeological Study). Will the interaction between groundwater and surface water be impacted?
>
> Require analysis of the impacts of groundwater pumping on the capacity of the City's storm drain system or sanitary sewer system, especially during the rainy season from November through March.
>
> Include a list of potential actions and solutions in case the groundwater monitoring program indicate problems (during construction or operation), such as:
>
> - Install groundwater monitoring wells.

- Test groundwater discharged into a storm drain for contamination per Regional Water Quality policies.
- Meter extracted groundwater.
- During dewatering, submit periodic reports showing current groundwater levels, pumping rates, and water quality standards.
- Require avoidance measures to minimize the flow rate and duration of the pumping

Response BB.6

The comment asserts that groundwater levels at the project site range from 0 to 20 feet below ground surface based on Valley Water groundwater elevation data. The EIR used City of San José groundwater data from years 2018 and 2019, which demonstrates that groundwater levels in the vicinity of the project site range from approximately 15 to 21 feet below ground surface. Acknowledging that groundwater levels may vary considerably by season, it is expected that dewatering would be required for some parcels during construction and may be required at some parcels on an ongoing basis. For the parcels where dewatering may be required during the construction phase, Mitigation Measure HA-3c includes provisions for water sampling and treatment prior to discharge. Disposal of water discharged during long-term operational dewatering, whether directly to the City sewer system or to the City sewer via the project's proposed on-site water reuse facility (wastewater treatment plant) would be governed by San José Municipal Code Chapter 15.14, *Sewer Use Regulations*, which requires that the dewatering effluent complies with the sanitary sewer system acceptance criteria. Code compliance would avoid any adverse water quality effects. As to quantity, groundwater extracted due to long-term, post-construction dewatering would be the result of anticipated seepage into subsurface structures and would not be at such a volume that the groundwater table or the flows in Los Gatos Creek would be meaningfully altered.

As described in Draft EIR Section 3.7, *Hazards and Hazardous Materials*, the SAP Center (adjacent to project parcels proposed for development) is situated over a shallow perched groundwater zone. Consequently, a dewatering system was designed into the construction of the arena to capture any accumulation of groundwater under and around the arena into a centralized sump. Accumulated groundwater is treated and discharged into the municipal storm drain system. Upon completion of the arena in February 1995, the City resumed groundwater monitoring to track the contaminants remaining beneath the property. Semiannual groundwater monitoring events were performed through 2004; since 2005, groundwater sampling has been performed on an annual basis.

CC. Santa Clara Valley Audubon Society (12/8/20)

Comment CC.1

1. Bird Collision

Glass facades of buildings located within 300-ft of the creeks create a hazard to migratory birds. The Project and its associated EIR will comply with the City's Design Standards, but we believe that these standards are not strict enough and ask for 90% all building facades

and 100% of other transparent structures within 300-ft to include visual cues to reduce bird collisions to a less than significant level. Google applies this standard in Mountain View, and can do the same here.

Response CC.1

As the comment notes, the project as proposed would be consistent with the City of San José bird-safe guidance, which was considered in the Draft EIR analysis and found to be a less-than-significant impact. Project buildings within 300 feet of a riparian corridor must comply with the City's Downtown Design Guidelines. As shown in Table 3.2-4 of the EIR, the Guidelines require that bird safety treatment be used on facades within 300 feet of a riparian corridor that have 50 percent or more glazed surface, "which may include exterior screens, louvers, grilles, shutters, sunshades, bird-safe patterns, or other methods to reduce the likelihood of bird collisions as suggested by the American Bird Conservancy." Additionally, since publication of the Draft EIR, the project applicant has revised the proposed project such that the Downtown West Design Standards and Guidelines now include additional bird-safe design Standard 5.17.5.[185,186] In general, this standard would require bird-safe treatment on uninterrupted glazing segments larger than 24 square feet located within 300 feet of a riparian corridor and 60 feet or less in height on facades that have 50 percent or less glazed surface. This standard would effectively enhance Standard 4.4.2b of the Downtown Design Guidelines by expanding the bird-safe façade requirement to façades with less than 50 percent glazing if they have uninterrupted glazing segments larger than 24 square feet.

Comment CC.2

2. Artificial Light at Night (ALAN) interferes with all biological function
The incremental and cumulative impacts of outdoor Artificial Light at Night on all living organisms, ecosystems, natural phenomena and human health are pervasive and indisputable[1]. Emerging science shows that the most damaging light is in the blue wavelength. Since LED lighting has a pronounced peak at the hazardous wavelengths (see figure below), the International Dark Sky Association recommends that light temperature in all lighting should not exceed 3000K[2]. Others (Softlight) recommend that outdoor lighting should not exceed 2700K to protect both ecosystems and human health, especially that of light-sensitive neurodiverse populations.

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185 This standard reads, "S5.17.5 **Enhanced bird-safe design.** Bird-safe treatment shall be required on any uninterrupted glazing segment larger than 24 square feet located within 300 feet of a riparian corridor and within the less than 60 feet in height above grade for facades that have 50 percent or less glazed surface. Glazing on active use frontage within 15 feet vertical feet above grade that is not visible from the riparian corridor shall be exempt from complying with this standard.
"Bird-safe treatment strategies include but are not limited to high translucency / low reflectivity glazing, angled glazing, fritted or etched glazing, mullions, grilles, shutters, louvers, netting, screening, shading elements, awnings, or other methods to reduce the likelihood of bird collisions as suggested by the American Bird Conservancy."

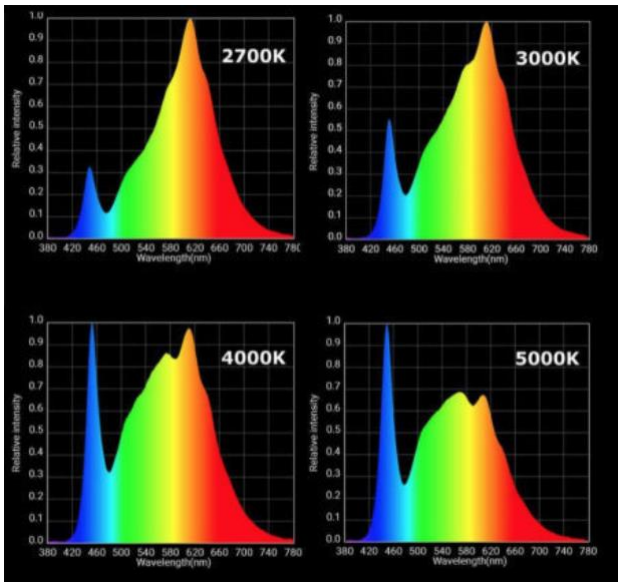
186 As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

1 A meta-analysis of biological impacts of artificial light at night. 2020. Dirk Sanders et al. Nature Ecology & Evolution November 2020 https://www.nature.com/articles/s41559-020-01322-x

2 https://www.darksky.org/our-work/lighting/lighting-for-citizens/3k/

The project and the EIR provide standards and mitigations to reduce the impacts of light on the riparian corridor. We ask to add a mitigation measure that limits outdoor lighting temperatures to 3000K, and to 2700K within 100-ft of the creeks. This mitigation should reduce impacts to vegetation, bird and fish migration, aquatic insects and wildlife movement along the creek.

LED emits a spike of blue wavelength light, which is more pronounced at temperature higher than 2700K.



Response CC.2

The Downtown West Design Standards and Guidelines includes standards for building façades to use wildlife-friendly lighting within the green-to-yellow light spectrum, in addition to other wildlife-friendly protection measures adjacent to riparian corridors (see Standards 7.4.1, 7.4.2, 7.4.3, 7.4, 7.4.6, and 7.4.7).[187] The project as proposed is consistent with these standards, which the commenter states, "should reduce impacts to vegetation, bird and fish migration, aquatic insects and wildlife movement along the creek." In addition, Standards 7.5.2 would require all building exterior and open space lighting within the Los Gatos Creek Riparian Setback, the Guadalupe River Riparian Setback, and the ecological enhancement zone to install lighting that has a color temperature of less than or equal to 2700 Kelvin. Exterior lighting outside of the specified bounds shall comply with the International Dark-Sky Association recommendation of a color temperature of less than or equal to 3000 Kelvin. Standard 7.3.3 requires that all open space lighting shall have a color temperature of less than or equal to 2700 Kelvin. No changes are warranted to the Draft EIR from this comment.

[187] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment CC.3

3. Nesting Birds
Mitigation Measure BI-1e identifies the nesting season for most birds as February 1 through August 15 (inclusive). The mitigation suggests avoidance of construction during the nesting season, but offer the possibility of nesting surveys if construction is conducted during the nesting season. In the thick riparian forest on the site, identifying nests is not a feasible mitigation and it is likely that:

- Bird nests in the thick riparian vegetation will be missed

  Or

- Nesting birds will be found and delay the progress of the project

To avoid harming nesting migratory birds, in-channel construction activities, including channel dewatering, would be limited to the dry season outside of the nesting season, thus it should occur only August 15 through October 15.

Response CC.3

Mitigation Measure BI-1e, which allows for construction during the bird nesting season following pre-construction nesting bird surveys and implementation of buffers where warranted, is a common and acceptable mitigation measure in EIRs because the nesting season extends across most of the calendar year and the measure is largely effective. Pre-construction surveys are required to be conducted by qualified ornithologists with extensive experience identifying active bird nesting in many types of habitats. The City appreciates the comment, and will consider the recommendation; however, the comment does not reflect an inadequacy of the analysis in the Draft EIR; therefore, no changes to the EIR are warranted.

Comment CC.4

4. Valley Habitat Plan
The Santa Clara Valley Habitat Conservation Plan/ Natural Community Conservation Plan (VHP) requires a minimum of 35-ft riparian buffer to protect the waterways, water quality and their riparian ecosystems from a large scope of construction impacts as well as activities along waterways. The Project as proposed is inconsistent with the minimum setback requirements of the VHP. This conflict should be recognized as a significant, unavoidable impact. Hopefully, the project can be modified to avoid this impact.

Response CC.4

As explained in Chapter 1, *Introduction,* of this First Amendment, the project applicant has revised the project since publication of the Draft EIR such that all new building construction would be outside a 50-foot riparian setback from both Los Gatos Creek and the Guadalupe River, thereby complying with the riparian setback exceptions allowed under City Council Policy 6-34 and exceeding the minimum 35-foot riparian setback in Condition 11 of the Santa Clara Valley Habitat Plan. Refer to Section 3.2.6, *Master Response 6: Stream Setbacks and Compliance with the Santa Clara Valley Habitat Plan and San José City Council Policy 6-34*, which discusses riparian setbacks for the proposed project.

DD. Silicon Valley De-Bug (12/7/20)

Comment DD.1

We write to you from grassroots organizations including Silicon Valley De-Bug, a longstanding community organization who has worked with communities that face multiple barriers to full inclusion, families impacted by the criminal justice system and a community that has demonstrated a commitment to work together to collectively improve our lives and continue building San Jose; the **Affordable Housing Network of Santa Clara County**, formed in 1987 with the goal of expanding the supply of housing affordable to low-income families and individuals, and organizing the people in need of affordable housing to advocate on their own behalf; Serve the People San Jose organizing against the displacement of San Jose communities; **Showing Up for Racial Justice at Sacred Heart**, a group of mobilizing white people to be in solidarity with our brown and black brothers and sisters, and working to end racism and discrimination throughout Silicon Valley; and, the South Bay Community Land Trust with a mission to acquire and steward land in trust for the permanent benefit of low income communities in San Jose.

In particular, Silicon Valley De-Bug is located northwest of the Project Site, behind The SAP center along Lenzen Ave. On account of this, our immediate community and extended community will receive a notable impact from the long term construction and subsequent massive changes to the physical environment caused by the project's operation. For these reasons, we present our comments with the well being of our pre-existing communities in mind. Our collective of community organizations want to ensure that the project conscientiously evaluates its potential environmental impacts to our community and, in good faith, questions the general extractive nature of large scale tech projects to our communities. Once the transformation begins, we cannot retrieve the past in which this project will build over.

Response DD.1

The comment begins with a paragraph of introductory remarks that require no response. The commenter's proximity to the project site, concern about potential impacts, and desire to provide comments on the EIR at the appropriate time are noted. If the reference to the "general extractive nature of large scale tech projects to our communities" is intended to introduce specific comments regarding environmental impacts of the proposed project, those comments are responded to in detail below. The Draft EIR presents a comprehensive analysis of the potential significant environmental impacts of the proposed project, including available mitigation measures and possible alternatives.

Comment DD.2

We also approached this project's proposal through the lens of the extraordinary circumstances caused by the COVID-19 Pandemic. The pandemic has left the future beyond calculable projections. There is no doubt that the pandemic will have long term impacts on our local economy and the structure of our social worlds. Since this draft was created before and used data from years previous to this pandemic, and the baseline information from 2019 -- of which the ensuing Draft EIR is based on -- is outdated, we believe that said proposal is

inadequate, irrelevant, and requires a more thorough updated evaluation after the pandemic recovery period. We urge the City to immediately halt the EIR process and require the project applicant to start over. The proposal states itself many times that it is "too early to determine the overall effect of the COVID-19 pandemic", and through these lenses, we submit the following comments:

Covid Impact Reassessment
COVID-19 has affected many aspects of this project and without more of an analysis in this report it would not be accurately representing the current reality for San José residents. This “Environmental Impact Report” is supposed to focus on the environment and COVID-19 has in fact been involved in changing the city’s carbon footprint. Many cities saw clearer skies and other dramatic air quality improvements, leading to the appearance that the pandemic may have a slight positive change in the environment. However this would only be possible if there was a continual reversal in the environmental impacts that would slow down construction, and pollution. However since large projects such as this one are continuing and not taking COVID-19 into consideration there is no room to consider how San José’s environment can be improved. It is likely that other projects in the city will be buying and building to make up for lost time and create a negative environmental impact. In addition to the climate effects that will come out of this, another long term consequence that has already been plain to see is the effects COVID-19 has had on housing.

Additionally, since the research and studies for the report were conducted prior to the outbreak of COVID-19, there are significant gaps that need to be addressed. For example, as there is the expectation that employees work from home to avoid unnecessary exposure to the virus, the amount and configuration of office space must be re-evaluated. In contrast to the Google employees who are able to work from home, we see no assessment of the possible impact on the vast amount of construction-related workers who will build these buildings nor how that will impact the growing amount of COVID-19 cases in San José and Santa Clara County.

Additionally, since there are greater demands to reduce housing density, the apartment-style living that the housing units are designed need to be reconfigured as well. The Google project as a whole needs to be entirely rethought to account for these changes in how we can safely be in proximity with each other, particularly with regard to indoor spaces. The project as it is currently designed simply does not provide a safe or feasible style of living or working. We recommend doing a complete overhaul of the research and studies that have already been done, to account for the dramatic changes brought on by COVID-19. Anything short of that is simply irresponsible.

Response DD.2

Refer to Section 3.2.5, *Master Response 5: COVID-19*, regarding the COVID-19 pandemic.

Comment DD.3

Project Impact on Housing Affordability

Pursuing the effects on affordable housing by the planned development, we seek a more in-depth investigation of housing affordability and the health/environmental risks caused by the displacement of current housed and unhoused residents. Though the report claims not to be responsible for socio-economic projections, it cannot be denied that they are inseparable from the environmental impact of increased population injections. A project like this would exacerbate the already lacking, affordable housing in the South Bay with speculated rippling effects on other city sectors. The decreased affordable housing would negatively impact the service economy, whose wages will not increase with the development but will cause displacement due to housing market adjustments; All boats will not rise with the tide. Pushed out residents will likely search for more affordable housing in the Central Valley, as they have been forced to do in the past due to similar developments. In turn, this migration will have increased commuting that will not utilize the built train transportation adding heavy traffic congestion, air pollution, and latent environmental risks.

Let's look at the rising costs of housing and the subsequent displacement of East Palo Alto residents after the expansion of the Facebook campus. We can see that a job nexus analysis does not adequately account for the rising rents accompanying tech industrial developments in the region and how those higher wages do not reach most service workers. With COVID-19 as an immediate risk for the non-working and working population, housing has become of utmost importance for public health. Without stable housing, residents are not able to isolate or social distance as County health orders require us to do further jeopardizing the accumulative safety of San José and Santa Clara County. Already with the COVID-19 pandemic, we see that this report is now outdated and skewed because it does not include the considerable shifting effects of COVID-19 in its analysis. For this reason, it would be irresponsible of the city to accept this report's evaluation of population and housing as is, for it is now incomplete and inadequate. The effects of the COVID-19 pandemic on housing cannot be underestimated. The development should further investigate the changes COVID-19 will have on the proposed high density living communities and the inevitable impact of displaced populations on the environment caused by such a large project, which may come to find an impasse due to its anthropogenic hazards.

Avoiding the question of the inevitable displacement of communities of color as a result of the building of the Google project is highly irresponsible. The Draft EIR makes a very convenient argument throughout the "Indirect Displacement" section of 3.11: Population and Housing, that a single project cannot be responsible for displacement of communities of color. This convenience shirks the Google project of assuming responsibility for the indirect effects of this project. This section poses a distinct contrast from language in other places related to the project that emphasize functions of the project that go far beyond what a single building can do: "Places are about people and connections between them. We want to contribute to vibrant places that promote well-being, inclusion, and interconnectivity." (https://realestate.withgoogle.com/sanjose/) Clearly, the project permits itself to pick and choose when it decides to limit its scope to a being a single project, and when it expands to be a transformative movement for the entire community. That choice clearly occurs when it

portrays the project as bringing a net good to the San José community, and not when it leads to displacement or gentrification. Particularly at a time when communities of color are not only facing the brunt of the economic downfall of the COVID-19 pandemic, but are also on the verge of a massive wave of evictions, anything can push families over the edge, rendering many potentially houseless. Denying that this Google project would have any relation to mass evictions in San José is plainly irresponsible. History has shown that the footprint of big tech companies has led to massive amounts of displacement throughout the Bay Area. Our own experiences show that too. Considering displacement to be an indirect result of the project shows a shamefully shortsighted understanding of causation and correlation.

Effects of Higher Income Jobs

The Draft EIR gave an estimated amount of jobs but not by type. In a previous letter we submitted in 2019, we asked that the EIR account for the nexus between higher income Google employees and the subsequent multiplier effect those jobs have on lower income service sector job generation, however this was not included in the jobs portion of the report. The report does not account for creating safe working practices necessary for highly contagious pandemics like COVID-19 or ones that could occur in the future. If Google employees are on the campus for work, they risk the spreading COVID in the workplace and in the surrounding areas. However, if Google employees are working remotely and a large number of the buildings go unused, we believe this is a waste of space considering what other resources could have been provided with the land. When any developer comes and builds upon land, we want to know if they will truly benefit the community, or if the benefits will only go to a few. It is hard to trust that the jobs created by Google will go to the community of San José that have a deep connection to their homes and community. Over the years more tech companies and developers have come in and taken over space to accommodate individuals wanting to get a job in the tech industry, changing the landscape of San José which is unrecognizable and unaffordable to its long time residents. Another concern is that Google has had a severe lack of diversity in the hiring process which is very discouraging considering the goal for this project is supposed to be “inclusive to all communities.”

Since there is no clear categorization of the jobs in this report, it is hard to believe that jobs will be a long term benefit for this project. The construction jobs might be temporary, and the report and supporting documents provide no way to ensure the higher paid and longer term jobs will be sourced in San José. The EIR dismisses the Law Foundation’s comment voicing concerns to this job sourcing matter and stated, “in fact many Google employees are already residents of the county.” Unfortunately, there was no proof or numbers given about the number of employees who are already local county residents. Instead of addressing the legitimate concerns introduced by the public comment provided by the Law Foundation of Silicon Valley in 2019, the EIR spends multiple pages rationalizing why the question sits beyond the scope of the EIR, and beyond the scope of the Google project as a whole. Therefore, since this is not a legitimate claim, there still needs to be analysis done on the effects of the project on higher income jobs for non-tech workers, the increased housing costs of the area and the possible displacement that will occur outside of the border of the project. The indirect effects are just as significant to the project’s feasibility as the direct ones.

Response DD.3

The Draft EIR (starting on page 3.11-23) analyzes direct displacement, noting that residents of one household would be displaced by development on the project site, and also discusses the potential for indirect displacement due to housing demand associated with project-related employment (direct, indirect, and induced). The analysis completed by Economic and Planning Systems, Inc. and cited on Draft EIR page 3.11-21 used the IMPLAN model and found that the approximately 31,000 new jobs on the project site could induce an estimated 80,000 additional indirect and induced jobs. Jobs on the site were assigned to IMPLAN industries, including Google office jobs (29,200) and a variety of commercial jobs including retail (1,038) and other industries. Induced and indirect jobs were not assigned industries and the wages of prospective employees were not identified either for on-site or off-site jobs; this detailed analysis is not required under CEQA.

As indicated in the Draft EIR (page 3.11-24) and in Response U.1, there is no credible methodology that can be used to assign responsibility to one development project for socioeconomic effects that the region as a whole is experiencing. There is also no evidence that the project itself will cause housing market adjustments or "push out" residents, because the housing market is a function of larger land use and economic trends as described in Draft EIR Section 3.11.1, *Environmental Setting*. In the context of these larger economic trends, it would be speculative and therefore outside the purview of CEQA (refer to CEQA Guidelines Section 15145) to analyze the project's potential contribution to the demand for affordable housing or housing evictions due to its generation of new jobs that are in keeping with City policy goals.

As explained on Draft EIR page 3.11-26, it would also be speculative to assess secondary impacts of indirect displacement such as VMT or GHG emissions that could be attributable to the project alone. This is true of the public health consequences of housing insecurity and unmet housing demand as well. While these are significant challenges, particularly in light of the COVID-19 pandemic, and are clearly concerns of the City, they are best addressed at a citywide or regional scale, and not on a project-by-project basis. For example, a study of regional employment, household income, and housing demand following the COVID-19 pandemic could inform subsequent policy decisions. This study is beyond the scope of CEQA and an individual project, which as the commenter notes, aspires "to contribute to vibrant places that promote well-being, inclusion, and interconnectivity." The project would include physical design that would enhance well-being (including 15 acres of open space), as well as commitments to affordable housing and transportation demand management (which includes transit subsidies for employees and residents).

Refer to Response U.1 for more discussion of the potential housing demand associated with new employees, and the potential for indirect displacement and resulting secondary impacts. Refer to Section 3.2.5, *Master Response 5: COVID-19*, for a discussion of COVID-19.

Comment DD.4

Impacts of Estimated Space Use

To state that the proposed plans are simply unavoidable is inconsistent with existing land use plans, policies, and regulations creating a false dichotomy. If the effects on the open space and land use are significant and unavoidable only if the project continues unfettered, we strongly call for a halting of said project. The request to have the 81-acre project re-zoned to planned development mutes all the existing land use plans, policies, and regulations set by Plan Bay Area, the Santa Clara County CLUP, the Santa Clara Valley Habitat Plan, the General Plan, Downtown Strategy 2040, the DSAP, and the existing Zoning Ordinances. These are set in place to preserve and protect space, not to be overlooked as "inconsistencies."

As for the proposed street network changes, it is unclear how the restructuring will better navigate traffic congestion around one of our few large scale entertainment venues, The SAP Center, and close a direct corridor from Santa Clara Street to the 87 freeway entrance. The networks suggest removing or co-opting existing streets to become private roads. This proposal, along with the vague Public Park developments, needs to be more adequately reviewed within the request to ensure that the existing balance between green space and local traffic holds more public value than private roads and plazas do. We have houseless neighbors that live within the project areas, and we are concerned about how increased privatized zones will balloon houseless criminalization. How much of the small percentage of "open space" will be land designated for "private recreation". It is worrisome how much this land-use proposal gives considerable discretionary control to Google and the successive owners.

Response DD.4

The comment expresses opposition to the proposed project, to the proposed changes to the street network on the project site, and to the project's proposal for privately owned open space. The comment does not address the adequacy or accuracy of the Draft EIR, and therefore no response is required under CEQA. The following is provided for information.

The significant and unavoidable Land Use impact noted by the commenter, LU-2, relates to the proposed project's conflict with Policy N-4 of the Comprehensive Land Use Plan for the San José International Airport, as adopted by the Santa Clara County Airport Land Use Commission. As explained in Draft EIR Section 3.9, Land Use, Policy N-4 states that no residential or hotel development shall be permitted within the 65 decibel (dB) airport noise contour interior sound levels will be less than 45 dB and the residential units have no outdoor patios or outdoor activity areas. While the project would comply with the indoor noise limit of Policy N-4 with implementation of Mitigation Measure NO-3 (noise reduction plan and noise reduction measures for residential units and hotel rooms within the 65 dB airport noise contour), the project does not propose to prohibit balconies on residential units in those limited areas of the project site that are within the 65 dB noise contour—most of Block E3 and the eastern edge of Block C3 (between West Julian and West St. John Streets). The presence of these outdoor areas would be in violation of Policy N-4 and therefore the Draft EIR determines that the impact would be significant and unavoidable in that the proposed project would cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or

mitigating an environmental effect. It should be noted that this is a conservative determination because it would result in project residents potentially being exposed to environmental noise and therefore could reasonably be considered an effect of the environment on the proposed project and therefore normally exempt from analysis under CEQA. Moreover, unlike excessive interior noise levels that can interfere with sleep, excessive noise outdoors—such as on a private balcony or common outdoor patio—could be largely avoided by residents and hotel guests who do not want to experience that noise simply electing not to use the outdoor space at periods of peak aircraft operations.

Regarding open space, the commenter's reference is unclear as the Draft EIR does not identify a significant and unavoidable impact—or, indeed, any impact—on open space and parkland, either on or off the project site.

The commenter's allegation that the project's proposed Planned Development Rezoning would render inoperative all other existing plans and policies governing the project site is incorrect. As for the plans listed by the commenter, Plan Bay Area, the Bay Area's Sustainable Communities Strategy required under state Senate Bill 375, sets forth a regional plan for achieving reductions in greenhouse gas emissions. However, Plan Bay Area includes no land use controls or other policy language that directly controls land use in any Bay Area community. Further, one of the purposes of Plan Bay Area is to reduce greenhouse gas emissions through reduced VMT, which it does by promoting greater density in proximity to transit. The airport Comprehensive Land Use Plan (CLUP), discussed above, is intended to ensure the general welfare of inhabitants in the Airport Influence Area (AIA), protect occupants of aircraft operating in the Airport vicinity, and ensure that new land uses within the AIA are compatible with continued operation of the airport. However, the CLUP explicitly allows the city council to adopt a resolution by two-thirds majority vote to override an Airport Land Use Commission determination of incompatibility with the CLUP if the Council makes specific findings that the proposed action is consistent with the purposes of the enabling statute in the California Public Utilities Code. Such a determination by the City would not render the CLUP inapplicable. The Santa Clara Valley Habitat Plan is applicable to the proposed project and would remain so notwithstanding approval of a Planned Development Rezoning. Compliance with the Habitat Plan is discussed in Draft EIR Section 3.2, Biological Resources. As explained in Impact BI-6, with implementation of Mitigation Measures BI-1a, BI-1b, and BI-1c, and BI-2a, the proposed project would have a less-than-significant impact on the riparian corridor and the riparian habitat that it provides and therefore would not result in a significant physical effect relative to the Habitat Plan. Moreover, the City, as a signatory to the Habitat Plan, would have to find the project to be consistent with the Plan. Likewise, in order for the proposed project to be approved, the City would have to find the project consistent with the General Plan, Downtown Strategy 2040, and Diridon Station Area Plan (DSAP). It is noted that the project, like many projects, does propose certain amendments to the General Plan and DSAP; these amendments must themselves be determined to be consistent with the General Plan. Finally, with respect to the Zoning Ordinance, the ordinance expressly sets forth the process for Planned Development Rezoning. The proposed project would follow this process and would therefore be consistent with the Zoning Ordinance.

Regarding the proposed street network changes, with the exception of Delmas Avenue between West Santa Clara and West San Fernando Streets, no public through streets would be converted to private streets, although the project does propose a number of newly created private streets for residential and commercial building access. Additionally, South Montgomery Street would be closed between West San Fernando Street and Park Avenue, to become part of the project's proposed open space network, while a short segment of North Montgomery Street north of SAP Center would be closed and replaced by a portion of the new northerly Cahill Street extension. Refer to Response DD.6 for a discussion of the effect of the proposed abandonment of Delmas Avenue between West Santa Clara Street and West San Fernando Street.

Concerning the project's proposed open spaces, as stated in Draft EIR Chapter 2, *Project Description*, the project would develop approximately 15 acres of open space. According to the Downtown West Design Standards and Guidelines (Draft EIR Appendix M), the applicant would dedicate to the City about 32 percent of the 15 acres (4.8 acres); that open space would become City-owned.[188] The remaining approximately 10.2 acres would remain in the ownership of the project applicant. About 40 percent of this land (4.2 acres) would be privately owned parks that would be publicly accessible, although hours of operation may differ from those of City-owned open space. Another approximately 3.2 acres would consist of "semi-public" open space and mid-block pedestrian passages that would be publicly accessible at times but potentially with certain access restrictions. About 2.5 acres of open space would be within the 50-foot-wide riparian buffer along Los Gatos Creek; this area would be largely accessible to the public for passive uses, such as walking paths and multi-use trails and creek overlooks, although some areas would be largely set aside for ecological enhancement. Finally, just under one-third of an acre of the project site is within the riparian corridor of Los Gatos Creek; this area would undergo no project improvements and is generally intended to be closed to human use for species and creek protection.

Comment DD.5

Surveillance and Policing

The absence of any discussion in the EIR or supporting documents about the surveillance and policing apparatus that will be implemented in the project is highly concerning. The project offers the guise of being a publicly accessible place, complete with a network of parks, plazas, and greenspace. The reality of these spaces, however, is that they are not true public spaces owned and operated by the City of San José. Rather, they will be privately owned public spaces. Although they are seemingly accessible to members of the public and have the look and feel of public land, these sites are not subject to ordinary local authority bylaws but rather governed by restrictions drawn up by the landowner and usually enforced by private security companies. With this being true, and with reports of private security and increased surveillance in these sorts of areas in cities around the world, it is likely that Google will be treating the parks, plazas, and greenspaces similarly. When private security, or even public/private partnerships between private security and the San José Police Department will enforce a code of conduct in these spaces, Black and Brown folks will be

[188] As of publication of this First Amendment, the current version of the Downtown West Design Standards and Guidelines and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

targeted at a higher rate than other users of the space. This is known given our past experiences, and given the most recent movement of protests against police brutality, including locally. Again, we see the land, environment, and the people on it as inseparable and how Google plans to police the area, whether privately or with the publicly funded San José Police Department, that needs to be addressed as part of the environmental impact of the area. Additionally, surveillance technologies including facial recognition cameras, license plate readers, stingray towers, and other structures will likely be used to contribute to this further unaccountable system of policing. We as a community are extremely wary of the methods Google and other private companies will implement to secure their spaces. A silence in planning and documentation around the matter legitimizes our concern. In a following report, there should be an opacity to the plans that Google aims to implement regarding the policing and surveillance of the project as a whole, including the privately owned public spaces that the project touts.

Response DD.5

An EIR is not the proper venue for a discussion of security policies because CEQA does not encompass surveillance and policing, except to the extent that an increased demand for police services could result in adverse physical impacts associated with provision of new infrastructure (e.g., a new police station). Here, no such impacts were identified and therefore, the comment does not address the adequacy or accuracy of the Draft EIR and no response is required.

For information, the proposed project would occupy approximately 80 acres and the site would overlap or abut public rights of way (e.g., streets and sidewalks) and public open spaces. In addition, the project proposes to construct and maintain approximately 15 acres of open space, including parks, plazas, trails, landscaping, mid-block passages, semi-public spaces, and riparian buffers and corridors (Draft EIR page 2-15, as revised herein; see Chapter 4, *Revisions to the Draft EIR*). While technology and innovation are central to Google's product offerings, Google aims to develop a vibrant, safe, and inclusive public space, and has no specific plans contemplated in the project currently for surveillance or data collection in publicly accessible areas of the site. As described on Draft EIR page 2-59, the project would include an on-site security plan for the project including open spaces which would supplement existing SJPD coverage. The project applicant would work closely with the San José Police Department to develop the security plan for the project. For the open spaces specifically, the project applicant would pursue a social ambassador model that would ensure that staff receive comprehensive training to operate the project's open spaces in an inclusive and secure manner. Additionally, the open spaces owned by the project applicant would be operated in accordance with the Permissible Rules included in the project's draft Development Agreement. Project buildings would be developed and operated with typical security practices, such as installation of security cameras and use of in-lobby security cameras.[189]

[189] As of publication of this First Amendment, the draft Development Agreement and other project documents may be found on the City's project webpage: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Comment DD.6

Project Impact on Traffic and Transit

The DEIR states that the plan aims to increase transit options, with an increase in peak-hour Caltrains from 5 to 6 trains and increase in capacity by more than 30 percent. We know that where there is an increase in public transit there is also an increase in traffic. Although there are more options for public transit, people also drive their cars to the train station to board public transit. It is also common for people to use public transit, then take an Uber or Lyft to where they need to go. It is naive for the report to assume that the "increases [in traffic] would be minimal because as the distance from the project site grows, the increasing number of possible travel routes for people traveling to and from the project site would result in a dispersion of trips." Anybody who has lived and worked in this area, like we have, knows the overwhelming amount of traffic during rush hour that occurs in the surrounding area of this proposed project from Alameda Street and Stockton Ave to Santa Clara Street and 1st street to the 280 freeway and 87 freeway. This traffic is multiplied tenfold when there are the frequently occurring events at the SAP Center with San José Sharks games, live events etc. Again, this bumper to bumper traffic that we already have here is before the proposed construction of the Google project. The proposed transformation of part of Delmas Ave to a private lane alone is raised for concern as Delmas Ave is an entrance to the 87 South Freeway, one of the most congested freeways in the area during rush hour. For the report to state increases in traffic would be "minimal" suggests that the evaluation was not done by people who live and work in this area.

Response DD.6

Draft EIR page 3.13-7 discusses future rail and bus service improvement that were considered as part of the future baseline conditions used in the evaluation of potential project impacts. As a point of clarification, the increase in peak-hour Caltrain service referenced by the commenter is not part of the proposed project, but part of the Caltrain Electrification project. More broadly, none of the transit improvements that are projected to occur in the future at Diridon Station are part of the proposed project.

Transit use would increase with implementation of the proposed project due to the proximity of the project site to major existing and planned transit facilities. In fact, the proposed project would capitalize on its proximity to such facilities by implementing a robust TDM plan (Mitigation Measure AQ-2h: Enhanced Transportation Demand Management Program, as revised herein in this First Amendment; refer to Chapter 4, *Revisions to the Draft EIR*) to encourage multimodal travel and discourage single-occupant vehicle trips to/from the project site. Specifically, Mitigation Measure AQ-2h would require achieving a non-single-occupancy vehicle mode share of 65 percent, which is estimated to be equivalent to a 27 percent reduction in daily vehicle trips from the City's Travel Demand Forecasting Model following completion of service enhancement related to Caltrain electrification and BART service to Diridon Station by 2040. Specific vehicle trip reduction strategies included in Mitigation Measure AQ-2h are discussed on pages 3.1-101 to 3.1-105, and as revised herein in this First Amendment (refer to Chapter 4, *Revisions to the Draft EIR*).

With respect to the commenter's concern about increases in traffic due to the increased transit service expected at Diridon Station in the future, these secondary effects are captured in the analysis of future operating conditions (i.e., Level of Service) at 21 intersections in San José and Santa Clara conducted as part of the Local Transportation Analysis (LTA) (Draft EIR Appendix J2). Intersections in San José were selected in accordance with the City's Transportation Analysis Handbook,[190] which indicates that signalized intersections shall be studied when:

- A project adds at least ten trips per lane;
- It is located within a half-mile of the project boundary, or between a half-mile and one mile if current level of service is LOS D or worse; and
- It is not located within the City-designated Downtown Core.

Beginning on LTA page 40, the model used to estimate future traffic conditions at the study intersections, the City of San José Travel Demand Forecasting Model, is described, and on page 49 specific transit improvements assumed in the model are identified. Therefore, the analysis of intersection operations provided in the LTA appropriately accounts for increased vehicle trips that may result from the assumed increase in transit service (e.g., BART extension to Diridon Station and Caltrain electrification) in and around the project site.

Note that the operational analysis referenced above was conducted to inform the City's review of the development application and not for CEQA purposes. As stated on Draft EIR page 3.13-18, CEQA Guidelines Section 15064.3(b), all public agencies must base the determination of transportation impacts under CEQA on VMT rather than level of service (LOS). As stated on Draft EIR page 3.13-27, the same model used to evaluate future operating conditions at study intersections in the LTA was also used to evaluate VMT for future conditions (Year 2040) with and without the proposed project. Therefore, the analysis of VMT provided in the Draft EIR appropriately accounts for increased vehicle trips that may result from the assumed increase in transit service in and around the project site. Based on the City's VMT thresholds, as documented in Council Policy 5-1,[191] the Draft EIR concluded that the proposed project would result in a less-than-significant impact with respect to VMT.

The effect of the proposed abandonment of Delmas Avenue between West Santa Clara Street and West San Fernando Street on VMT is discussed on Draft EIR page 3.13-44. North-south connections through the project site with this closure would be maintained via parallel routes on Autumn Street and Almaden Boulevard, which would also provide continued access to the southbound SR 87 onramp highlighted by the commenter. The Draft EIR concluded that the VMT impact of the proposed project related to roadway network changes (including the removal of Delmas Avenue between West Santa Clara Street and West San Fernando Street) would be less than significant. Because the project site generally has a small grid network, there are easily accessible alternate routes for vehicle travel; in some cases, the new route may be slightly longer,

[190] https://www.sanjoseca.gov/home/showpublisheddocument?id=28461.
[191] https://www.sanjoseca.gov/home/showpublisheddocument?id=28459.

while in other cases, it may be shorter. On balance, however, the network changes would not substantially increase VMT in the area.

Comment DD.7

Furthermore, an increase in activity in transit also means an increase in people in one concentrated area, in this case, the train station. How does the report account for the increase in litter and waste that will come with the increase of activity? These might seem like mundane things to consider, but are central to any space where there is an increase in human activity. This needs to be considered when evaluating the environmental effects.

Response DD.7

The Draft EIR assesses the proposed project's potential impacts on solid waste in Section 3.14.15, *Impacts and Mitigation Measures*, concluding that the project would not generate solid waste in excess of state or local standards or of the capacity of local infrastructure or otherwise impair the attainment of solid waste goals. The Draft EIR does not analyze solid waste production attributable to other projects or the need for litter collection at locations outside the project site (at the train station for example). These concerns would most appropriately be addressed to the owners or agencies with jurisdiction over these other projects/locations.

Comment DD.8

We cannot ignore that locally we are back to the purple tier of our public health emergency. We cannot assume that things will go back to normal or to what we once knew. If transit is supposed to increase its capacity by 30%, how does this consider potential distancing guidelines that may still be in place due to COVID-19? We urge that this be considered when analyzing public transit.

Response DD.8

As noted on Draft EIR page 3-3, long-term changes in human behavior as a result of the COVID-19 pandemic cannot be predicted at this time and the EIR does not speculate as to the long-term implications for transit capacity or ridership. Also refer to Section 3.2.5, *Master Response 5: COVID-19*, for more discussion of COVID-19.

Comment DD.9

Health Impact Assessment

In our previous letter, we urged the City to include a health impact assessment that looks comprehensively at health impacts of the Project. The DEIR is inadequate in its analysis of the health impacts of the Project because:

- Outdated baseline information given the pandemic.
- Limited scope of analysis in the population to whom the health impacts would apply to.

Response DD.9

Comment DD.9 is an introduction to, and summary of, Comments DD.10 and DD.11. Therefore, refer to Responses DD.10 and DD.11, below.

Comment DD.10

Outdated Baseline Information

While the DEIR notes that the baseline information produced in October 2019 does not include COVID-19 and notes that long-term effects of the pandemic cannot be identified at this time, it would then be irresponsible for the City of San José to move forward with a project design based on those two factors -- an outdated baseline information and unknown effects of one of the biggest pandemics that hit our lifetime.

It is flawed to use the growth assumptions from October 2019 baseline information because the project was designed with an increase of 20,000 jobs, high density office areas, and structures that exceed height limits. Of course, no one could have predicted the pandemic and its effects that have shut down and shifted the way we live, work, and play. With an increased mandate to work from home, it is unknown at this time how Google will change their workplace conditions. We do not want to build a massive campus that ends up empty with no use. One doesn't have to travel far to see the effects of empty tech campuses because of the pandemic.

In Section 3.01 Air Quality, the baseline numbers used reflect 2014 - 2018, arguably with peak traffic and construction. Given the pandemic and the economic shutdown, especially the stoppage of construction in the downtown San José area which exacerbates air quality with dust and traffic, the levels of air quality should be re-measured. In addition, with the numerous California fires this year, it is unknown what the longterm effects are of the fires to our regional air quality. These effects should also be taken into consideration.

In their comments on the NOP, the BAAQMD already notes that the City of San José is "cumulatively impacted with air pollution, which makes additional air pollution a potentially significant localized impact." The report notes that 'cumulative impact' was analyzed from various agencies, and that the Bay Area Quality Management District is currently developing new guidelines. For example, the BAAQMD's Clean Air Plan was based in 2017. At the very least, the City of San José should delay the process to base analysis on these new guidelines.

Limited scope of analysis in the population to whom the health impacts would apply. The Draft EIR assumes that "construction activities would occur over 11 years total, which is the fastest potential period over which the proposed project could be constructed."

Even the conservative estimate of 11 years of construction is frightening - that the downtown area of the City of San José would be subjected to increased impacts in air quality without proper analysis of the COVID pandemic is irresponsible. Those jobs in particular are also filled largely by people of color - who already are disproportionately affected by COVID-19.

Response DD.10

Refer to Section 3.2.5, *Master Response 5: COVID-19*, for a response to comments regarding the COVID-19 pandemic and the baseline used for analysis in the EIR.

The health risk assessment contained in the Draft EIR calculates the incremental increase in lifetime cancer risk, chronic health impacts, and annual average $PM_{2.5}$ concentrations resulting from project construction and operations to estimate project-specific and cumulative health risks, as required by the BAAQMD's CEQA Guidelines. The HRA examines all existing sensitive land uses, such as residences, within 1,000 feet of the project boundary and in the vicinity of nearby freeways, and, because of the sensitivity to TAC exposure in early life, all existing schools and childcare centers within 2,500 feet of the project boundary (Draft EIR page 3.1-59 to 3.1-60). This includes approximately 4,600 people, based on 2010 U.S. Census data. The Draft EIR found a significant and unavoidable impact for the off-site child receptor after mitigation, and a less than significant impact for the new on-site child receptor after mitigation. Because health risks decline rapidly with distance from the proposed project, this study area represents a reasonable and conservative scope for the affected population. The BAAQMD CEQA Guidelines recommend an assessment radius of 1,000 feet, called the "zone of influence,"[192] which the Draft EIR exceeds by looking at all schools and childcare centers within 2,500 feet of the project boundary. According to BAAQMD:

> A summary of research findings in ARB's Land Use Compatibility Handbook (ARB 2005) indicates that traffic-related pollutants were higher than regional levels within approximately 1,000 feet downwind and that differences in health-related effects (such as asthma, bronchitis, reduced lung function, and increased medical visits) could be attributed in part to the proximity to heavy vehicle and truck traffic within 300 to 1,000 feet of receptors. In the same summary report, ARB recommended avoiding siting sensitive land uses within 1,000 feet of a distribution center and major rail yard, which supports the use of a 1,000 feet evaluation distance in case such sources may be relevant to a particular project setting. A 1,000-foot zone of influence is also supported by Health & Safety Code §42301.6 (Notice for Possible Source Near School).
>
> Some studies have shown that the concentrations of particulate matter tend to be reduced substantially or can even be indistinguishable from upwind background concentrations at a distance 1,000 feet downwind from sources such as freeways or large distribution centers.[193]

Therefore, the scope of the Draft EIR's health risk assessment is adequate.

The Draft EIR also includes a "cancer burden" analysis as an informational assessment, which is the estimated increase in the occurrence of total cancer cases in a population as a result of

[192] Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, May 2017, p. 5-2. Available at https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed January 13, 2020.

[193] Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, Appendix D (Threshold of Significance Justification), May 2017, p. D-38. Available at http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed May 2020.

exposures to TAC emissions from the proposed project. From the census data, the total population analyzed in the study area is currently 53,227 people. The expected population growth attributable to the proposed project is 12,958 people, for a total analyzed population of 66,185 at full project buildout within the HRA study area. The Draft EIR found that under the mitigated emissions scenario, the cancer burden would be 0.16. In other words, amongst the population that could be exposed to project-related TAC emissions continuously for 70 years (a highly conservative assumption) that results in an individual incremental increase in cancer risk of 1 in 1 million or more, there would be less than 1 additional case of cancer expected.

Comment DD.11

Furthermore, the Draft EIR doesn't consider workers or homeless individuals as sensitive receptors, and were not included in the analysis of health impacts.

This analysis also specifically writes that:

- Workers are not considered sensitive receptors because they have other legal protections, including regulations set forth by the Occupational Safety and Health Administration. These protections guarantee the health and safety of workers; therefore, potential worker health risks are not evaluated in the HRA, per the BAAQMD CEQA Guidelines. 124

However, in our current COVID-19 pandemic world, construction workers are deemed a certain level of essential - and to protect them, they should be considered as sensitive receptors to be evaluated on -- especially because it will take 11 years of construction.

The analysis further writes:

- Homeless individuals also not considered sensitive receptors - Homeless individuals who may be temporarily living in the project area were also not considered sensitive receptors for the purposes of this analysis. Because their locations are not known, it would be speculative to assume the long-term presence of individual homeless receptors at any given location in the modeling domain. In addition, cancer risk is evaluated over a lifetime exposure of 30 years, and it is unlikely that any homeless individual would remain present near the project site for a full 30 years.

However, the report includes residents, stating:

- Thus, the air pollutant exposure to residents typically results in the greatest adverse health outcome for all population groups. It also represents a highly conservative assessment, as the typical resident spends time away from the residence.

Again - in a COVID-19 world, that is not the case. People in the Google project area are working from home, going to school from home. These are families. What then is the exposure to these residents? At the very least, this report is incomplete as it doesn't take into account the COVID-19 reality. While the report says it refers to COVID-19 for informational purposes, it is only when it is convenient and serves the interest of moving the Google project forward.

We urge the City to include a health impact assessment on construction workers, homeless individuals and residents who are working from home. Excluding them from the 'sensitive receptor' analysis is irresponsible.

Response DD.11

Refer to Section 3.2.5, *Master Response 5: COVID-19*, for a response to comments regarding the COVID-19 pandemic.

The Draft EIR appropriately uses a pre-pandemic baseline, rather than speculating regarding long term societal changes that may occur as a result of the pandemic, focusing on health risks to residents rather than construction workers or the homeless population for the reasons stated. Also, note that the health risk analysis in the Draft EIR assumes that people in residences would be exposed to air pollution 24 hours per day, 350 days per year, for 30 years, an extremely conservative assumption that is broad enough to encompass families working from home (refer to Draft EIR page 3.1-63).

Comment DD.12

Carbon Footprint

While the proposed current Draft EIR aims at giving the audience a better understanding of environmental impacts in connection with climate change the lingering sentiment is that The Project will have a bigger localized impact that would affect the City of San José in disproportionate ways. The DEIR outlines ways in which California has moved towards being more environmentally conscious and extensively outlines how The Project aims to be aligned with the new regulations. The truth of the matter is that The Project has failed to do an analysis of the totality of circumstances that would affect the City of San José and the carbon footprint that it is leaving behind.

One of the main sources of CO2 gas emissions is vehicle pollution. It is estimated that about 40 percent of The Project will be dedicated to parking allocation. There are issues with how this significant part of the Project will feed into greenhouse gases that will be detrimental to our environment. This means that new parking structures will be built which in correlation vehicles will be parked there. It goes like the saying 'If you build it they will come'. It is estimated that over 100,000 metric tons of carbon dioxide will be released into the environment due to the change in vehicle population. Again, this is just an estimate because we cannot adequately predict the amount of vehicle usage in The Project. As much as we want to foresee alternatives to vehicle usage the reality is that people will use their own vehicles if given the opportunity for commodity. And although the attempts are to house workers close enough to not have to use their vehicles, you cannot discount the amount of employees who will still be traveling to, from, and in between work. Remember this is a highly concentrated area of about 2 miles where CO2 emissions can haphazardly affect the population of San José. Vehicle pollution is a highly sensitive subject because it's the leading cause of exceeding CO2 emissions which take part in increasing climate change consequences on our environment. California alone is estimated to rise in temperatures

between 5 to 9 degrees by 2040. This Project alone can be the leading cause of increasing those temperatures.

In addition to the negative environmental effects that CO2 emissions cause, CO2 emissions in high amounts can be detrimental to human health and can lead to cardiac challenges and increased respiratory rate. Given that COVID-19 is a virus that attacks the respiratory tract, this needs to be considered and re-evaluated.

Response DD.12

The Draft EIR fully analyzes the GHG emissions anticipated from construction and operation of the project. The full suite of emissions sources considered in the analysis are listed and discussed on Draft EIR pages 3.6-30 through 3.6-38. Table 3.6-6 presents GHG emissions by construction activity, Table 3.6-7 presents GHG emissions by operational source, and Table 3.6-8 presents net additional GHG emissions by year from 2021 through 2060.

The commenter is correct that on-road transportation (vehicle trips) contributes the largest share to the project's operational GHG emissions of any source of emissions. Transportation emissions are anticipated to be nearly 46,000 metric tons of carbon dioxide equivalent ($MTCO_2e$) at full buildout in 2032 after mitigation,[194] which is 71 percent of the total operational emissions. This is based on City of San José VMT Evaluation Tool and Travel Demand Model,[195] the transportation study prepared for the project (refer to Draft EIR Section 3.13, *Transportation*), and emission modeling methods from the California Air Resources Board (CARB). The commenter estimates that transportation will result in over 100,000 $MTCO_2e$; this figure is not accurate.

The commenter suggests that 40 percent of the project will be dedicated to parking; it is assumed that this refers to total project area. The project would involve up to 7,160 parking spaces, but the specific locations of on-site parking garages are not fully established. The Draft EIR assumes that most project buildings would include some below-grade parking. Conservatively assuming 450 square feet per parking space in sub-grade and above-grade garages, the up to 7,160 parking spaces would occupy about 3.2 million square feet of floor area, or less than 20 percent of the project's aggregate built area including parking.

The commenter is correct that transportation emissions are the leading cause of CO_2 emissions for the project, the state, the country, and globally, and these emissions contribute toward climate change. The commenter also claims that the average temperatures are expected to rise by 5 to 9 degrees Fahrenheit by 2040, but does not provide a citation or source reference for this figure. Draft EIR pages 3.6-3 and 3.6-4 discusses temperature increases associated with climate change and anthropogenic GHG emissions:

> The [IPCC] Fourth Assessment [Report] indicates that average temperatures in California cold rise 5.6°F to 8.8°F by the end of the century, depending on the

[194] Mitigation includes the project's Transportation Demand Management Program, but not GHG offset credits as required by Assembly Bill 900 and Mitigation Measure GR-2.
[195] Fehr & Peers Transportation Consultants, "Total VMT" Spreadsheet, June 30, 2020.

> global trajectory of GHG emissions.[196] 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.

It appears that the commenter is referring to the increase in average temperatures in California by the *end of the century* (2100), not by 2040. So the commenter's figure is a significant overestimate for average temperature increases by 2040.

The commenter also states that the project alone could be the leading cause of this temperature increase. Climate change is a global phenomenon, and increases in average surface air temperature are the result of global GHG emissions. The greenhouse effect is caused largely by upper atmospheric greenhouse gas concentrations, which are well mixed from all global sources (refer to Draft EIR pages 3.6-1 through 3.6-5). Although there are regionally different manifestations of the greenhouse effect (including temperature changes), the rise in average temperatures at any given location (such as California) is the result of *global* anthropogenic GHG emissions, and no single project's local emissions could have a meaningful effect on annual average temperature changes. After the implementation of mitigation measures (not including offsets), the project is anticipated to emit a maximum of 72,000 $MTCO_2e$ of net additional emissions during the year 2029 when construction and operations overlap. Full buildout operational emissions would peak in 2032 at 62,000 $MTCO_2e$. Total statewide emissions in 2018 were estimated to be 425 million $MTCO_2e$, so the project would represent 0.02 percent of total emissions in the state.[197] Total U.S. emissions in 2018 were estimated to be 6,677 million $MTCO_2e$, so the project would represent 0.001 percent of total emissions in the country.[198] And global emissions were estimated to be 49 billion $MTCO_2e$ in 2010, so the project would represent 0.0001 percent of total global emissions.[199] Because average temperature increases are due to global GHG emissions and the global greenhouse gas effect, the project would not be the leading cause of temperature increase in California or anywhere else. Most importantly, the project would mitigate 100% of its GHG emissions to *zero* through implementation of Mitigation Measure GR-2 (Compliance with AB 900). In their December 2019 determination, CARB required the project applicant to purchase GHG offset credits to fully offset the projected net increase in GHG emissions. Mitigation Measure GR-2 requires this purchase in keeping with CARB's determination to ensure that the project would result in "no net additional" GHG emissions. Therefore, the net effect of the project on climate change and associated increases in average surface air temperatures would be zero.

Exposure to high concentrations of CO_2 can indeed cause health issues, but the concentrations at which health detrimental health effects are observed is much higher than the average

[196] 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.

[197] https://ww2.arb.ca.gov/ghg-inventory-data.

[198] https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks.

[199] https://www.ipcc.ch/report/ar5/wg3/.

concentrations the project would produce.[200] Growing evidence suggests that CO_2 concentrations may pose direct risks for human health at levels of 5,000 ppm (0.5 percent of air) or greater.[201] More recent studies have suggested that CO_2 exposures as low as 1,000 ppm (0.1 percent of air) can cause potential health risks, although these studies analyzed prolonged exposure to indoor concentrations (as opposed to outdoor concentrations, which is where the project's CO_2 emissions would occur).[202,203] The majority of CO_2 emitted by the project would be from vehicles (71 percent; refer to Table 3.6-7), and these emissions are regional in nature and would largely occur away from the project site and over a large area throughout the citywide and regional roadway network. The project's CO_2 emissions would be well-mixed and regionally dispersed by the time concentrations reach sensitive receptors.

The ambient average CO_2 concentration in the atmosphere is between 400 and 450 parts per million, or 0.04 to 0.05 percent of the air (equal to 400,000 to 450,000 micrograms per cubic meter [μgm^3]). Although the Draft EIR does not calculate the regional average concentrations resulting from the Project's CO_2 emissions, it does calculate the regional average concentrations resulting from the Project's unmitigated ozone and $PM_{2.5}$ emissions (refer to Draft EIR pages 3.1-112 to 3.1-120). This analysis found that the project could result in a maximum increase in 24-hour average $PM_{2.5}$ concentrations 0.20 $\mu g/m^3$. The project's annual operational CO_2 emissions are approximately 7,700 times greater than the Project's $PM_{2.5}$ emissions (84,300 metric tons per year of CO_2 versus 12 tons per year of $PM_{2.5}$); assuming for the sake of argument that $PM_{2.5}$ and CO_2 emissions disperse similarly in the atmosphere, the maximum 24-hour average CO_2 concentration increase would be estimated to be approximately 1,500 $\mu g/m^3$ or 1.5 parts per million, This is 0.3 to 0.4 percent of the average background CO_2 concentration of 400-450 parts per million (0.0002 percent of the air). This increase is far below the 1,000-5,000 ppm concentration level for observed health effects from CO_2 exposure. Therefore, the project's increase in CO_2 emissions and associated concentrations is not anticipated to cause human health impacts.

Finally, CO_2 is not considered a toxic air contaminant by the EPA, CARB, or BAAQMD. Further, BAAQMD does not require or recommend that an EIR's health risk assessment include

[200] It is possible that the commenter intended to refer to a criteria air pollutant, such as carbon monoxide (CO), ozone, or particulate matter, among others. Health effects of each of these pollutants are described and project effects analyzed in Draft EIR Section 3.1, Air Quality.

[201] Jacobson, T.A., Kler, J.S., Hernke, M.T. et al. *Direct human health risks of increased atmospheric carbon dioxide*. Nat Sustain 2, 691–701 (2019). Available at https://doi.org/10.1038/s41893-019-0323-1. Accessed January 2021.

[202] Ibid.

[203] Azuma, Kenichi, N. Kagi, U. Yanagi, H. Osawa, *Effects of low-level inhalation exposure to carbon dioxide in indoor environments: A short review on human health and psychomotor performance*, Environment International, Volume 121, Part 1, 2018, pp. 51–56, ISSN 0160-4120, https://doi.org/10.1016/j.envint.2018.08.059. Accessed January 2021.

CO_2.[204,205,206] Instead, the HRA evaluates the TACs of greatest concern to human health, including diesel particulate matter and $PM_{2.5}$, consistent with BAAQMD CEQA Guidelines.[207]

Comment DD.13

Analysis through a Racial Equity Lens
With the newly formed Office of Racial Equity, the City should direct the Office to provide an analysis of the impact of the Google project with a racial equity lens.

Response DD.13

The commenter's suggestion to the City regarding a possible analysis of racial equity is noted. This comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. City decision-makers may consider the commenter's request when reviewing proposed legislative changes and entitlements.

Comment DD.14

View Equity Impact
A crucial objective and aim of the Project should be to consider the view equity of the existing residents of downtown San José. The current project is currently being considered to be one and two-story buildings with certain areas allocated for high rise buildings. Both of these two types of building should consider view equity within the design. When we mention view equity we mean two things: the view accessible to current downtown residents - how it would be obstructed or eliminated- and the type of view they will be subjected to. With these two frames in mind we write to urge the appraisal of the view equity for residents.

Current residents shouldn't be subject to change their view choices for the proposed Project. Existing residents would have to accommodate and live with any view obstructions built by The Project. It is not an action that they willingly agreed to. It is one thing to move to a building where you know you have no view equity and it is something completely different when the building moves in front of your field of sight to obstruct your view.

According to the proposed Project, many of the rooftops of one and two story buildings could become parking structures. To be subject to change your view to constantly observe the movement of vehicles jeopardizes the view equity of current downtown residents. Although the Project proposes 'green spaces' for recreational use of employees and pedestrians, not every current downtown resident will have access to this view, if any. Since many of the

[204] Bay Area Air Quality Management District, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2012. Available at http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf?la=en. Accessed January 14, 2020.
[205] Bay Area Air Quality Management District, *BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines*, December 2016. Available at http://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf. Accessed March 2020.
[206] Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*. May 2017. Available at http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed February 6, 2020.
[207] Ibid.

'green spaces' are allocated for higher foot traffic it's not a guarantee that current residents will be compensated with these views.

Response DD.14

Refer to Section 3.2.9, *Master Response 9: Non-CEQA Issue—Aesthetics*.

Comment DD.15

Lastly, a final process to the County has not been submitted on how the Project proposes to increase 'green space' to existing trails nearby the Project. It is also not a guarantee that the new 'green spaces' will be accessible to all of San José residents.

Response DD.15

As described on Draft EIR page 2-33 in Chapter 2, *Project Description*, the proposed project would develop "robust, publicly accessible amenities, including parks, open space, plazas, and trails, and create attractive, vibrant, and safe experiences for pedestrians and bicyclists [that] provides and enables multimodal access and connections to the Guadalupe River, Los Gatos Creek, and other public spaces, with an emphasis on ecological restoration and preservation." As described on Draft EIR page 2-35, open space would be created along each side of Los Gatos Creek: Creekside Walk (now Barack Obama Boulevard) and Los Gatos Creek East, located west and east, respectively, of the creek. As described on Draft EIR page 2-36, Los Gatos Creek East would provide creek setbacks and protect the creek bank and riparian canopy in an effort to support wildlife habitat and restore native plantings, and would enhance creek views while limiting human disturbance. The Los Gatos Creek East open space would also include a connection to an Americans with Disabilities Act (ADA)-accessible footbridge over Los Gatos Creek that would connect to the Creekside Walk on the west side of Los Gatos Creek. The Creekside Walk open space would include a creekside pedestrian boardwalk built adjacent to and within the riparian corridor, along with a multi-use trail that would be a minimum of 10 feet outside the riparian corridor. The boardwalk would provide continuous creekside pedestrian access from the VTA tracks north to West Santa Clara Street. This comment does not raise any issues with the adequacy of the Draft EIR; therefore, no further response is required.

Comment DD.16

Project Alternatives

With the limited scope of the project alternatives, we are alarmed by the several **significant and unavoidable impacts of the proposed Google Project** to our local and regional air quality, health risks, cultural and historic resources, land use, population and housing. Unsurprisingly, other alternatives analyzed all report less impacts with mitigation measures. However, they are not enough. Even the No Project Alternative/ DSAP that is described to have the least amount of impact to our environment still has major impact and is limited in its analysis because there is no health impact assessment associated with it.

The bigger issue is that the given assumptions of the proposed Google project objectives, the December 2018 MOU, and the City's General Plan were all developed before the

COVID-19 pandemic. Therefore, it excludes and could not possibly take into account the impact the pandemic has or will have on the way we work, live, and play. Because of that, the 'no project alternative' should be given serious consideration, and we urge the City of San José to revisit the General Plan to take into account the effects of the COVID-19 pandemic in the City's development plans.

Response DD.16

The Draft EIR fully evaluates six alternatives to the proposed project and briefly examines another five alternatives that were ultimately rejected from detailed consideration. By no reasonable CEQA standard can these alternatives evaluation be considered to be of "limited scope," although the Draft EIR does evaluate them at a lesser level of detail than the proposed project, in keeping with requirements in Section 15126.6(d) of the State CEQA Guidelines. It should be noted that any project contemplating development of a site as large as the project site would result in comparable impacts relative to the scale and intensity of development. Such effects could be artificially minimized by considering individual development projects on single parcels or small groups of adjacent parcels, but the cumulative effects would be similar. In fact, because the proposed project received the governor's certification as an environmental leadership project, its impacts with respect to many issues, notably air quality, greenhouse gas emissions, and transportation, would be generally less severe than those of a comparably sized non-environmental leadership project.

Refer to Section 3.2.5, *Master Response 5: COVID-19*, concerning effects of the current coronavirus pandemic.

Comment DD.17

We urge you to take our comments into serious consideration and re-evaluate the Google Project. If all of the above considerations are meaningfully factored into the plans, we expect the project to be discontinued entirely. The current Draft EIR of the Google project shows to have significant impacts that will harm the environment, our residents, and displace our communities. What is even more compelling, however, is that the Google project and any further analysis (NOP, Draft EIR, etc) does not include the impacts of COVID-19, and any further development should be at the very least halted in light of one of the most historic pandemics that has affected our lifetime. Anything short is irresponsible.

Response DD.17

The commenter's opinion that the project be re-evaluated and potentially "discontinued entirely" is noted, as is the observation that the Draft EIR concludes there would be significant environmental impacts of the project, if approved.

The suggestion that the EIR and future analyses "include the impacts of COVID-19" is also noted as is the suggestion that "further development should be … halted" as a result of the pandemic. These comments relate to the impacts of the environment (e.g., COVID-19) on the project rather than the impacts of the project on the environment, and relate to the characteristics and timing of

the project itself. Because they do not address specific information or analysis presented in the EIR, no further response is needed. Refer to Draft EIR Chapter 5, *Alternatives*, for a discussion of the No Project Alternative and other alternatives to the project that will be considered by City decision makers. Refer to Section 3.2.5, *Master Response 5: COVID-19*, regarding COVID-19.

EE. Bill Souders (12/8/20)

Comment EE.1

I have been raising my concerns as a SAAG member for sometime that the mitigation of traffic impact (and overall quality of life) during all of the construction with DSAP, DISC, and DTW (250 acres) is woefully under-planned. Below is just one excerpt (from the reams of documentation) saying that it will likely be a problem but no one has begun to really model the years-long impact. It should not be up to individual developers or VTA, it should be the responsibility of SJDOT.

Please consider the impacts to the thousands of residents like me who live in the downtown core. Furthermore, none of this analysis seems to take into account the Almaden Hotel project which in itself will add 2400 vehicle trips a day to that corner, which is the de facto gateway to downtown from the west.

I am very afraid that this is being evaluated in a fragmented fashion and, as such, will yield real challenges when construction finally begins.

"Construction of the proposed project may overlap with the construction of BART Phase II, the new Diridon Station, and other nearby developments. If the construction time frames of the major phases and other development projects adjacent to the project site overlap, the project applicant must coordinate with City agencies through the adjacent developers to minimize the severity of any disruption to adjacent land uses and transportation facilities from the overlapping construction transportation effects. The project applicant, in conjunction with the adjacent developer(s), must propose a construction traffic control plan that includes measures to reduce potential construction traffic conflicts, such as coordinated material drop offs, collective worker parking, SAP Center ingress/egress, and transit to the job site."

Response EE.1

Refer to Section 3.2.1, *Master Response 1: DISC and Coordinated Planning around Diridon Station*, for a discussion regarding coordinating planning for the DSAP, DISC, and other projects in the vicinity.

As the commenter's reference to the Draft EIR's analysis of cumulative construction noise suggests, there may be overlapping construction projects that result in noise levels in excess of standards in the general plan or noise ordinance (Draft EIR page 3.10-59). Construction on the project site could contribute considerably to this cumulative construction noise, despite implementation of Mitigation Measure NO-1c, Master Construction Noise Reduction Plan, and this impact is identified as significant and unavoidable.

FF. Union Pacific Railroad (12/8/20)

Comment FF.1

Section 3.1.3 of the DEIR notes that Union Pacific's tracks run along the boundary of the project area. However, the DEIR's treatment of railroad operations, their impact on the proposed project, and the proposed project's impacts upon the railroad are inadequate in a number of respects:

Initially, the DEIR fails to adequately address the impacts of train noise and railroad operations on the project. The DEIR makes some very general comments regarding railroad noise. However, as the City is well aware, train operations can change significantly over time and those operations and operational changes have been an issue in the City. Train traffic can increase in intensity over time and, moreover, what was once only train traffic during the day can become train traffic in the middle of the night. Rail noise consists of locomotive noise, the blowing of train horns (both approaching crossings and for hazards, including trespassers), as well as from the movement of a train over the rails. The DEIR indicates that closest measuring point for noise was in sampling location LT-A. Given the dissipation of noise levels with distance, this is simply too far removed from Union Pacific's rail line bounding the northern end of the project area to determine noise levels, particularly in light of the fact that development is proposed immediately adjacent to the railroad right of way. Moreover, it is not clear whether noise from freight rail traffic was captured at all in the data from LT-A. The issue of rail specific noise is highlighted by the DEIR's discussion of the potential for a "quiet zone" on the Warm Springs Corridor (p. 2-41). Yet, while that might mitigate some rail noise (assuming it's ultimately approved and implemented), it won't eliminate rail noise, including locomotive horn noise sounded for reasons other than approaching a crossing or in proximity to the crossing itself.

Given the proximity of development to the rail line, the DEIR is deficient for its failure to specifically measure and address freight rail noise and the changing nature of rail operations on the project, as well as its failure to consider mitigation measures such as sound walls. as well as noise deadening windows and construction materials sufficient to reduce noise (as well as vibration) to acceptable levels, together with the requirement of written disclosure to residents concerning rail noise and the potential for rail operations in the area at any time, day or night.

Response FF.1

As indicated in Figure 3.10-2, *Noise Monitoring Locations*, on Draft EIR page 3.10-7, the closest noise monitoring point to the Union Pacific Railroad (UPRR) tracks is monitoring location LT-B—located at the terminus of Cinnabar Street and approximately 25 feet from the centerline of the nearest track. This monitoring location is representative of the closest a proposed structure would likely to be constructed within proximity of the railways in the area.

The section of track at LT-B is between Diridon Station and Santa Clara Station, and is a heavily used rail corridor. Use along this corridor includes 92 daily weekday Caltrain passenger trains

operating between San Francisco and Diridon Station, between 2 and 9 freight trains per day, and 14 Capitol Corridor and 8 Altamont Corridor Express (ACE) trains daily between De La Cruz Boulevard and San José Diridon Station.[208] The noise measurement at LT-B represented a 24-hour weekday measurement. Therefore, the long-term monitoring at LT-B includes freight trains as well as passenger trains. All trains activate their horns on the approach to Diridon Station and, therefore, horn noise would have been captured for all southbound train approaches at LT-B.

Monitoring location LT-A is also a long-term 24-hour measurement conducted during a weekday and therefore would also have captured freight movement and passenger trains along the Warm Springs Subdivision at an existing residential land use within the project area.

The impact of existing train noise is addressed on Draft EIR pages 3.10-54 and 3.10-55. Development of the proposed project could expose future occupants of the project site to existing sources of noise. However, CEQA does not require that potential effects of the environment on the project be analyzed or mitigated. Nevertheless, an analysis of existing noise effects on the project was included in the Draft EIR to provide information to the public and decision-makers and to comply with the City's General Plan policies. This analysis identifies existing performance standards of the California Building Code that will address interior noise levels of newly constructed residential structures. Methods to achieve compliance with the building standards may include several strategies inclusive of sound walls and acoustically rated windows and building materials.

The non-CEQA impact of existing train vibration on proposed residential uses is addressed on Draft EIR pages 3.10-55 and 3.10-56, and includes a Condition of Approval requiring a Vibration Reduction Plan.

Comment FF.2

Similarly, generic data as to air quality from a remote location cannot be used as a surrogate for human exposure to diesel particulate matter in areas slated for development immediately adjacent to the rail line. The DEIR simply fails to evaluate, characterize and discuss possible mitigation measure which may be necessary or beneficial for addressing this issue.

Response FF.2

The commenter appears to be claiming that the cumulative health risk analysis (HRA) conducted for the proposed project in the Draft EIR relies on air quality monitoring data from a "remote location," and that such data is not adequate for assessing exposures to diesel particulate matter (DPM) for new on-site residential areas adjacent to the UPRR rail line to the north of the project near Block C1. We assume the commenter is referring to the noise monitoring location LT-A (North Montgomery Street) or LT-B (Terminus of Cinnabar Street at the Caltrain tracks). Note that neither of these locations contain air monitoring stations, and air monitoring data was not used in the HRA.

[208] California High Speed Rail Authority, *San José to Merced Project Section Draft EIR/EIS*, p. 3.4-29.

The cumulative HRA tabulates the impact of project-related risks plus off-site sources (including the UPRR rail line) near the locations of the maximally impacted off-site and on-site sensitive receptors (known as the "MEIRs"). Health risks from rail sources were estimated by first calculating DPM and toxic air contaminant (TAC) emissions from freight, Amtrak, Caltrain, and ACE locomotives using a variety of data sources (including Union Pacific Railroad traffic data reported to the California Air Resources Board under the Rail Emissions Reduction Agreement), and then by running the U.S. EPA's AERMOD air dispersion model to estimate pollutant concentrations at on-site and off-site sensitive receptor locations due to rail emissions. The analysis did not use air quality monitoring data from any site or location, as suggested by the commenter. Refer to Draft EIR pages 3.1-66 to 3.1-68 for a more detailed description of the analysis methods. The results of the cumulative HRA are presented on Draft EIR pages 3.1-150 to 3.1-164 and in Tables 3.1-21 through 3.1-26, under Impact C-AQ-2.

The commenter also claims that the Draft EIR fails to adequately mitigate the health risk impacts of exposure to rail-related DPM emissions. As discussed on Draft EIR page 3.1-162, with implementation of mitigation measures to reduce project-related and cumulative background TAC exposure, including DPM exposure from the UPRR rail line, the cumulative health risk impact is less than significant for cancer risk. Cancer risk is the primary health impact of exposure to DPM, which is the primary TAC emitted by diesel locomotives on the UPRR rail line. Therefore, additional mitigation to reduce exposure to rail-generated DPM is not required by CEQA.

It should also be noted that the maximum annual average $PM_{2.5}$ concentration of 1.18 $\mu g/m^3$ at the existing off-site MEIR (located along Auzerais Avenue, south of the project site) for the project plus all background cumulative TAC sources (including rail) would exceed the threshold of significance of 0.8 $\mu g/m^3$, and the impact would be significant and unavoidable (Draft EIR pages 3.1-63 to 3.1-64). For this location, the background cumulative annual average $PM_{2.5}$ concentration is driven by roadways (79 percent at 0.93 $\mu g/m^3$); rail represents approximately three percent of the total cumulative concentration (0.04 $\mu g/m^3$). No additional feasible mitigation was identified to reduce this impact to a less-than-significant level and even if $PM_{2.5}$ emissions from rail were reduced to zero, the total cumulative annual average $PM_{2.5}$ concentration would still exceed the threshold of significance.[209]

The results presented above represent the health risks at the project-level MEIR, located along Auzerais Avenue south of the project site, for the purposes of CEQA impact analysis. This is not the location exposed to the greatest quantity of DPM and TAC emissions from locomotives; instead, this represents the location with the greatest exposure to the project's TAC emissions, identified per Impact AQ-3. The location with the greatest exposure to background rail-related TAC emissions would be in Block C1 on the northern side of the project site near the UPRR rail line. At this location, the rail-related cancer risk, chronic non-cancer risk, and annual average $PM_{2.5}$ concentration would be 54.9 per million, 0.01, and 0.07 $\mu g/m^3$, respectively. The project's contribution at this location would be a cancer risk of 3.3 per million, a chronic non-cancer risk of 0.01, and an annual average $PM_{2.5}$ concentration of 0.09 $\mu g/m^3$, for a total cumulative cancer risk,

[209] Note that for the new on-site MEIR location, the maximum annual average $PM_{2.5}$ concentration of 0.46 $\mu g/m^3$ for the project plus all background cumulative TAC sources (including rail) would not exceed the threshold of significance (Draft EIR pp. 3.1-63 to 3.1-64), and the impact would be less than significant.

chronic non-cancer risk, and annual average $PM_{2.5}$ concentration of 58.2 per million, 0.02, and 0.16 $\mu g/m^3$, respectively. These values would all be below BAAQMD's cumulative thresholds of significance, and therefore the impact on the new on-site sensitive receptors closest to the UPRR rail line would be less than significant with mitigation, as determined in the Draft EIR.

Comment FF.3

Additionally, from a transportation standpoint, the DEIR only discusses railroad crossings in the context of access of emergency vehicles. It fails to discuss the traffic and safety issues associated with increased traffic from the project. While the DEIR indicates that the project proponent has "evaluated a range of options, including a grade separated crossing and enhancements to at grade crossings, the DEIR doesn't require that any such improvements (or anything else) be included as mitigation for the project. Rather, it summarily concludes that as for mitigation measures "none required." (page 3.14-50). The proposed project will clearly and substantially increase and impact vehicular and pedestrian traffic at the Montgomery Street crossing. Union Pacific has previously advised the City of San José that any development inside the Wye will require a grade separation at Montgomery Street, as well as at least one additional structure for emergency access. The Autumn Street crossing must also be evaluated in terms of the need for a grade separation or other mitigation measures, based upon an increase in vehicle and pedestrian traffic. Yet, again, railroad crossing safety impacts of the project are not even discussed, directly or otherwise. Thus, the DEIR is deficient, both in its failure to discuss these issues, evaluate their impacts, and in failing to require mitigation measures concerning these impacts.

Response FF.3

As noted by the commenter, the proposed project would increase the intensity of use of the site, thereby also increasing the use of existing at-grade crossings of the railroad tracks at North Montgomery Street and farther away at Autumn Parkway. The safety of railroad crossings is generally within the purview of the California Public Utilities Commission (CPUC), as noted in Comment D.1, and CPUC's comments suggest that the project "should consider crossing modifications and pedestrian improvements" at North Montgomery and changes to the gates and sidewalks at Autumn Parkway. CPUC also includes recommendations for five other at-grade crossings in the project vicinity (Comment D.5).

The roadway-rail crossing conditions noted by the CPUC are existing conditions that would be perpetuated by the proposed project except to the extent that desired improvements can be addressed through the proposed emergency vehicle access (for which there are several options) described starting on Draft EIR page 3.13-46, and the City's proposed quiet zone project, which is referenced on Draft EIR page 3.13-47. The proposed emergency vehicle access could include a new grade-separation under the railroad tracks, improvements at the existing North Montgomery Street at-grade crossing on the south leg of the Warm Springs wye, or a new at-grade crossing on the north leg of the Warm Springs wye. Quiet zone improvements could include four-quadrant gates ("4-quad gates," which are crossing gates for both directions of traffic on each side of the tracks) and other improvements to existing at-grade crossings. 4-quad gates can improve safety at rail crossings by making it more difficult for drivers to divert around the crossing gate. Both the

project's emergency vehicle access and the quiet zone improvements would be subject to review and approval by CPUC and would need to comply with all applicable CPUC safety requirements.

Specifically, the following CPUC General Orders, which outline rules and regulations that apply to rail crossings in California, would be of particular relevance to the project:

- **26-D:** Clearances on railroads and street railroads as to side and overhead structures, parallel tracks and crossings
- **72-B:** Construction & Maintenance – Standard types of pavement construction at railroad grade crossings
- **75-D:** Warning Devices for at-grade railroad crossings

As noted on Draft EIR page 3.14-50, the site plans for each building or phase of project development would be required to comply with the City's Complete Streets Design Standards and Guidelines.[210] Compliance would be governed by Council Policy 5-1, which states, in part, "All projects may be required to submit a Local Transportation Analysis (LTA) as determined by the Public Works Director," indicating that project LTAs must contain sufficient detail to analyze safety elements "proximate to the Project."[211] Section 3.2.3, *Master Response 3: Subsequent City Review and Approvals*. This includes the City's consideration of the proposed railroad crossings, which would be evaluated for consistency with the City's July 2020 Warm Spring Sub Quiet Zone Feasibility Study.[212] As identified in the Feasibility Study, the Montgomery Street railroad crossing would require the following five improvements to the existing Union Pacific Railroad at-grade crossings:

1. Bulb out curb lines at the crossing;
2. Replace vehicle gate system with 4-quad vehicle gates (to optimize locations and make space for pedestrian treatments);
3. Install full pedestrian treatments on all (4) quadrants;
4. Install channelizers on all (2) legs; and
5. Upgrade railroad signal house.

The City would ensure through the review of future focused LTAs that the design of the proposed Montgomery Street railroad crossing provides safe conditions for vehicle, bicycle, and pedestrian access. Specifically, the City would confirm the proposed design's conformance with all relevant standards as described in the City's Complete Streets Design Standards and Guidelines, CPUC requirements, the California Manual on Uniform Traffic Control Devices (MUTCD), and other City standards, prior to recordation of final maps.

Finally, it is noted that the UPRR operates an average of six daily trains (three in each direction) on the Warm Springs wye, of which three typically operate between 8:00 p.m. and 4:00 a.m.,

[210] https://www.sanjoseca.gov/home/showpublisheddocument?id=33113.
[211] https://www.sanjoseca.gov/home/showpublisheddocument?id=12827.
[212] JMA Civil, Inc., *City of San José Warm Springs Sub Quiet Zone Feasibility Study – Final Report.* Prepared for the City of San José, July 15, 2020, https://www.sanjoseca.gov/home/showdocument?id=61820. Accessed January 28, 2021.

when auto and truck traffic volumes are far lower than during the peak morning and afternoon peak hours.[213] This limited number of trains, particularly during daytime hours, along with potential crossing safety improvements in accordance with the City's quiet zone project, would serve to lessen the potential for collisions between trains and vehicles crossing the railroad tracks, even with the increase in traffic volumes on North Montgomery Street and Autumn Parkway.

Comment FF.4

Finally, the DEIR fails to even consider and evaluate let alone provide mitigation measures for pedestrian safety associated with potential trespassers on the railroad right of way. Once again, this issue is highlighted by virtue of a proposed development which is immediately adjacent to the rail line. Not only must this issue be considered, but mitigation measures such as fencing or other natural barriers should be not only evaluated, but required.

Response FF.4

The proposed project would be constructed along an existing rail corridor and would not be responsible for fencing the corridor or preventing trespassers. To the extent the corridor requires fencing or experiences trespass, these are existing conditions and not impacts of the project. It is speculative to assume that an increase in density in the project area would result in an increased frequency of trespassers along the rail line that might prompt train engineers to sound warning horns. In fact, it is possible that more residential and commercial activity on the project site could decrease trespassing along the rail line as the area could be less likely to attract persons without residences or businesses on the site. Under the memorandum of understanding entered into in December 2020, the City and the Union Pacific Railroad agreed to work cooperatively to reduce trespassing, trash, debris, illegal encampments, and graffiti on Union Pacific and City property.

Comment FF.5

In short, Union Pacific believes that, given the significant size and scope of the proposed project, its location in proximity to the railroad, as well as its inclusion of residential development, that these rail related impacts simply can't be ignored or summarily treated, as they have been in the DEIR. Union Pacific would be happy to discuss these concerns and potential mitigations strategies with City staff, should that be desired.

Response FF.5

Refer to Responses FF.1 through FF.4 for detailed responses. The project applicant and City staff would be happy to discuss these concerns with UPRR.

GG. Robert Wahler (11/13/20)

Comment GG.1

I bike Guadalupe Trail almost daily. Is there a plan for the homeless in The Downtown West Project? I have time to help, if there is anything the public is allowed to do to help speed the

[213] JMA Civil, Inc., *City of San José Warm Springs Sub Quiet Zone Feasibility Study* (see footnote 212).

cleanup, or whatever else. I worked for years at the City Wastewater facility on Zanker. This is a very exciting plan!

Response GG.1

The proposed project is described in Draft EIR Chapter 2, *Project Description*, and does not contain programs or facilities specific to the homeless. The commenter's offer of assistance is appreciated and does not require further response.

HH. Jordan Weinberg (12/8/20)

Comment HH.1

I struggle to understand how Downtown West is "destined to be a true part of the city - the opposite of a traditional corporate campus", as Laura Crescimano states, when the Active Use areas are entirely surrounded by Office space, and are likewise dwarfed in size and area. The Downtown West project takes formerly publicly-owned land and reduces public access through office construction. In addition, public green space along Los Gatos Creek and the Guadalupe River now abuts office space, extending the domain of private control to the creek's edge, and thus to the creek itself. The entirety of the plan between Park Avenue and Santa Clara Street now limits public access to public green space with development forming a physical barrier between public roads and public green space - undoubtedly added security over the corporate campus is necessary and could result in restriction of movement by private security, to access a public domain. The plan takes no steps to address these concerns and instead endorses the creeping privatization in public spaces.

Response HH.1

While the proposed project would include tall buildings, it would also include a network of streets and sidewalks (Draft EIR Figure 2-8, *Proposed Street Network Changes*) and open spaces (Draft EIR Figure 2-7, *Open Space Plan*) that would be publicly accessible. It also includes a mix of uses (i.e., not solely office space), including residential and "active uses" such as retail/restaurants, arts/culture/live entertainment uses, institutional uses, childcare and education, maker spacers, non-profit, and small-format office (Draft EIR Table 2-1, *Project Development Program*). Active uses would be publicly accessible and occupy the ground floor of mixed-use office and residential buildings as well as standalone buildings throughout the project.

The comment does not address the adequacy of the DEIR; therefore, no further response is required.

II. Tessa Woodmansee (12/8/20)

Comment II.1

In Light of all the crises we are facing the Google West Draft plan should be scraped and started over to address our critical basic needs for food clothing and shelter. And our critical need to live fossil fuel free so that our Google city is built without cars or car [infrastructure] and all business is hyperlocal and no need for hotels or travel accommodations. These lands

should be used for housing and growing food, orchards and to make the earth a garden again. Here are some suggestions to make this so:

Response II.1

The commenter's suggestion that the proposed project be "scraped" in favor of a project that is used for housing and growing food is noted. Refer to Draft EIR Chapter 5, *Alternatives*, for a discussion of alternatives to the proposed project, including the No Project Alternative, Reduced Office Alternative, and Reduced Intensity Alternative. All would include less development than the proposed project, but would not include additional open space for growing food on a large scale. An alternative focused on food production at a large scale would not be feasible because, among other things, it would not meet most of the basic objectives of the proposed project, as outlined in Section 5.2, *Project Objectives*.

Comment II.2

Air Quality

- Our neighborhood—the Garden Alameda within the Greater Rose Garden—is part of a CARE community as designated by the Bay area Air Quality management district: a community at high risk from pollution and the negative health impacts.

Response II.2

The commenter is correct that the Garden Alameda is an impacted community under the Bay Area Air Quality Management District's (BAAQMD's) Community Air Risk Evaluation (CARE) Program, as is the entire project site and surrounding communities.[214] To address air quality impacts to residents and other sensitive receptors, including those existing sensitive receptors within the CARE community, the Draft EIR analyzes health risks associated with the project's emissions of toxic air contaminants (TACs). This is included under Impacts AQ-3 and C-AQ-1. In addition, Impact AQ-2 evaluates the public health impacts of exposure to criteria pollutant emissions from the proposed project. To address these impacts, the Draft EIR identifies a number of mitigation measures which are designed to reduce air pollutant emissions and exposure of existing and new sensitive receptors to these emissions. Refer to Draft EIR Section 3.1, *Air Quality*, for additional detail.

Comment II.3

- We need Stockton Avenue to not be a truck route.
- We need Stockton Avenue to have traffic calming.
- We need Stockton Avenue **Neighborhood traffic calming circles** which are much smaller than modern roundabouts and often replace stop signs at four-way intersections. They are typically used in residential neighborhoods to slow traffic speeds and reduce accidents, but are typically not designed to accommodate larger vehicles. Many drivers often turn left in front of the circles rather than turning around them.

[214] https://www.baaqmd.gov/community-health/community-health-protection-program/community-air-risk-evaluation-care-program.

- We need home zones where are residential streets off of Stockton Ave, Schiele, Harding, Pershing are not through streets and have.
- We need Traffic barricades transportable 100 lb. Jersey water barriers to stop the traffic ¾ ways down the streets and neighbors with cars access from Stockton Ave or the Alameda BUT NOT A THROUGH STREET signs on both sides and directing traffic to use the main street--Taylor Street.
- The shape of a corner curb radius (the radius defined by two sidewalks on perpendicular streets that come together at a corner) has a significant effect on the overall operation and safety of an intersection. Smaller turning radii increase pedestrian safety by shortening crossing distances, increasing pedestrian visibility, and decreasing vehicle turning speed.
- The shape and dimensions of curb radii vary based on street type and transportation context.
- Curb radius changes may be installed as part of a traffic calming project or other public or private initiative.
- Bulb-outs or sidewalk widening off of Stockton and on Stockton Avenue to slow traffic
- Class four bicycle lane with three foot strips for fulfilling state of CA law for 3 feet of separation from bicyclist and separated bike lane with raised from the roadway separation on Stockton Avenue

Response II.3

According to the Envision San José 2040 General Plan, Stockton Avenue is not identified as a truck route.[215] The proposed project does not propose any changes to the City's truck routes, which are determined as part of the City's General Plan process. As this comment does not address the adequacy of the EIR, no further response is needed.

The commenter's request for traffic calming features on Stockton Avenue relates to an existing condition, and does not address the adequacy of the Local Transportation Analysis (LTA) (Draft EIR Appendix J2). LTA page 225 contains an evaluation of the potential for cut-through traffic on eligible roadways (i.e., General Plan-designated Neighborhood Collectors or Local Streets) located within 0.5 miles of the project site. All other roadway typologies do not qualify for traffic calming per City Council Policy 5-6;[216] as stated on Draft EIR page 3.13-4. Stockton Avenue does not have a roadway classification in the City's General Plan and, therefore, is not subject to traffic calming evaluation.

While Stockton Avenue is not eligible for traffic calming measures, LTA page 225 acknowledges that cut-through traffic and speeding are difficult to predict, and for this reason, the Applicant will implement a Neighborhood Traffic Intrusion Plan that is flexible and can be adjusted to reflect observed travel patterns in neighborhoods surrounding the project site. The monitoring framework and management strategies (including traffic calming) that may be used to address observed cut-through traffic and speeding in the Neighborhood Traffic Intrusion Plan are

[215] City of San José, *Envision San José 2040 General Plan*, Primary Truck Routes Map, undated. https://www.sanjoseca.gov/home/showpublisheddocument?id=22563. Accessed March 3, 2021.
[216] City of San José, *Council Policy 5-6, Traffic Calming Policy for Residential Neighborhoods*, revised 2008. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=12825. Accessed March 30, 2021.

discussed on LTA pages 227 to 320. The traffic monitoring plan will evaluate any traffic cut-though/intrusion and identify remedies as needed.

The commenter's request for Class IV bicycle facilities on Stockton Avenue relates to an existing condition, and does not address the adequacy of the Draft EIR. As shown in Figure 3.13-4, *Existing Bicycle and Shared Mobility Facilities*, on Draft EIR page 3.13-11, Class II bicycle facilities that meet Caltrans design standards are currently provided on Stockton Avenue; the project does not propose any changes to existing bicycle facilities on Stockton Avenue, as Stockton Avenue is not located within the project site. As this comment does not address the adequacy of the EIR, no further response is needed.

Comment II.4

- All construction should use Brigade Electronics broadband self-adjusting backup beepers or any other company that makes this broadband good neighbor warning device.

Response II.4

While the type of back-up beepers that would be used by construction equipment has not been decided, the Draft EIR includes Mitigation Measure NO-1c, which would require preparation and implementation of a Master Construction Noise Reduction Plan. This mitigation measure is provided to address noise from construction activities occurring within proximity to residential uses or commercial/office uses, and specifies requirements such as hours of operation, placement of barriers and stationary equipment, truck traffic, and exhaust mufflers. In addition, the measure requires a noise complaint liaison be identified to field complaints, respond, and correct problems that arise.

Comment II.5

We need the traffic lights on Stockton and Taylor and Lenzen Ave and Stockton Ave to have a dedicated left-hand turn signal. We may be a capital of personal reinvention, but a simple left-hand turn? It's a common grievance aired among both transplants and natives alike, that there aren't nearly enough protected turn signals. Inching forward into an intersection to turn left is a foreign concept to lots of people, and the idea follows that *if only* Los Angeles had more left-hand signal lights, then *maybe* driving here would be a little bit easier. For a numbers perspective, just about 14 percent (2,100) of Los Angeles' signaled intersection approaches have a left-turn arrow.

Response II.5

This comment relates to an existing condition, and does not address the adequacy of the LTA (Draft EIR Appendix J2), which contains an operational analysis of signalized intersections within a half-mile of the Project boundary that are not within the City-designated Downtown Core, as required by the City.[217] Note that the operational analysis was conducted for City development application purposes and not for CEQA purposes (refer to Section 3.2.8, *Master*

[217] City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showdocument?id=28461. Accessed January 22, 2021.

Response 8: Non-CEQA Issue—Traffic Congestion and Delay). The two intersections highlighted by the commenter on Stockton Avenue were not evaluated as part of the LTA because they did not meet the City's criteria for evaluation. No further response is needed.

Comment II.6

Biological Resources

- The whole design of the google village is wrong in light of our climate crisis and ecological collapse

Response II.6

The commenter's opinion regarding design of the proposed project is noted. Draft EIR Section 3.6, *Greenhouse Gas Emissions*, indicates how the proposed project will avoid or offset GHG emissions that contribute to climate change. Section 3.2 includes an analysis of biological resources, with mitigation to avoid significant impacts.

Comment II.7

- We need to move the three homes on East Julian Street that are part of the many historical resources risking demolition because of the poor planning of this project
- These three homes should be renovated and brought up to highest green building standards with off grid solar and water capture
- These homes should be put in a circle facing inwards towards their neighbors to start to build a resilient neighborhood at the receivership lot of 615 Stockton Avenue
- 615 Stockton Avenue is owned by Alan Nyguen and he is willing to sell it for 3 million dollars.
- This receivership lot at 615 Stockton Ave for the three historic homes placed in a circle should have a common gardens a potager garden:
  - Mid 17th century from French jardin potager 'garden providing vegetables for the pot.'

Response II.7

Regarding the group of three residences at 559, 563, and 567 West Julian Street, it is noted initially that, as stated on Draft EIR page 3.3-18, the three together appear eligible for Candidate City Landmark status as a group, although none appears to individually qualify as a historical resource under CEQA. Accordingly, the grouping of three structures—a single CEQA historical resource—represents one of five historical resources described in the Draft EIR as being proposed for demolition. As described in Chapter 1, *Introduction*, of this First Amendment, the project applicant has modified the proposed project since publication of the Draft EIR to include on-site relocation of the group of three residential buildings at 559, 563, and 567 West Julian Street to a site on the east side of Barack Obama Boulevard between the Valley Transportation Authority light rail tracks and Block D8 (the existing building at 450 West Santa Clara Street). The relocated buildings would be renovated and designated for active use. However, as explained in Response L.8, because the relocation would remove these residences from their historic context and change their historic use, and because the existing separation between the buildings

would not be maintained, the buildings would not necessarily be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation, the impact of relocation would be significant and unavoidable, as was the impact of the previously proposed demolition. Nevertheless, this change would reduce the severity of the impact compared to that of demolition identified in the Draft EIR. Refer to Chapter 4, *Revisions to the Draft EIR*, of this First Amendment to see those changes.

Comment II.8

- This site at 615 Stockton Avenue with the 3 homes in a circle with a common potager kitchen garden that is shared by the three homes and their inhabitants is a demonstration project for building resilient neighborhoods
- The garden will follow regenerative garden principles. Regenerative agriculture is a holistic land-management practice that uses the power of photosynthesis in plants to sequester carbon in the soil while improving soil health, crop yields, water resilience, and nutrient density.
- Search for: What is regenerative gardening?
  How do I regenerate my garden soil?
  Add Organic Matter
  - Try composting. Composting is a means of recycling almost any organic wastes.
  - Tap chicken power to mix organic materials into the soil.
  - "Mine" **soil** nutrients with deep rooted plants.
  - Plant cover crops.
  - Cover the **soil** with mulch.
  - Use permanent beds and paths.
  - Try low-tech tillage.

Response II.8

The commenter's suggestions for the design of a demonstration project at 615 Stockton Avenue are appreciated. However, this address is not located on the project site and the applicant has not proposed any improvements at this location that warrant analysis in the EIR. As a result, no further response is needed.

Comment II.9

- WE need to buy other properties every five blocks in the greater google village to be a demonstration project for food security and for urban sustainability so we live without fossil fuels we must grow our food locally.
- We need larger farms to grow crops that take more room like beans and grains that we need a lot of to share.
- We need to rebuild our ecosystem through native plants along with food plants for creating habitat and food for the food web since we are destroying our food web.
- Only brooms and rakes will be used for clearing leaves that will be mulched for compost

Response II.9

The commenter's suggestions regarding the purchase of additional properties to serve as demonstration projects for food security and urban sustainability are noted. These suggestions do not relate to the EIR, and as a result, no further response is needed.

Comment II.10

Greenhouse Gas Emissions

- The Google Village should be aimed to be fossil fuel free. No cars. Our transit should be open air buses.
- Google should be providing for free open air electric buses for our Santa Clara County.

Response II.10

The commenter's suggestions regarding free, open air electric buses and fossil fuel free development are noted. Refer to Draft EIR Section 3.1, *Air Quality*, for a discussion of air quality related to mobile source emissions and related transportation demand management (TDM) mitigation. Refer to Section 3.4, *Energy*, for a discussion of energy demand and uses of electricity and transportation fuels.

Comment II.11

- We need to not have BART to Santa Clara since the entire BART design is not useful in stopping the spread of virus. And we need to not dig underground and destroy our neighborhoods with vents, noise and pollution to have it built so close to our neighborhood when we don't need a station in Santa Clara or maintenance yard.

Response II.11

The commenter's opinions regarding the need for BART in Santa Clara and potential impacts of its construction are noted. These opinions do not relate to the EIR, and no response is required. Refer to Draft EIR pages 3.10-57 through 3.10-59 for a discussion of cumulative construction noise impacts, including noise related to BART construction.

Comment II.12

Land Use

- All tech workers should work at home so we need housing not office buildings.
- The LAND USE ISSUE needs to be completely changed from high-rise office buildings to housing and gardens back to basics needs to be our clarion call a strongly expressed demand or request for action from the scientists about pandemic vulnerability and climate crisis.
- We do not need hotels. We need to stay home, not fly and not drive that is what the science is telling us to reduce our fossil fuels to zero by 2025.
- We need to work at home and telecommute

Response II.12

The commenter's suggestions regarding behaviors needed to combat the COVID-19 pandemic and climate change are noted, as are suggestions that we as a society do not need office buildings or hotels because we should be staying home and telecommuting. Refer to the discussion of the Reduced Office Alternative in Draft EIR Chapter 5, *Alternatives*, regarding an alternative to the project with less office space. Refer to Section 3.2.5, *Master Response 5: COVID-19*.

Comment II.13

- We need Universal basic income for all other non-technical workers.
- Google needs to pay a large tax to supply universal basic income and have those that are nontechnical to work on growing and producing other resources we need locally.
- When we build our homes there should be no car infrastructure and no parking garages
- We need to live hyperlocal if we are to survive and only those that learn to live fossil fuel free will survive.

Response II.13

The commenter's suggestions regarding taxes to support basic income, growing and producing locally, living "hyperlocal" and without fossil fuel, parking or car infrastructure are noted. These suggestions do not relate to the EIR's analysis, and as a result, no further response is required.

Comment II.14

Population and Housing

- The housing can be high rise but every other floor will grow food and have balconies to make more human scale.

Response II.14

The commenter's suggestion that the project be designed to devote every other floor of residential high rise buildings to food production is noted, as is the suggestion that buildings include balconies. These suggestions relate to the design configuration of the project and do not relate to the EIR's analysis, and as a result, no further response is required.

Comment II.15

The housing to house many should be in the form of the 'Arcology'? It is a concept introduced by architect, Paolo Soleri, who defined it in his book Arcology: City in the Image of Man; the idea of a fusion between architecture and ecology and an ecological vision in response to city growth.

The premise of an arcology is to be a self-sufficient, green building that is more of a small town as a result of its size and the number of services it houses. The inhabitants of this 'small city' would benefit from services such as waste management, power generation and transport as part of the same development.

The concept was created as a solution to one of the serious problems faced by modern society: the overcrowding of cities as the result of population increase and the consequent loss of natural environments. Thus, this new wave of architecture opts for vertical growth, with the construction of huge skyscrapers that occupy the least space possible, as well as making a commitment to minimizing environmental impact.

Arcology buildings would, thus, meet all the essential living requirements; able to generate their own energy, produce their own food, control air and water quality, and support sustainable waste management. In addition to the provision of all services in the same vertical space, the buildings would also do away with cars, thereby reducing pollution and carbon emissions.

We cannot know what path the architecture of the future will take but one thing we do know is that, according to United Nations predictions, there will be 9.7 billion people living on our planet by 2050, that figure rising to 11,200 by 2100. For now, we will just have to wait and see what measures will be taken and how architecture will consequently respond to the challenge.

Response II.15

The commenter's appreciation of dense development and suggestions regarding services related to waste management, power generation, and transportation are noted, as is the observation that architecture will continue to evolve in the future. Utilities, public services, and transportation components of the proposed project are described in Draft EIR Chapter 2, *Project Description*, and related impacts are analyzed in Sections 3.12, *Public Services and Recreation*; 3.13, *Transportation*; and 3.14, *Utilities and Service Systems*. No further response is required.

Comment II.16

Utilities and Service Systems

Google needs to build battery powered substations to help with backup power for all roof top solar installations throughout the city we need a battery microgrid for our local backup power to completely get off of a transmission delivered electrical grid and have a hyperlocal electrical renewable solar wind grid.

The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location.

Response II.16

The commenter's request that the applicant build battery-powered substations as a "backup" to rooftop solar installations throughout the city is noted. As is the reference to CEQA Guidelines Section 15087 relating to disclosure of sites on any lists referenced in Government Code Section 65962.5. A Notice of Availability of the Draft EIR with this information was issued by the City on September 30, 2020, and Draft EIR Section 3.7, *Hazards and Hazardous Materials*, contains a description of potential contamination on the project site.

3.4 References

Arroyo, Juliet, (former) Historic Preservation Officer, City of San José, email, March 2, 2020.

Azuma, Kenichi, N. Kagi, U. Yanagi, H. Osawa, *Effects of low-level inhalation exposure to carbon dioxide in indoor environments: A short review on human health and psychomotor performance*, Environment International, Volume 121, Part 1, 2018, pp. 51–56, ISSN 0160-4120, https://doi.org/10.1016/j.envint.2018.08.059.

Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal. App.4th 1184.

Baseball Reference, San Francisco Giants' attendance 2019. Available at: https://www.baseball-reference.com/teams/SFG/attend.shtml.

Bay Area Air Quality Management District, *BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines*, December 2016. Available at http://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf.

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

Bay Area Air Quality Management District, Community Air Risk Evaluation Program website, undated. Available at: https://www.baaqmd.gov/community-health/community-health-protection-program/community-air-risk-evaluation-care-program.

Bay Area Air Quality Management District, *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2012. Available at http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf?la=en.

Bay Area Air Quality Management District, *Summary of Available Zero-Emission Technologies and Funding Opportunities*, June 2018. Available at https://dieselfree33.baaqmd.gov/~/media/dieselfree/files/funding-and-financing-opportunities-pdf.pdf?la=en.

California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, August 2010. Available at: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.

California Air Resources Board, *Current California GHG Emission Inventory Data*, 2020. Available at: https://ww2.arb.ca.gov/ghg-inventory-data.

California Building Industry Association v. Bay Area Air Quality Management District (December 17, 2015) 62 Cal.4th 369.

California Department of Transportation (Caltrans), *California Manual of Uniform Traffic Control Devices*, Part 6, Temporary Traffic Control, 2014; Page 1015. Available at: https://dot.ca.gov/programs/safety-programs/camutcd/camutcd-rev5.

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.

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

City of San José, *Council Policy 5-1, Transportation Analysis*, 2018. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28459.

City of San José, *Council Policy 5-6, Traffic Calming Policy for Residential Neighborhoods*, revised 2008. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=12825.

City of San José, *Diridon Station Area Plan Amendment and Initial Study/Draft Addendum*. Available at:: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/area-plans/diridon-station-area-plan.

City of San José, *Diridon Station Area Plan: Integrated Final Program Environmental Impact Report*, August 2014. Available at: https://www.sanjoseca.gov/Home/ShowDocument?id=15731.

City of San José, *Downtown Construction Guidelines for Work in the Public Right-of-Way*, March 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=56303.

City of San José, *Envision San José 2040 General Plan*, Primary Truck Routes Map, undated. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=22563.

City of San José, Google Project website, undated. Available at: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

City of San José, *Recommended Temporary Traffic Control Plans*, undated. Available at: https://www.sanjoseca.gov/home/showdocument?id=19947.

City of San José, *Riparian Corridor Policy Study*. Approved by City Council May 17, 1994; revised March 1999. Available at https://www.sanjoseca.gov/home/showdocument?id=15579.

City of San José, *San José Better Bike Plan*, draft September 2020. Available at: https://www.bikesanjose.com/draftplan.

City of San José, *San José Complete Streets Design Standards & Guidelines*, May 2018. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=33113.

City of San José, *Transportation Analysis Handbook*, April 2020. Available at: https://www.sanjoseca.gov/home/showpublisheddocument?id=28461.

Downtown West Mixed-Use Plan, *Downtown West General Development Plan*, 2021. Available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Downtown West Mixed-Use Plan, *Downtown West Improvement Standards*, 2021. Available at: https://www.sanjoseca.gov/Home/ShowDocument?id=65126.

Fehr & Peers Transportation Consultants, "Total VMT" Spreadsheet, June 30, 2020.

Garza, John Carlos, and Devon Pearse, *Population genetics of* Oncorhynchus mykiss *in the Santa Clara Valley Region*, Final Report to the Santa Clara Valley Water District, 2008.

Governor's Office of Planning and Research, *Technical Advisory orn Evaluation Transportation Impacts in CEQA*, December 2018. Available at: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

Illingworth and Rodkin, *San Carlos Train Depot Site Noise and Vibration Assessment*, 2006.

Intergovernmental Panel on Climate Change, Working Group III Contribution to Fifth Assessment Report, 2014. Available at: https://www.ipcc.ch/report/ar5/wg3/.

Jacobson, T.A., Kler, J.S., Hernke, M.T. et al. *Direct human health risks of increased atmospheric carbon dioxide*. Nat Sustain 2, 691–701 (2019). Available at https://doi.org/10.1038/s41893-019-0323-1.

JMA Civil, Inc., *City of San José Warm Springs Sub Quiet Zone Feasibility Study – Final Report*. Prepared for the City of San José, July 15, 2020, https://www.sanjoseca.gov/home/showdocument?id=61820.

Millard-Ball, Adam; Jeremy West, Nazanin Rezaei, and Garima Desai, *What Do Residential Lotteries Show Us About Transportation Choices?;* January 2021. Available at: https://people.ucsc.edu/~jwest1/articles/MillardBall_West_Rezaei_Desai_SFBMR_UrbanStudies.pdf.

San Francisco Giants, Oracle Park parking. Available at: https://www.mlb.com/giants/ballpark/transportation/parking.

San José Department of Planning, Building & Code Enforcement, Google Project webpage. Available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project.

Santa Clara Valley Transportation Authority, *2017 Congestion Management Program Document*, December 2017. Available at: http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/2017_CMP_Document.pdf.

Santa Clara Valley Transportation Authority, *Transportation Impact Analysis Guidelines*, October 2014. Available at: https://www.vta.org/sites/default/files/documents/VTA_TIA_Guidelines_2014_Full_FINAL.pdf.

Santa Clara Valley Water District (Valley Water), *Valley Water Board Agenda Memorandum on the Water Supply Master Plan 2040 Update*, January 14, 2019. Available at https://scvwd.legistar.com/MeetingDetail.aspx?ID=672546&GUID=6584FEB9-3535-4CF4-A1E6-87EE8097569D&Options=info|&Search=.

Tetra Tech, Inc., *Guadalupe River Watershed Mercury TMDL Projected, Final Conceptual Model Report*. Prepared for the San Francisco Bay Regional Water Quality Control Board, May 20, 2005.

U.S. Environmental Protection Agency, Inventory of U.S. Greenhouse Gas Emissions and Sinks website, undated. Available at: https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks.

Water Resources Protection Collaborative, *Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County*. Available at https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams.

Whinery, Teresa, and Franziska Church, Fehr & Peers, "Clarification on Caltrain Transit Demand Assessment for the Downtown West Mixed-Use Project," memorandum dated February 12, 2021.

Zenk, Jessica, Deputy Director, Planning & Project Delivery, City of San José Department of Transportation, e-mail communication to ESA, March 24, 2021.

CHAPTER 4
Revisions to the Draft EIR

This chapter contains revisions to the text and figures of the Downtown West Mixed-Use Plan Draft EIR, dated October 2020. Revised or new language is double-underlined, while deletions are shown with ~~strikethrough~~ text, except where an entirely new passage of text is added, in which case no underlining or strikethrough text is used for ease of reading.

Revised Draft EIR figures are provided in Section 4.2, *Draft EIR Figure Revisions*.

4.1 Draft EIR Text Revisions

4.1.1 Draft EIR Recirculation Not Required

As explained in Chapter 1, *Introduction*, the State CEQA Guidelines require recirculation of a Draft EIR when "significant new information" is added to an EIR. "Significant new information" can mean that new or substantially more severe significant environmental impact is identified, a feasible new alternative or mitigation measure that is considerably different from those identified in the Draft EIR is identified but the project applicant declines to adopt it, or the Draft EIR was so "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." None of these circumstances apply here. Rather, the revisions presented in this chapter clarify, amplify, or make insignificant modifications to the Draft EIR. For this reason, recirculation of the Draft EIR is not required.

4.1.2 General

General

On January 5, 2021, the San José City Council approved the renaming of portions of several streets within and near the project site in honor of former President Barack Obama. The renaming affects the following street segments:

- Bird Avenue between I-280 and West San Carlos Street;
- South Montgomery Street between West San Carlos Street and Park Avenue;
- South Autumn Street between Park Avenue and West Santa Clara Street; and
- North Autumn Street between West Santa Clara Street and West St. John Street.

The name change was effective immediately, although signage is not anticipated to be fully installed until Summer 2021. To reflect this change, all references in the Draft EIR to the above-noted street segments are changed to "Barack Obama Boulevard," with the former street name in parentheses on first reference in each section to avoid confusion. Although the name change was a discretionary action by the City Council within the project area, it does not alter any of the analysis or conclusions in the EIR.

General

Related to the above revision, the project open space identified in the Draft EIR as "Creekside Walk at South Autumn Street" has been renamed "Creekside Walk." To reflect this change, all references in the Draft EIR to "Creekside Walk at South Autumn Street" are revised to read, "Creekside Walk." (Some of these changes appear herein in this First Amendment when in the context of other text revisions.) This change does not alter any of the analysis or conclusions in the EIR.

4.1.3 Chapter S, Summary

Page S-1, last paragraph, first sentence

The proposed project consists of the demolition of most existing buildings on the project site and phased development of new buildings on approximately ~~81~~ 80 acres on the west side of Downtown San José. …

Page S-2, fifth bullet

- A maximum of 800 ~~rooms of~~ limited-term corporate accommodations (lodging of company workforce, consultants, vendors, contractors, or sponsored guests for not more than 60 consecutive days and not open to the public; considered a non-residential use)

Page S-2, second-to-last bullet

- A total of approximately 15 acres of parks, plazas, and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), ~~green spaces, landscaping,~~ mid-block passages, semi-public spaces, riparian corridors, riparian setbacks, and trails

Page S-4, Section S.4.1, first paragraph, third sentence

… Overall, under this alternative development on the project site would be less than under the proposed project, yielding up to an estimated 4.9 million gsf of office uses, 419 hotel rooms, 625 dwelling units, and 380,000 square feet of retail/restaurant uses in the ~~81~~80-acre planning area. …

Page S-6, first partial paragraph, fifth full sentence

This alternative would retain the project's proposed 7.3 million gsf of office space, 300 hotel rooms, 800 ~~units of~~ limited-term corporate accommodations, 100,000 gsf of conference/event space, and 230,000 gsf devoted to infrastructure and utilities.

Page S-7, first paragraph under the heading, S.4.5, Reduced

In addition, the number of limited-term corporate accommodations ~~rooms~~ would also be reduced by 60 percent, to a maximum of 320 ~~rooms~~, while

Office Alternative," fourth sentence	infrastructure-related building space would be reduced by approximately 30,000 gsf (13 percent).
Page S-8, first paragraph under the heading, S.4.6, Reduced Intensity Alternative," third sentence	Specifically, this alternative would include up to 3 million gsf of office space, up to 2,655 dwelling units, a maximum of 150,000 gsf of active uses (e.g., commercial retail/restaurant, cultural, institutional, child care, and education), up to 135 hotel rooms, up to 320 ~~units of~~ limited-term corporate accommodations, as much as 45,000 gsf of event/conference space, and a maximum 127,000 gsf of infrastructure-related building space.
Page S-11, Table S-1	Revised portions of this table are presented in Section 4.2, Revisions to Table S-1, *Summary of Impacts and Mitigation Measures*.

4.1.4 Chapter 1, Introduction

Page 1-5, last paragraph	The project applicant, Google LLC, originally planned for an approximately 84-acre project site in the project application, and the NOP described the same acreage. Since publication of the NOP, the project boundary has been reduced by ~~3~~ 4 acres because the applicant is no longer proposing to include parcels along Cahill Street adjacent to Diridon Station that are owned by the Peninsula Corridor Joint Powers Board (Caltrain); Cahill Street itself between West Santa Clara and West San Fernando Streets; the Union Pacific Railway right-of-way that passes through the project site; or the former Lenzen Avenue right-of-way at the north end of the site. The applicant originally included the~~se~~ Caltrain-owned parcels, with Caltrain's consent, because the parties were in discussions about Google acquiring these parcels for inclusion in the Downtown West Mixed-Use Plan. The parties have not reached terms on a real estate transaction and have mutually agreed that the parcels should be removed from the project boundary (refer to **Appendix A2**). Development of those parcels would instead likely be planned as part of the City's broader Diridon Station Area Plan (DSAP) amendment, which is included as a cumulative project in this EIR. Further, Caltrain is a participating agency in the Diridon Integrated Station Concept process, and development of these parcels—which interface directly with Diridon Station—may be affected by future plans for the upgraded station. Although removal of the Caltrain parcels reduces the project site by 3 acres, this is a small area when compared to the total project site, and the full development program would continue to be accommodated on the reduced project area of ~~81~~80 acres.

4.1.5 Chapter 2, Project Description

Page 2-1, Section 2.1.7 (now 2.1.1)

2.1.~~7~~1 Summary of Project Elements

Page 2-1, first paragraph

The proposed project consists of the demolition of most existing buildings on the project site and phased development of new buildings on approximately ~~81~~ 80 acres on the west side of Downtown San José. …

Page 2-1, Footnotes 1 and 2

[1] The City is currently analyzing revisions to the DSAP including a revision to the DSAP area boundary to encompass the project site; refer to Section 2.1.~~8~~2, *Planning Context*.

[2] The active use space would include one or more indoor live entertainment venues, as described in Section 2.3.~~8~~2, *Central Area of the Project Site (West Santa Clara Street to Park Avenue—Blocks D, E, and F)*.

Page 2-2, Section 2.1.8 (now 2.1.2)

2.1.~~8~~2 Planning Context

Page 2-2, second-to-last bullet

- A maximum of 800 ~~rooms of~~ limited-term corporate accommodations (lodging of company workforce, consultants, vendors, contractors, or sponsored guests for not more than 60 consecutive days and not open to the public; considered a non-residential use)

Page 2-2, second-to-last bullet

- A total of approximately 15 acres of parks, plazas, and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), ~~green spaces, landscaping,~~ mid-block passages, semi-public spaces, riparian corridors, riparian setbacks, and trails

Page 2-4, second paragraph, last sentence

… (As described in Section 2.4.~~11~~5, *Other Proposed Revisions to the Diridon Station Area Plan*, the proposed project includes an amendment of the DSAP to bring the portion of the project site east of Los Gatos Creek within the DSAP boundary.)

Page 2-5, footnote 9

[9] As explained in Chapter 1, *Introduction*, since publication of the Notice of Preparation (NOP) for this EIR, the project boundary has changed to eliminate approximately ~~3~~ 4 acres owned by the Peninsula Corridor Joint Powers Board (Caltrain) and other entities, thus reducing the site's size from approximately 84 acres to approximately ~~81~~ 80 acres. The proposed mix and amount of various land uses and the site improvements have not changed. See additional discussion in Section 2.3, *Development Program*, below.

Page 2-8, third bullet

- ~~A portion of Caltrans-owned property (no APN; approximately 6,365 square feet) adjacent to SR 87 on the north side of West San Fernando Street, which would provide freight loading access to the easternmost development block within the project site.~~

Page 2-8, first paragraph following bullets

The site excludes seven parcels owned by Caltrain, located north of West San Fernando Street and immediately across Cahill Street from Diridon Station. These parcels contain two Caltrain parking lots and a pair of one-way streets, separated by landscaping and walkways, that provide vehicular access to Diridon Station. The site also excludes Cahill Street between West Santa Clara and West San Fernando Streets.

Page 2-8, Section 2.2.7 (now 2.2.1), first paragraph

2.2.~~7~~1 Existing Land Uses

The approximately ~~81~~ 80-acre project site currently contains approximately 100 individual parcels (the total acreage also includes some public rights-of-way between or adjacent to project parcels). Most of the land being studied as part of the project as described above is owned by the project applicant. …

Page 2-9, Section 2.2.8 (now 2.2.2)

2.2.~~8~~2 Existing and Planned Transportation Facilities

Page 2-9, third paragraph

Existing employment on the project site, estimated based on occupied land uses as of the date of the NOP, is approximately 650 jobs.[footnote omitted] The project site contains ~~11~~ seven residential units, but only one is occupied and, according to the project applicant, the occupant has made arrangements to relocate prior to commencement of construction.

Page 2-10, Footnote 17

[17] In April 2020, VTA staff, in a presentation to the authority's board of directors, explained that VTA would likely move forward with a "stacked" configuration, with tracks aligned one on top of the other, for the Downtown San José and Diridon stations, rather than side-by-side station tracks as had originally been analyzed. While this change could have schedule implications, no information on a potential change in operational date for ~~the BART Downtown~~ VTA's BART Silicon Valley Phase II Extension Project extension is available as of spring 2020.

Page 2-10, last paragraph

In conjunction with planning for the BART extension and potential future high-speed rail service, the City of San José, along with the Caltrain, ~~BART,~~ VTA (which also represents the BART Silicon Valley Phase II Extension Project), and the California High-Speed Rail Authority, has initiated the DISC process, as noted above. (The Metropolitan Transportation Commission joined the DISC process as a partner agency in 2020.) The DISC planning process is evaluating how to expand and redesign Diridon Station as a world-class transit center that provides intermodal connections and integration with the surrounding neighborhoods. The DISC Plan process does not propose any land use changes, but focuses on station design, including the spatial configuration determining how the various track and station elements will fit together and relate to the surrounding neighborhood.

The DISC process initially identified three conceptual layouts for the future Diridon Station: an at-grade station on West San Fernando Street, an elevated station on West Santa Clara Street, and an elevated station near West Stover Street. Through a community input process and ongoing technical work with the partner agencies, a fourth alternative was identified as the preferred "Concept Layout" for the DISC Plan, a preliminary alignment for elevated heavy rail tracks through Diridon Station. The

preferred Concept Layout incorporates three guiding principles for the future Diridon Station:

- The station should be elevated;
- There should be station entrances at Santa Clara and San Fernando streets; and
- Track approaches should generally stay within the existing northern and southern rail corridors.

In February 2020, the San José City Council and the Caltrain board endorsed the preferred Concept Layout, including the three design principles above, and the VTA board did so in June 2020.

Page 2-11, fourth full paragraph

The preferred Concept Layout ~~is still preliminary:~~, although approved by the partner agencies, does not include detailed plans. Moreover, the plans have yet to be ~~finalized or~~ reconciled with the Preferred Alternative for High-Speed Rail, as described above; environmental review (which will include analysis under both CEQA and the National Environmental Policy Act) has not been initiated; ~~and~~ no clear timeline exists for construction, although it is anticipated to occur before 2040~~; and no dedicated funding is currently in place to construct the improvements~~. The expenditure plan for Regional Measure 3, approved by Bay Area voters in 2018, includes $100 million to "[e]xpand Diridon Station to more efficiently and effectively accommodate existing rail service, future BART and high-speed rail service, and Santa Clara Valley Transportation Authority (VTA) light rail and buses"; however, the full cost of implementing the preferred Concept Layout is not yet known.

…

Page 2-12, Section 2.2.9 (now 2.2.3)

2.2.~~9~~3 Existing Land Use Context

Page 2-12, Section 2.2.10 (now 2.2.4)

2.2.~~10~~4 Existing Public Facilities

Page 2-13, Section 2.3, first paragraph

The proposed project would include a mix of primarily office and residential land uses across the approximately 80-acre project site. …

Page 2-13, footnote 22

[22] Childcare facilities are proposed to be located in residential buildings on Blocks H2 and H3/H5/H6. All childcare facilities would be located at least 500 feet from I-280 to minimize potential exposure to roadway emissions.

Page 2-14, first paragraph and footnote 24

Table 2-1 shows the total development program for the proposed project and **Figure 2-3** presents the proposed land use plan of primary uses. (On Figure 2-3, blocks are alphanumerically identified for reference, from north to south.) As shown, the proposed project would provide up to 7.3 million gsf of office space; up to 5,900 residential units; up to 500,000 gsf of active uses; up to 300 hotel rooms; and up to 800 ~~rooms of~~ limited-term corporate accommodations.[24] In addition, up to two event and conference centers would occupy a total of approximately 100,000 gsf and would accommodate events hosted or sponsored by the project applicant, with a maximum total capacity of approximately 2,000 attendees.[footnote omitted] The active uses would be located primarily on the ground or second floors of mixed-use or stand-alone buildings throughout the site as well as within pavilions, kiosks, and program decks located in the open spaces; these uses would include one or more indoor live entertainment venues in the central portion of the site, as described in Section 2.3.~~8~~2, *Central Area of the Project Site (West Santa Clara Street to Park Avenue—Blocks D, E, and F)*.

[24] In accordance with the project's proposed General Development Permit, limited-term corporate accommodations would provide short-term lodging for a company workforce, consultants, vendors, contractors, or sponsored guests, for no more than 60 consecutive days per individual. These accommodations, considered a non-residential use under the Municipal Code, would accommodate Google employees typically visiting the site or newly relocated to the area. These accommodations would not be open to the public. These accommodations could occur as stand-alone uses or as part of mixed-use buildings. A limited-term corporate accommodation may include multiple bedrooms.

Page 2-14, last paragraph, first sentence

The project proposes to provide a minimum of 2,850 and up to a maximum of 4,800 publicly accessible commercial parking spaces in below-ground parking structures of up to three levels, as well as above grade in a limited number of the office structures.

Page 2-15, Table 2-1, fourth row under "Land Uses" heading

Limited-term corporate accommodations	Up to 800 ~~rooms~~

Page 2-15, Table 2-1, first row under "Parking and Loading" heading

Public/Commercial Parking (above and below grade)[b]	Minimum of 2,850 spaces; ~~Up~~ up to 4,800 spaces

Page 2-15, Table 2-1, row under "Open Space" heading and last footnote

Open Space~~b~~c	Approx. 15 acres

~~b~~c Open space includes all parks, plazas, ~~green spaces, landscaping,~~ mid-block passages, semi-public open spaces, riparian corridors, and riparian buffers (setbacks). ~~and stormwater~~ Stormwater treatment zones may be incorporated into semi-public space.

Page 2-15, first sentence of last partial paragraph

The proposed project would also create a total of approximately 15 acres of parks and open space in parks and plazas, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), ~~green spaces, landscaping,~~ mid-block passages, semi-public spaces, riparian corridors, riparian setbacks, and trails.

Page 2-17, second full paragraph

Many of the existing buildings on the project site would be demolished, with demolition to occur in phases as each portion of the project is developed. (It is therefore assumed that some existing uses on the project site could continue operations well beyond the start of the project's first phase.) The project applicant proposes to retain three buildings identified as historic architectural resources (refer to Section 3.3, *Cultural Resources and Tribal Cultural Resources*), including 374 West Santa Clara Street (historic San Jose Water Works); 40 South Montgomery Street (historic Kearney Pattern Works and Foundry); and 150 South Montgomery Street (San José Taiko/historic Hellwig Ironworks).[28] The applicant proposes to relocate the 40 South Montgomery Street building approximately 30 feet south of its current location to allow for the project's proposed one-block extension of Post Street (refer to Section 2.7.1, *Changes to the Street Network*). Also relocated would be a metal hopper tower that rises above a non-historic portion of the property to the rear of 40 South Montgomery Street; the hopper would be retained and installed within 75 horizontal feet of the relocated historic building and would retain its existing height relative to the relocated building. An addition to the east of this building (designated Block D5) would demolish the remaining non-historic portions of the former Kearney Pattern Works and Foundry that front Barack Obama Boulevard (formerly South Autumn Street) and redevelop that portion of the site with new construction.

Page 2-18, third paragraph

The applicant also proposes to retain some existing non-historic small-scale industrial structures on Barack Obama Boulevard ~~South Autumn Street~~. Buildings would be retained, rehabilitated, renovated, or rebuilt, and ultimately reoccupied with new active uses. The two existing buildings that are closest to the riparian corridor—Blocks D9 and D12—could be retained and reused with only cosmetic improvements and maintenance; should either or both of these buildings be demolished, replacement structures would be required to be set back a minimum of 50 feet from the Los Gatos Creek riparian corridor, a requirement that would also apply to all new construction, Additionally, the applicant would relocate to the east side of

Barack Obama Boulevard, between the VTA light rail tracks and Block D8 (the existing building at 450 West Santa Clara Street), a group of three existing residential structures at 559, 563, and 567 West Julian Street. These three houses together appear eligible as a Candidate City Landmark and thus are considered a historical resource under CEQA (refer to Section 3.3, *Cultural Resources and Tribal Cultural Resources*). The applicant would also relocate an existing residential structure at 35 Barack Obama Boulevard to a site at 74 Barack Obama Boulevard (Block D13), where an existing non-historic building would be demolished.[33a] All of these relocated buildings would be set back a minimum of 50 feet from the Los Gatos Creek riparian corridor (see discussion in Section 2.3.3, *Southern Area of the Project Site*), and each would be renovated and designated for active use; however, as explained in Section 3.3, *Cultural Resources and Tribal Cultural Resources*, these on-site relocations would not necessarily entail rehabilitation in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The three other existing buildings, on Blocks D8, D10, and D11, would be retained and may be altered as long as their foundations remain extant; they would be permitted to expand beyond their existing footprint only outside the proposed 50-foot riparian setback from Los Gatos Creek.

The project applicant would also provide relocation funding for another Structure of Merit at 91 Barack Obama Boulevard, a former single-family residence that was relocated to its existing site in the 1950s and that currently houses the Poor House Bistro. The project applicant would coordinate with a local non-profit organization to move the Poor House building to a location outside the project site, at 317 West St. John Street, within the River Street City Landmark District, also known as Little Italy. This location is about 0.5 miles northeast of the building's current site.

Beyond the buildings to be retained and relocated, the applicant proposes to salvage portions of the Sunlite Baking Co. building at 145 South Montgomery Street, a historical resource that is to be demolished as part of the project (see Section 3.3, Cultural Resources and Tribal Cultural Resources). The project proposes to reuse the main Art Moderne-style entryway, along with the three arched window openings to either side of the entryway. The salvaged entryway and window openings would be incorporated elsewhere in the project, in a manner to be determined.

[33a] Although not a historical resource under CEQA, the building at 102 South Montgomery Street has been determined eligible as a San José Structure of Merit, which is a lesser category of structure with some historic interest.

Page 2-19, Section 2.3.7 (now 2.3.1)

2.3.~~7~~1 Northern Area of the Project Site (North of West Santa Clara Street—Blocks A, B, and C)

Page 2-19, Section 2.3.8 (now 2.3.2)

2.3.~~8~~2 Central Area of the Project Site (West Santa Clara Street to Park Avenue—Blocks D, E, and F)

Page 2-20, second paragraph

In addition to the event centers largely reserved for applicant use, the project would include one or more publicly accessible, indoor live entertainment venues in the project's central area. The venue(s) would likely be on Blocks D4, D5, D6, and/or ~~D6~~ D7. The venue(s), which could include live music, would operate ~~5 to 6~~ up to 7 days per week, ~~with anticipated daytime events (11 a.m.–3 p.m.) held Wednesday through Sunday and nighttime events (7–11 p.m.) held Thursday through Saturday~~ from 11 a.m. to 11 p.m. There could be up to about 15 events per week. The venue(s) would total, in aggregate, up to 12,000 gsf, with a maximum (aggregate) capacity of approximately 500. This 12,000 square feet of floor area would be encompassed within the project's previously described total of 500,000 gsf of active use space.

Page 2-20, Section 2.3.9 (now 2.3.3)

2.3.~~9~~3 Southern Area of the Project Site (South of Park Avenue—Blocks G and H)

Page 2-20, Footnote 35

[35] In general, Policy 6-34 requires that new buildings be set back 100 feet from the dripline of riparian vegetation or top of bank, whichever is greater, but lesser setbacks may be permitted Downtown, including the project site. (Policy 6-34's bird-safe design applies only north of SR 237.) With respect to Los Gatos Creek and the Guadalupe River, the project proposes 50-foot setbacks for new buildings; vehicular circulation along a new private street on Block E would be set back 35 feet from the Guadalupe River. ~~Consistent with the previously approved project on the former San Jose Water Company site, the project proposes a 30-foot setback from the top of the channel wall along the Guadalupe River at that location.~~ Pedestrian-only paths are permitted at the top of bank or riparian vegetation dripline, whichever is greater, and "may enter Riparian Corridor where necessary for continuity," according to Policy 6-34. Multi-use trails (pedestrian/equestrian/bicycle trails) along natural channels are permitted within 10 feet of the riparian corridor. Interpretive nodes, paths, stream crossings are not subject to the setback requirement.

Page 2-21, Section 2.3.10 (now 2.3.4)

2.3.~~10~~4 Parking

Page 2-22, first sentence

As illustrated in Table 2-1, the project proposes a minimum of 2,850 and up to a maximum of 4,800 above- and below-grade spaces for public and/or commercial use, and up to approximately 2,360 unbundled (and therefore not assigned to specific users) spaces for residential uses in either below-grade or podium structures, for a total of 7,160 spaces. …

Page 2-22, Section 2.3.11 (now 2.3.5)

2.3.~~11~~5 LEED Certification

Page 2-22, Footnote 37

[37] Depending on where below-grade parking structures are located relative to the Federal Emergency Management Agency (FEMA)–designated 100-year floodplain, flood-proofing of garages may be required. Construction-period dewatering would be required in at least some locations, and long-term, low-volume dewatering of groundwater seepage would also likely be necessary.

Page 2-23, Section 2.4.7 (now 2.4.1)

2.4.~~7~~1 Existing General Plan and Diridon Station Area Plan Designations

Page 2-23, last paragraph

The portion of the site that extends east of Los Gatos Creek has an existing designation of Downtown, which permits high-density office, retail, service, residential, and entertainment uses (described further in Section 2.4.~~8~~2, *Proposed Changes to General Plan Land Use and Diridon Station Area Plan Designations)*.

Page 2-24, Section 2.4.8 (now 2.4.2)

2.4.~~8~~2 Proposed Changes to General Plan Land Use and Diridon Station Area Plan Designations

Page 2-25, second sentence of the first full paragraph

However, a total of approximately 15 acres of parks and open space—in parks and plazas, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), ~~green spaces, landscaping,~~ mid-block passages, semi-public spaces, riparian corridors, riparian setbacks, and trails—would be designated throughout the project site in the Planned Development zoning for the project.

Page 2-25, second full paragraph

As explained in Section 2.1.~~8~~2, *Planning Context*, the City is currently updating the DSAP; however, this EIR analyzes the physical effects of several project-specific amendments to the DSAP and the General Plan that the project applicant is seeking as part of the proposed project.

Page 2-25, Section 2.4.9 (now 2.4.3)

2.4.~~9~~3 Proposed Changes to the General Plan Transportation Network Diagram

Page 2-25, paragraph under the above heading, third sentence

The following streets would be ~~vacated~~ abandoned under the proposed project, necessitating removal from the General Plan Transportation Network Diagram: a portion of North Montgomery Street just north of the SAP Center; Delmas Avenue between West Santa Clara Street and West San Fernando Street; and South Montgomery Street between West San Fernando Street and Park Avenue.

Page 2-25, Section 2.4.10 (now 2.4.4)

2.4.~~10~~4 Proposed Changes to the General Plan Growth Allocations by Area

Page 2-27, Table 2-2, rows 1, 2, 3, 4, 10, and 12

TABLE 2-2
GENERAL PLAN TRANSPORTATION NETWORK DIAGRAM STREET TYPOLOGIES: EXISTING AND PROPOSED

Street	Bounds[a]	Existing Typology	Proposed Typology
~~Lenzen Ave.~~	~~Caltrain tracks to new street east of Parcel A1~~	~~None~~	~~None[b]~~
Cinnabar St.	N. ~~Montgomery~~ Autumn St. to Caltrain tracks~~ new street east of Parcel A1~~	None	None[b]
~~New street east of Parcel A1~~	~~Cinnabar St. to Lenzen Ave.~~	~~None~~	~~None[b]~~
N. Montgomery St.	New Cahill St. extension to W. St. John St.	Local Connector Street	(removal; segment to be abandoned ~~vacated~~)
S. Montgomery St.	W. San Fernando St. to Park Ave.	Grand Boulevard	(removal; segment to be abandoned ~~vacated~~)
Delmas Ave.	W. Santa Clara St. to W. San Fernando St.	Main Street	(removal; segment to be abandoned ~~vacated~~)

Page 2-27, footnote 45

[45] There is also sufficient retail and hotel growth capacity in the Downtown to accommodate the proposed project, including the project's proposed 500,000 gsf of active uses, 300-room hotel, and 800 ~~rooms of~~ limited-term corporate accommodations (as noted previously, these limited-term corporate accommodations are considered a non-residential use).

Page 2-28, Section 2.4.11 (now 2.4.5)

2.4.~~11~~5 Other Proposed Revisions to the Diridon Station Area Plan

Page 2-28, Footnote 46

[46] As described in Section 2.1.~~8~~2, *Planning Context*, the City is planning to expand the boundary of the DSAP area independently of the proposed project, to encompass additional area east of the current plan boundary.

Page 2-29, Section 2.4.12 (now 2.4.6)

2.4.~~12~~6 Zoning Districts

Page 2-33, first sentence of the second paragraph under the heading, "Parks and Open Space"

The project would include enhanced landscaping and new plantings on approximately 15 acres of new parks, plazas, open space, semi-public spaces, riparian corridors, riparian setbacks, and mid-block passages on the project site, for use and enjoyment by area residents, employees, and visitors alike.

Page 2-35, footnote 49

[49] As noted in Section 2.3, *Development Program*, the project applicant also proposes to retain some existing small-scale industrial structures on Barack Obama Boulevard (formerly South Autumn Street) and to relocate some buildings from elsewhere on the project site to replace existing buildings to this location. Some of these existing buildings encroach into the 50-foot riparian setback from the top of the Los Gatos Creek bank or from the edge of the riparian corridor, whichever is greater. If ~~one or more~~ any of these buildings were to be replaced (which could occur if the building were unsuitable for reuse), the project's proposed Downtown West Design Standards and Guidelines would ~~permit construction of a replacement~~ require a new or relocated structure ~~within the existing footprint, or within a new building footprint that is not closer~~ to be a minimum of 50 feet from the riparian corridor ~~and maintains the same or lesser square footage within the riparian setback~~. The Downtown West Design Standards and Guidelines would~~, however,~~ limit ~~the height of any replacement structure to that of the existing structure~~ existing building heights due to alterations within the 50-foot setback to the existing building height and to 40 feet outside of the setback (60-foot height limit on Block D8) and would also impose other restrictions on development adjacent to the riparian setback. See, in particular, Standards 5.5 and 5.6 of the Downtown West Design Standards and Guidelines (EIR Appendix M).

Page 2-36, bullets two through eight and last bullet describing on-site open spaces and their sizes

- **North Montgomery Pocket Park:** … (~~0.4~~ 0.6 acres)
- **St. John Triangle:** … (~~1.6~~ 1,9 acres)
- **Gateway to San José:** … (~~0.8~~ 1.1 acres)
- **Social Heart:** … (~~0.8~~ 0.7 acres)
- **Los Gatos Creek East:** … (~~1.5~~ 1.4 acres)
- **Creekside Walk ~~at South Autumn Street~~:** A series of "outdoor living rooms" with a range of dining options, that would be developed outside the 50-foot riparian setback from Los Gatos Creek ~~buffer~~.… (~~1.5~~ 1.4 acres)
- **The Meander:** … (~~1.6~~ 2.0 acres)
- **Los Gatos Creek Connector:** … (~~1.0~~ 1.4 acres)

Page 2-37, **new paragraph** prior to the last paragraph

The project applicant proposes to allow for outdoor events—with amplified sound—at locations within both City-dedicated and applicant-owned parks and open spaces other than enclosed pavilions, as well as on public and private streets. All events with amplified noise would be outside the 50-foot riparian setback from Los Gatos Creek and the Guadalupe River. As set forth in the project's proposed General Development Plan, events could include pop-up programming that may include retail; outdoor vending; outdoor seating and dining; outdoor performances, concerts and events; sports, fitness classes, and exercise activities; educational activities such as lectures, ecology classes and children's programming; and similar uses); markets and fairs; open air sales of agriculturally-produced seasonal decorations (Christmas trees and Halloween pumpkins); exhibitions, festivals, circuses, musical and theatrical performances and other forms of live entertainment. All events occurring in either the public-right-of way or City-dedicated parks would follow the City's permitting processes. For events in applicant-owned open spaces or on private streets that are anticipated to result in sound levels in excess of 60 decibels (dBA), based on the hourly average noise level (hourly Leq) measured at the property line of noise-sensitive uses, a permitting process would be spelled out in Section 4.50 of the General Development Plan. Other events in applicant-owned open spaces or on private streets would generate less noise and would not require separate permits; instead, the General Development Plan sets forth a noise limit of 60 dBA or less, based on the hourly average noise level (hourly Leq) measured at the property line of noise-sensitive uses, and would allow events that meet this threshold to proceed without special authorization. The permitted events with amplified sound above 60 dBA, based on the hourly average noise level (hourly Leq) measured at the property line of noise-sensitive uses, would comply with City of San José permit requirements.

Page 2-37, last paragraph

Program decks would be outdoor places for informal gatherings, outdoor extension of retail and restaurant spaces, and social seating, and could also host temporary programming and events. Park maintenance structures may include facilities to serve park uses such as warehouse, park offices, public restrooms and maintenance functions for equipment and tool storage. A maximum of 20 percent of each open space would be used for park structures. In addition to facilities located within the open spaces, an approximately 0.3-acre site ~~in the southern tip of Northend Park would~~ at a location in or near Blocks F1 through F6 may be used as a maintenance office and outdoor yard to store maintenance supplies and equipment to service parks and open spaces.

Page 2-38, last partial paragraph, continuing to page 2-40

North of the SAP Center, West St. John Street would be extended to connect with the extended Cahill Street. North of the UPRR tracks, ~~circulation would be reconfigured with a perimeter street framing new development~~ the project would create a new public street east of Block A1. The project would also create a new block-long east-west extension of Post Street between South Montgomery Street and Barack Obama Boulevard (formerly South Autumn Street~~s~~). Privately owned but generally publicly accessible streets would be added ~~in the form of a Ring Road extending west from the intersection of North Montgomery and Cinnabar Street around the rear (west) of Block A1, connecting to the former Lenzen Avenue right-of-way north of Block A1 and to a new public street along the east side of Block A1;~~ west from North Montgomery Street within Block C1; north from West San Fernando Street along the alignment of Delmas Street between Blocks E2 and E3 and turning east to the Guadalupe River; and an L-shaped street linking Royal Avenue and Auzerais Street (between Blocks H3, H5, and H6 and Block H4). Limited-access private streets providing primarily service and loading access would include a street that would run north of West San Fernando Street and parallel to Delmas Avenue at the eastern border of the project site and a connection between Cahill Street and Barack Obama Boulevard ~~South Autumn Street~~ north of Park Avenue (through Block F1).

Page 2-40, first full paragraph

The proposed project would remove a number of street segments within the project site: Cinnabar Street west of North ~~Montgomery~~ Autumn Street, North Montgomery Street between West St. John and Cahill Streets, Delmas Avenue between West Santa Clara and West San Fernando Streets, South Montgomery Street between West San Fernando Street and Park Avenue, and Otterson Street west of South Montgomery Street. The southern portion of the segment of Delmas Avenue to be removed as a through street would be reconfigured as a private street north of West San Fernando Street, between Blocks E2 and E3, as noted above; this private street would provide parking access and egress to and from the proposed development on the E blocks.

Page 2-41, third paragraph

The project applicant currently proposes to modify the existing North Montgomery Street at-grade railroad crossing to provide adequate emergency vehicle access. A dedicated lane could be provided for use emergency vehicles. Also, the circulation option lost by the removal of Cinnabar Street west of North ~~Montgomery~~ Autumn Street would be replaced by ~~a new private street connection between North Montgomery Street and Lenzen Avenue along the southern and western perimeter of the block, and~~ a new north-south connection between ~~Cinnabar~~ North Montgomery Street and Lenzen Avenue along the eastern perimeter of ~~the block~~ Block A1. The applicant could instead, or additionally, construct a new at-grade crossing of the northern of two UPRR tracks in this area, to connect the project site with the San Jose Market Center, the retail center northeast of the site. However, it

is possible that North Montgomery Street could continue to serve as the sole emergency vehicle access point, with the introduction of new technologies, such as remotely controlled bollards/gates, and integrated communications between building fire alarm systems and rail and/or mass notification systems.

Page 2-41, fourth paragraph, third sentence

… In addition, as described in Section 2.2.~~8~~2, *Existing and Planned Transportation Facilities*, the DISC partner agencies have endorsed a Concept Layout that would elevate the railroad tracks that currently limit access to the project site.[54] …

Page 2-41, Footnote 54

[54] As noted in Section 2.2.~~8~~2, *Existing and Planned Transportation Facilities*, the Concept Plan is inconsistent with the California High-Speed Rail Authority's preferred alternative for service to Diridon Station.

Page 2-45, second paragraph following "SAP Center Parking"

As described in Section 2.2.~~7~~1, *Existing Land Uses*, the parcels commonly known as Lots A, B, and C contain a total of 1,422 parking spaces. Although these parcels are currently owned by the City, they are leased to San Jose Arena Management, LLC, an entity affiliated with Sharks Sports and Entertainment LLC (owner of the San Jose Sharks hockey team), under an agreement commonly known as the Arena Management Agreement (AMA). …

Page 2-48, Section 2.8.7 (now 2.8.1)

2.8.~~7~~1 Diridon Station Area Infrastructure Analysis

Page 2-48, fourth paragraph

The Infrastructure Analysis acknowledged that the required improvements will have to be reevaluated in the future, once more detailed information is available regarding construction timing for ~~the BART Downtown~~ VTA's BART Silicon Valley Phase II Extension Project extension and the alignment and construction schedule for high-speed rail, and to account for evolving sustainability goals, changing state and federal requirements, and private development in the DSAP area.

Page 2-48, Section 2.8.8 (now 2.8.2)

2.8.~~8~~2 Project District Systems Overview

Page 2-49, first partial and full paragraphs and Section 2.8.9 (now 2.8.3)

energy and carbon use, and reduced potable water consumption. The central utility plants would provide thermal heating and cooling to the majority of buildings within the project site. Refer to Section 2.8.~~14~~8 for additional detail regarding central utility plans and district utility systems.

The district systems would serve the project site via a new private utility corridor. Refer to Section 2.8.~~9~~3 for additional detail.

2.8.~~9~~3 Utility Corridor

Page 2-49, second-to-last paragraph

To link Blocks E1, E2, and E3 (the portion of the site between Los Gatos Creek and the Guadalupe River and between West Santa Clara Street and the VTA tracks) with the rest of the site, the utilidor would cross Los Gatos Creek by one or more of the three following options: on the proposed replacement West San Fernando Street bridge (described in Section 2.11, *Flood Control Improvements*), on the new footbridge that would be built across Los Gatos Creek as part of the project, using jack-and-bore construction beneath the creek, or a combination of these options. If jack-and-bore construction is used, jacking and receiving pits would be placed outside of the riparian corridor. On the southern end of the project site, to link Blocks H1–~~H4~~ H6 with the rest of the site, an additional crossing of Los Gatos Creek would be made north of West San Carlos Street, using jack-and-bore construction beneath the creek. Jacking and receiving pits required in this crossing option would be placed outside of the riparian corridor. Jack-and-bore construction would also be used beneath the UPRR tracks in the northern portion of the site to allow the utilidor to reach the most northerly project block, Block A1.

Page 2-51, Section 2.8.10 (now 2.8.4)

2.8.~~10~~4 Potable Water

Page 2-51, last two sentences

… Because of proposed right-of-way ~~vacations~~ abandonments (discussed in Section 2.7, *Transportation and Circulation*), some existing sanitary sewer infrastructure would need to be relocated or removed, including from ~~North Montgomery and~~ South Montgomery ~~Streets~~, Cinnabar, and Delmas Streets, and potentially from the San José Fire Department training facility site. The project applicant would coordinate with the City to determine acceptable relocations.

Page 2-51, Section 2.8.11 (now 2.8.5)

2.8.~~11~~5 Wastewater

Page 2-50, first full paragraph, last sentence

… The wastewater treatment process and supporting treatment equipment would be co-located with the thermal plant in up to two proposed central utility plants (described in Section 2.8.~~14~~8, *Central Utility Plants and District Utilities*).

Page 2-52, Section 2.8.12 (now 2.8.6)

2.8.~~12~~6 Recycled Water

Page 2-53, Section 2.8.13 (now 2.8.7)

2.8.~~13~~7 Stormwater

Page 2-54, third paragraph, first sentence

The proposed right-of-way ~~vacations~~ abandonments (discussed in Section **Error! Reference source not found.**, ***Error! Reference source not found.***) would necessitate the relocation or removal of some existing storm drain infrastructure, including an existing storm drain in South Montgomery Street.

Page 2-55, Section 2.8.14 (now 2.8.8)

2.8.~~14~~8 Central Utility Plants and District Utilities

Page 2-55, Footnote 66

[66] If included in the project, on-site wastewater treatment and generation of non-potable (recycled) water for reuse would also be considered a district utility. However, the project may also be served by the San José–Santa Clara Regional Wastewater Facility for both purposes. Sanitary sewer and recycled water are discussed in Section 2.8.~~11~~5 and Section 2.8.~~12~~6, respectively.

Page 2-59, Section 2.8.15 (now 2.8.9)

2.8.~~15~~9 Solid Waste Collection and Transport

Page 2-59, Section 2.8.16 (now 2.8.10)

2.8.~~16~~10 Project Site Security

Page 2-63, first partial paragraph

project site (refer to Section 2.13.~~8~~2, *Demolition, Grading, and Site Preparation*). Thus, excavation spoils would potentially be available for on-site fill to raise the existing ground elevation, assuming that any known and potential contamination could be resolved.

Page 2-65, Section 2.12.7 (now 2.12.1)

2.12.~~7~~1 Renderings of the Proposed Project

Page 2-66, Section 2.13.7 (now 2.13.1)

2.13.~~7~~1 Construction Phases

Page 2-66, first full paragraph, fifth sentence

… Actual phased implementation could be constrained by external factors such as market forces and construction staging for ~~the BART Downtown~~ VTA's BART Silicon Valley Phase II Extension Project extension, and thus could extend over a longer period. …

Page 2-67, first paragraph beneath the heading, "Phase 1 (2021 through 2027)"

Phase 1 generally consists of the project area south of West Santa Clara Street, except for some blocks on the south side of West Santa Clara Street (Blocks D1 and D4) and some blocks south of Los Gatos Creek (Blocks H2~~,~~ and H4~~, and a portion of Block H3~~). Refer to **Figure 2-10** for the approximate boundaries of Phase 1.

Page 2-67, Table 2-3, fourth row under "Land Uses" heading

Limited-term corporate accommodations ~~(rooms)~~	530	190	80	**800**

Page 2-69, first partial paragraph

… spaces, along with the project's 100,000 gsf of event/conference space. Phase 1 would also include 87,000 gsf of utilities (central utility plant) in the Southern Infrastructure Zone, and 50,000 gsf of logistics/warehouse space. In addition, Phase 1 would include development of 530 ~~rooms of~~ limited-term corporate accommodations.

Page 2-70, third paragraph, fourth sentence

In addition, Phase 2 would include development of 190 ~~rooms of~~ limited-term corporate accommodations.

Page 2-71, second paragraph, last sentence

Phase 3 would also include 80 ~~rooms of~~ limited-term corporate accommodations and the project's final 2 acres of open space.

Page 2-70, fourth bullet under the heading, "Phase 2 (2025 through 2031)" and the following paragraph

- On the southernmost Block H4 ~~and part of Block H3~~ on the north ~~size~~ side of Auzerais Avenue ~~and on Block H2 at the northwest corner of West San Carlos Street and Bird Avenue~~.

Phase 2 work is anticipated to begin in 2025 and would extend through 2031. Because this phase would include work in disparate areas of the project site, and because of the anticipated BART extension that would be constructed through the center of the site, Phase 2 would be developed in subphases. The anticipated initial portion of this phase would involve the northern and southern blocks (Blocks A1, B1, H2, ~~H3,~~ and H4) to avoid the construction staging area for the Diridon BART station (Blocks D1 and D4). The project applicant anticipates that above-ground construction work would be completed on the Diridon BART station around 2029, allowing project construction to begin on Blocks D1 and D4. The second of the project's two logistics facilities would also be constructed in Phase 2, adding an additional 50,000 gsf of logistics/warehouse space.

Page 2-71, Section 2.13.8 (now 2.13.2)

2.13.~~8~~2 Demolition, Grading, and Site Preparation

Page 2-72, Section 2.13.9 (now 2.13.3)

2.13.~~9~~3 Construction Equipment

Page 2-73, Section 2.14 **(new section)**

2.14 Development Agreement

As contemplated by the MOU, the City and the project applicant have negotiated a draft Development Agreement that, if approved by the City Council, would secure vested development rights for the project applicant in exchange for public benefits beyond those required or achievable through existing City ordinances, regulations, and policies. A draft of the Development Agreement was made available to the public on April 6, 2021, and is available for public review on the City's website.[1]

The public benefits contemplated in the draft include a combination of mechanisms, such as land dedication, moderate-income inclusionary housing units, development fees, and other funding sources for affordable housing production and preservation within the boundaries of the DSAP; development of approximately 15 acres of new open space; new bike and pedestrian infrastructure and enhanced access to public transit, as part of the proposed project's approximately $890 million (in 2021 dollars) investment in infrastructure improvements; workforce commitments, including payment of prevailing wage and local hire goals; seed funding for a Community Stabilization and Opportunity Pathways Fund; voluntary contributions relating to limited-term corporate accommodations to benefit affordable housing and parks; and the dedication to the City of the contiguous parcels located at 255 North Autumn Street and 240 and 260 North Montgomery Street (located across North Montgomery Street from the project site). These public benefits do not change the development proposed by the project applicant and analyzed in this EIR.

A final version of the Development Agreement may differ from the draft described above and would require recommendation by the Planning Commission and approval and authorization of City Council.

[1] As of publication of this First Amendment, the draft Development Agreement is posted on the City's website for the proposed project, at: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project. Accessed April 7, 2021.

Page 2-73, Section 2.14 (now 2.15)

2.15 ~~2.14~~ Uses of the EIR and Required Project Approvals

Page 2-73, Section 2.14.7 (now 2.15.1)

2.15.1 ~~2.14.7~~ Project Applicant Objectives

Page 2-75, Section 2.14.8 (now 2.15.2)

2.15.2 ~~2.14.8~~ City Objectives

Page 2-76, Section 2.14.9 (now 2.15.3)

2.15.3 ~~2.14.9~~ Objectives of the City and Google Memorandum of Understanding

Page 2-76, Section 2.15.7 (now 2.16.1)

2.16.1 ~~2.15.7~~ City of San José

Page 2-77, fourth major bullet

- General Plan text amendments and General Plan ~~text~~ diagram amendments, including changes to the Land Use Diagram, Transportation Network Diagram, growth reallocation (Appendix 5, *Growth Areas Planned Capacity by Horizon*) and policy clarifications

Page 2-77, eighth major bullet

- Planned Development rezoning, including a General Development Plan that includes, as applicable:

  ~~Maps~~ Diagrams delineating permitted land uses; landscape and open space areas; public and private streets ~~and driveways, both on and adjacent to the site~~; and ~~public and private easements for parking,~~ access, utilities, and pedestrian use

  …

  Additional applicable ~~maps~~ diagrams depicting adjacent buildings; existing structures to be retained; important existing natural features, including trees, waterways, and other such features; ~~the location and required height of sound walls;~~ topography; and proposed grading, if greater than 18 inches

  …

  Subsequent conformance review process for vertical improvements, open space, and horizontal improvements

Page 2-77, ninth major bullet

- Planned Development permit(s), which would include:

  …

  Conceptual Infrastructure Plan Sheets (anticipated floodplains, grading, utility layout and stormwater improvements within the public realm)

  Conformance Review Process Implementation Guide

Page 2-78, fifth bullet from the bottom

- ~~Vacation and dedication of public right-of-way~~

Page 2-80, first bullet

- ~~Subsequent design conformance review for consistency with the Downtown West Design Standards and Guidelines~~

Page 2-80, fourth bullet from bottom of page

- **Valley Water:** Encroachment permit for any work on Valley Water lands, including along Los Gatos Creek and the Guadalupe River; any approvals for new stormwater outfalls; review and approval of construction of work in Los Gatos Creek, including the proposed new footbridge, the West San Fernando Street bridge replacement, any work on other bridges, and creek enhancement/rehabilitation work. Potential permit and review of any wells for a ground-based heating system (horizontal ground loop and energy piles).

Page 2-79, section beginning with the heading, "Downtown West PD Zoning/Design Conformance Review"

Downtown West PD Zoning/Design Conformance Review

In addition to the conditions of approval contained in the project's Planned Development Permit, the ~~The~~ General Development Plan would establish a Downtown West PD Zoning/Design Conformance Review (Conformance Review) process. The Downtown West Implementation Guide (Implementation Guide), a component of the proposed Planned Development Permit, further describes this Conformance Review process to ensure that development within the project site substantially conforms with the requirements of the Plan, the Downtown West Design Standards and Guidelines, applicable provisions of the Municipal Code, and the other applicable standards and guidelines noted above.

The project applicant would be required to submit a Conformance Review application to the City's Department of Planning, Building and Code Enforcement for vertical improvements and open space. The application would have to include information specified in the ~~General Development Plan~~ Implementation Guide, including, as applicable:

- ~~Proposed land uses and allocation of square footage for each;~~
- ~~Building heights; and~~
- Data charts providing information regarding the proposed land uses, open space program and acreage, square footage of non-residential uses and/or number of residential units;
- Site plans and/or drawings pertaining to the area of development;
- Information demonstrating compliance with relevant affordable housing and parking requirements under the Development Agreement, and relevant Parkland Agreement requirements; and
- Requests, ~~for minor modifications to and other authorized relief from the Planned Development Permit, if sought~~ if any, for

relief from standards under the Downtown West Design Standards and Guidelines.

The Director of Planning, Building and Code Enforcement or the Director's designee would evaluate the Conformance Review application on the basis of a Conformance Checklist to be submitted by the applicant and/or developer of a particular building, structure, or physical improvement (refer to Appendix M for the Conformance Checklist). The Conformance Checklist would describe the ~~criteria~~ applicable standards and guidelines established in the ~~General Development Plan and the~~ Downtown West Design Standards and Guidelines and Downtown Design Guidelines against which a determination of conformity can be made by the Director. Compliance with clear and quantitative mandatory standards ~~in the Planned Development Permit and Downtown West Design Standards and Guidelines~~ would be required; however, compliance with non-mandatory guidelines, while encouraged, would not be required.

In instances in which the Director of Planning, Building, and Code Enforcement determines that a Supplemental or Subsequent EIR is required and identifies one or more significant environmental effects (following mitigation) that are new or substantially more severe than those identified in this Final EIR, the Planning Commission would make a recommendation and the City Council would be responsible for the approval or denial of a Vertical or Open Space Conformance Review Application pursuant to the standard of review described in the General Development Plan.

The proposed Conformance Review process would not be ministerial, and thus would require the City to consider whether subsequent environmental review would be required pursuant to State CEQA Guidelines Section 15162. While it is likely that most subsequent actions would be consistent with the Downtown West Design Standards and Guidelines, the General Development Plan, and other governing documents, and would therefore not require additional CEQA review because they are covered by the Downtown West Final EIR, the Director of Planning, Building, and Code Enforcement, and in certain circumstances, the Planning Commission or the City Council, would be responsible for making a determination, reflecting the City's independent judgment, that a Conformance Review application complies with the requirements of CEQA, which may include preparation of an addendum, supplemental EIR or subsequent EIR.

Horizontal Improvements

~~Plans for so-called horizontal improvements, including but not limited to streets, utilities, and grading, would be reviewed and approved by the Director of Public Works or the Director's designee.~~ For horizontal improvements, prior to the submittal of any phased final map or 100 percent

improvement plan set, the applicant would submit 35 percent, 65 percent, and 95 percent improvement plans to the Director of Public Works and applicable City departments for review and comment. The Director of Public Works or the Director's designee, in consultation with applicable City departments, would evaluate the plans for consistency with applicable project approvals and documents.

Following the review of the 95 percent horizontal improvement plans, the project applicant would apply for approval of phased final maps and 100 percent improvement plans pursuant to the procedures described in Title 19 of the Municipal Code and any ordinances governing the design and permitting of final subdivisions and improvements applicable to projects within the Downtown West PD Zoning District. In doing so, the project applicant would be required to demonstrate that all phased final maps and associated improvements, as described on 100 percent improvement plans, substantially conform with the Vesting Tentative Map conditions of approval.

Page 2-79, Section 2.15.8 (now 2.16.2)

2.16.2 ~~2.15.8~~ Other State, Regional, and Local Entities

Page 2-80, second bullet

- ~~**California Department of Transportation (Caltrans):** Granting of access easement(s) for construction of an access road on a portion of Caltrans property at the southeastern portion of Block E3.~~

Page 2-80, fourth bullet from bottom of page

- **Valley Water:** Encroachment permit for any work on Valley Water lands, including along Los Gatos Creek and the Guadalupe River; any approvals for new stormwater outfalls; review and approval of construction of work in Los Gatos Creek, including the proposed new footbridge, the West San Fernando Street bridge replacement, any work on other bridges, and creek enhancement/rehabilitation work. Potential permit and review of any wells for a ground-based heating system (horizontal ground loop and energy piles).

Page 2-80, third bullet from bottom of page

- **San Francisco Bay Regional Water Quality Control Board:** Clean Water Act Section 401 certification and/or issuance of Waste Discharge Requirements pursuant to the state's Porter-Cologne Water Quality Act for work in Los Gatos Creek, including the proposed creek restoration program, proposed new footbridge, the West San Fernando Street bridge replacement, any work on other bridges, any dewatering necessary for in-channel work, replacement of stormwater outfalls, and potentially permit approval if any trails or pathways were to be developed within the riparian habitat of Los Gatos Creek. The district water reuse facility or facilities would require approval from the San Francisco Bay Regional Water Quality Control Board under current regulations for on-site treatment and use of non-potable water.

Page 2-81, Section 2.15.9 (now 2.16.3)

2.16.3 ~~2.15.9~~ Federal Agencies

4.1.6 Chapter 3, Environmental Setting, Impacts, and Mitigation

Page 3-10, first bullet, last sentence

- … Construction is anticipated for 2022 through ~~2028~~ 2030, with substantial completion anticipated in 2028.

Page 3-12, bulleted item

- The DISC Plan is currently being prepared in a joint effort by the City of San José, the Peninsula Corridor Joint Powers Board (Caltrain), ~~BART,~~ VTA (which also represents BART), and the California High-Speed Rail Authority. (The Metropolitan Transportation Commission joined the DISC process as a partner agency in 2020.) The DISC Plan will evaluate how to expand and redesign Diridon Station as a world-class transit center that provides for intermodal connections and integration with the surrounding neighborhoods. The DISC Plan will not propose any land use changes, but will focus on station design, including the spatial configuration that shows how the various track and station elements will fit together and relate to the surrounding neighborhood. In February, the City Council endorsed a conceptual layout for the DISC Plan.[7]

  The DISC process initially identified three conceptual layouts for the future Diridon Station: an at-grade station on West San Fernando Street, an elevated station on West Santa Clara Street, and an elevated station near West Stover Street. Through a community input process and ongoing technical work with the partner agencies, a fourth alternative was identified as the preferred Concept Layout for the DISC Plan, a preliminary alignment for elevated heavy rail tracks through Diridon Station. The preferred Concept Layout incorporates three guiding principles for the future Diridon Station:

  The station should be elevated;

  There should be station entrances at West Santa Clara and West San Fernando Streets; and

  Track approaches should generally stay within the existing northern and southern rail corridors.

  In February 2020, the San José City Council, the Caltrain board, and the California High-Speed Rail Authority board endorsed the preferred Concept Layout, including the three design principles above, and the VTA board did so in June 2020. See Section 2.2.2, *Existing and Planned Transportation Facilities*, for more information.

4.1.7 Section 3.1, Air Quality

Page 3.1-46, penultimate bullet

Electrification (no natural gas use) of all buildings at the site, including all office space, all residential space, and all retail space, ~~with the exception of 20,000 square feet of restaurant kitchens~~ including all restaurant kitchen space;

Page 3.1-48, second bullet

- ~~Energy sources (natural gas combustion cooking in restaurant kitchens);~~

Page 3.1-48, third paragraph

~~Except for 20,000 square feet of commercial kitchens in restaurants throughout the proposed project site, all~~ All buildings at the project site would be 100 percent electric; this includes all office space, all residential space, and all retail space, including all restaurant kitchens and cooking appliances. As such, no natural gas combustion was assumed for ~~these uses~~ the project.[97a] Restaurants were assumed to be scattered across the project site, but mainly concentrated in the central zone. Up to five charbroilers were modeled, which would emit VOCs and PM. In addition, an on-site solar photovoltaic system achieving at least 7.8 megawatts of electricity production was included in the modeling. These features were quantified for the air quality analysis.

Page 3.1-49, first paragraph

The primary air quality benefit of LEED certification is a reduction in natural gas use through energy efficiency and building design features. However, because the project would be ~~almost~~ entirely electric (and electricity use does not produce local air pollutants), and because LEED certification can be obtained through a variety of means outside of energy efficiency, this feature was not quantified in the air quality analysis.

Page 3.1-50, first paragraph beneath the heading, "Existing Conditions," first sentence"

As described in Chapter 2, *Project Description*, the approximately ~~81~~80-acre project site currently contains approximately 100 individual assessor's parcels

Page 3.1-56, first full paragraph, last sentence

Under this scenario, for interim project operations in 2025–2031, total vehicle trips and VMT were reduced by 24 percent (consistent with a non– single occupancy vehicle [SOV] mode share of ~~55~~ 50 percent), and for full-buildout project operations in 2032, total vehicle trips and VMT were reduced by 27 percent (consistent with a non-SOV mode share of 65 percent).

[97a] Although the project applicant has committed to completely electrify all buildings and uses at the project site, and the project will therefore not consume or combust any natural gas during operations, the analysis conservatively assumes the consumption of natural gas for 20,000 square feet of commercial kitchens.

Page 3.1-60, first partial paragraph, following second sentence

… The project would create new sensitive receptors, primarily residential and childcare uses on-site, that would be exposed to TAC emissions from later phases of construction; these were also considered. Figure 3.1-1 presents the sensitive receptors considered as part of the HRA.[119a] …

Page 3.1-62, third paragraph, following third sentence

… Two parcels (H2 and H3) were assumed to have childcare receptors and are designated for this use in the Downtown West Design Standards and Guidelines. To provide a conservative assessment of project-level and cumulative health risks, the analysis includes childcare receptors throughout Parcel H3, including potential locations within 500 feet of the I-280 freeway. However, the project would not include any childcare or educational use within 500 feet of I-280, at the request of the BAAQMD. …

Page 3.1-76, Table 3.1-6, first row, third column

The project would use all-electric space and water heating systems for residential and commercial use, and all-electric stoves for cooking. Natural gas would not be used ~~only~~ for ~~20,000 square feet of commercial kitchens~~ any project use. Additionally, the project would be subject to San José's Reach Code, which requires, among other things, that new residential and non-residential construction achieve increased energy efficiency, including for building heating, and provides incentivizes for all-electric construction.

Page 3.1-84, third full paragraph, third sentence

… The project plans to provide a minimum of 2,850 and up to a maximum of 4,800 parking spaces for public and/or commercial use, and up to 2,360 spaces for residential uses, for approximately 7,160 total parking spaces on-site.[160] …

Page 3.1-90, first bullet

- ~~On-site energy sources (e.g., natural gas combustion for cooking in restaurant kitchens);~~

Page 3.1-90, first paragraph beneath the heading, "Existing Emissions," first sentence

As described in Chapter 2, *Project Description*, the project site is an ~~81~~80-acre area in Downtown San José that is mostly vacant

Page 3.1-92, second bullet

- ~~On-site energy sources (e.g., limited natural gas combustion for cooking in restaurant kitchens)~~

[119a] Figure 3.1-1 shows childcare / educational uses in Parcel H3 at the southern boundary of the project site, including within 500 feet of the I-280 freeway. However, the project will not include any childcare or educational use within 500 feet of I-280. This commitment was made at the request of the BAAQMD. The modeling is therefore conservative with respect to new onsite childcare receptor locations.

Page 3.1-97, paragraph 3.g of Mitigation Measure AQ-2a

g. The project applicant shall encourage walking, bicycling, and transit use by construction employees by offering incentives such as on-site bike parking, transit subsidies, and additional shuttles. The project shall ~~achieve~~ target a project-lifetime performance standard of diverting at least 50 percent of construction employee trips from single-occupant vehicles. This may include the use of carpools and vanpools for construction workers.

Page 3.1-101, Mitigation Measure AQ-2h

Mitigation Measure AQ-2h: Enhanced Transportation Demand Management (TDM) Mitigation Program

The project applicant shall develop and submit a Transportation Demand Management (TDM) Program for review and approval by the Directors of Public Works and Planning, Building, and Code Enforcement or the Directors' designees prior to or concurrent with the adoption of the Planned Development ~~PD~~ Permit. The TDM program shall be designed such that all project-related daily vehicle trips are reduced with the primary focus on the office and residential components of the proposed project. (Office and residential trips would comprise approximately 85 percent of project vehicle trips and are assumed to serve as a proxy for all project trips.)

The TDM program shall:

A. Be designed to meet performance standards that include exceeding the 15 percent transportation efficiency requirement of AB 900 *and* achieving additional vehicle trip reductions to mitigate transportation-related environmental impacts and reduce criteria pollutant emissions from mobile sources, as described below;

B. Describe project features and TDM measures that shall and may be used to achieve the performance standard commitments;

C. Describe a monitoring and reporting program, including a penalty structure for non-compliance; and

D. Recognizing that commute patterns, behavior and technology continue to evolve, describe a process for amending and updating the TDM program as needed over time while continuing to achieve the performance standards described below.

These elements of the TDM Program are described further below.

A. **Performance Standards:** The Project's TDM program shall be designed to achieve the performance standards described below:

- Assuming currently available public transit service levels (pre-COVID 19), achieve a combined non-SOV rate of 50%, which is estimated to be equivalent to a 24% reduction in daily vehicle trips from the City model's travel demand outputs;
- Following completion of service enhancements related to Caltrain Electrification, achieve a combined non-SOV rate of 60%, which is estimated to be equivalent to a 26% reduction in daily vehicle trips from the City model's travel demand outputs; and

- Following completion of service enhancements related to the start of BART service to Diridon Station, achieve a combined non-SOV rate of 65 percent, which is estimated to be equivalent to a 27 percent reduction in daily vehicle trips from the City model's travel demand outputs.

B. **TDM Program:** Project features and required SOV trip reduction strategies shall include the following elements:

1. Improvements to pedestrian and bicycle facilities on-site and connecting the site to surrounding areas, including the construction/contribution to Los Gatos Creek Trail improvements and on-street connectors between West San Carlos Street and West Santa Clara Street;
2. Limited parking supplies on-site, including no more than 4,800 parking spaces for commercial uses and no more than 2,360 spaces for residential development (a portion of the residential spaces could be available as shared use spaces for office employees) and enforcement of the project's parking maximums for new uses as a disincentive for employees and visitors to the site, encouraging them to carpool, take transit, bike, and walk instead of drive;
3. Market-rate parking pricing for non-residential uses and unbundled parking for market rate residential uses;
4. Pre-tax commuter benefits for employees allowing employees to exclude their transit or vanpooling expenses from taxable income or an alternate commuter benefit option consistent with the MTC/BAAQMD Commuter Benefits Program required for employers with 50 or more full-time employees;
5. Marketing (encouragement and incentives) to encourage transit use, carpooling, vanpooling, and all non-SOV travel by employees and residents, including welcome packets for new employees and residents, and dissemination of information about Spare the Air Days within the San Francisco Bay Area Air Basin as recommended by the 2017 Clean Air Plan; and
6. Rideshare coordination, such as implementation of the 511 Regional Rideshare Program or equivalent, as recommended by the 2017 Clean Air Plan.

Other supplemental SOV trip reduction strategies to meet performance standards shall include some combination of the following:

Transit Fare Subsidy	~~Make available~~ Provide transit passes or subsidies to employees and residents to make transit an attractive, affordable mode of travel.
Parking Pricing Structure	Ensure that the parking pricing structure ~~complements on-street parking pricing and~~ encourages "park once" behavior for all uses.

Preferential Carpool and Vanpool Parking	Provide dedicated parking for carpool and vanpool vehicles near building and garage entrances.
On-Site Bicycle Parking and Storage	Provide additional security and convenience for bicycle parking, such as lockers or secured bicycle rooms.
Designated Ride-Hailing Waiting Areas	Dedicate curbside areas for passenger pickup by ride-hailing services, to minimize traffic intrusion and double-parking by rideshare vehicles.
Bikeshare Program	Contribute to or implement a bikeshare program to increase use of biking and access to transit and surrounding land uses.
~~**Traffic Calming**~~	~~Implement on-site traffic calming improvements to support the increased use of walking, biking, and transit.~~
Express Bus or Commuter Shuttle Services	Provide express bus or other commuter shuttle services to complement existing, high-quality, high-frequency public transit; service may also be provided through public/private partnerships with transit providers.
Alternative Work Schedules and Telecommuting	Allow and encourage employees to adopt alternative work schedules and telecommute when possible, reducing the need to travel to the office component of the project.
First-/Last-Mile Subsidy	Provide subsidies for first-/last-mile travel modes to employees to reduce barriers to the use of transit as a primary commute mode by making short connecting trips to and from longer transit trips less costly and more convenient. First-/last-mile subsidies could be used to access bicycle share, scooter share, ride hailing, and local bus and shuttle services, and could subsidize bicycling and walking.
On-Site Transportation Coordinators	Provide TDM program outreach and marketing via on-site transportation coordinators who can also give individualized directions, establish ridesharing connections, and provide other alternative travel information to project employees and residents.
Technology-Based Services	Use technology-based information, encouragement, and trip coordination services to encourage carpooling, transit, walking, and biking by project employees and visitors. These can include third-party apps to distribute incentives to people who choose to use these modes.

Employer-Sponsored Vanpools	Coordinate and provide subsidized vanpools for employees who cannot easily commute via transit.
Biking Incentives and On-Site Bike Repair Facilities	Provide additional incentives that encourage bicycle usage and ability to repair bikes on site.
Carshare Program	Provide car share subsidies to residents to encourage the use of carshare programs (such as ZipCar~~, Car2Go,~~ and Gig) and limit parking demand.
Building-Specific TDM Plans	Develop customized TDM plans for specific buildings and tenants to better address the needs of their users.
Transportation Management Agency Membership	Join a non-profit transportation management association if formed for Downtown San José, and leverage the larger pool of commuters and residents to improve TDM program marketing and coordinate TDM programs.

C. **Monitoring and Enforcement:** Starting in the calendar year after the City issues the first certificate of occupancy for the first office ~~or residential~~ building in the first development phase, the project applicant shall retain the services of an independent City-approved transportation planning/engineering firm to conduct an annual mode-share survey of the project's office and residential components each fall (mid-September through mid-November) to determine whether the project is achieving the combined average non-SOV mode share for office and residential uses sufficient to indicate the specified trip reductions. The applicant shall submit an annual report to the staff of the San José Department of Transportation each January 31 of the following year.

The annual report shall describe: (a) implementation of the TDM program; and (b) results of the annual mode split survey, including a summary of the methodology for collecting the mode split data, statistics on response rates, a summary conclusion, and an outline of additional TDM measures (i.e., a corrective action plan) to be implemented in subsequent years should the non-SOV mode split goal not be reached.

If timely reports are not submitted and/or reports indicate that the office and residential uses have failed to achieve the combined non-SOV mode share specified above in two consecutive years after issuance of the certificate of occupancy for 50 percent of the office development is reached, the project will be considered in violation of this mitigation measure. The City will issue a notice of non-compliance after the first year the project fails to meet monitoring requirements (submittal of timely reports and/or achieving specified non-SOV mode share), after which the applicant has one year to

comply with the monitoring requirements through the project's discretionary implementation of additional TDM measures.

After two years of not meeting the project-wide monitoring requirements, the City may initiate enforcement action against the applicant and successors~~, including~~. In an enforcement action, the non-SOV mode share for the office and residential uses will be identified separately to determine whether the office and/or residential components are in non-compliance. Enforcement actions for owners and/or operators of the office development may include imposition of financial penalties ~~to the owners and/or operators of the office and residential development~~ that will support the funding and management of transportation improvements that would ~~bring~~ improve the project's ability to achieve the target non-SOV mode share. ~~Enforcement actions shall generally be consistent with City Council Policy 5-1 and include a mutually agreed-upon monetary cap~~ Financial penalties shall generally be consistent with City Council Policy 5-1 and include a mutually agreed-upon monetary cap for penalties applied to the office uses. Enforcement actions for the owner and/or operators of the residential development would include required implementation of additional feasible TDM measures as reasonably required by the City. If such additional TDM measures are not implemented as required, regardless of measured effectiveness, financial penalties may be imposed.

If timely reports are submitted and demonstrate that the applicant has implemented required features and strategies and has achieved the non-SOV mode share specified above for five consecutive years after ~~full project~~ issuance of certificates of occupancy for 50 percent of the office development, monitoring shall no longer be required annually, and shall instead be required every five years, or ~~upon request~~ if reasonably determined by the City of San José Planning, Building, and Code Enforcement Department or Department of Public Works ~~for an annual update, as needed~~ to ensure ongoing compliance, monitoring and reporting may be required up to once per year.

D. **Flexibility and Amendments:** The project applicant may propose amendments to the approved TDM program as part of its annual report each year, provided that the applicant shall not be permitted to decrease the performance standards specified in Section (A), above, and subject to review and approval by the Director of Public Works and Director of Planning, Building, and Code Enforcement or the Directors' designees. ~~The applicant shall not be permitted to decrease the performance standards specified in Section A, above.~~ The City and the project applicant expect that the TDM program will evolve as travel behavior changes and as new technologies become available. Any proposed changes will be considered approved unless the Director of Public Works ~~and~~ or Director of Planning, Building, and Code Enforcement objects to the proposed change within 30 days of receipt.

Page 3.1-129, Mitigation Measure AQ-3

Mitigation Measure AQ-3: Exposure to Air Pollution—Toxic Air Contaminants

The project applicant shall incorporate the following health risk reduction measures into the project design to reduce the potential health risk caused by exposure to toxic air contaminants (TACs), as feasible for the project's sources of TACs. These features shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval and shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City:

1. Plant trees and/or vegetation between new on-site and existing off-site sensitive receptors and the project's operational source(s) of TACs (i.e., on-road vehicles, stationary emergency generators), if feasible. In addition, plant trees and/or vegetation between new on-site sensitive receptors and existing background sources of toxic air contaminants, if feasible. Locally native trees that provide suitable trapping of particulate matter are preferred.
2. Construction trucks shall adhere to the modeled haul route as presented in Figure 3.1-2. If an alternative truck haul route is used, the project applicant shall quantitatively demonstrate to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, that these haul routes would not result in health risks that exceed the project-level thresholds of significance for either existing off-site or new on-site sensitive receptors.

Page 3.1-133, Table 3.1-18, footnote references

TABLE 3.1-18
SCENARIO 1—MITIGATED INCREMENTAL INCREASE IN LIFETIME CANCER RISK, CHRONIC HAZARD INDEX, AND ANNUAL AVERAGE $PM_{2.5}$ CONCENTRATION

Receptor Type/ Emissions Source	Exposure Period/ HI Max Year/ $PM_{2.5}$ Max Year	Incremental Increase in Lifetime Cancer Risk (in 1 million)[a,b]	Chronic Hazard Index[a,b]	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)[a,b]
Resident Child—Off-Site Receptor[b,c]				
Project Construction	2024–2032/2027/ 2027	**14.0**	0.01	0.05
Project Operational, interim	2025–2032/2025/ 2025	3.3	0.01	0.14
Project Operational, full	2032–2054/2032/ 2032	2.3	0.01	0.17
Project Construction + Operations[c,d]	2024–2054/2032/ 2032	**19.6**	0.02	0.19
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		Yes	No	No
Resident Adult—Off-Site Receptor[d,e]				
Project Construction	2021–2032/2027/ 2027	0.6	0.01	0.05
Project Operational, interim	2025–2032/2025/ 2025	0.4	0.01	0.14

Project Operational, full	2032–2051/2032/2032	1.1	0.01	0.17
Project Construction + Operations[cd]	2021–2051/2032/2032	2.1	0.02	0.19
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	**No**
School—Off-Site Receptor[ef]				
Project Construction[fg]	2023–2030/2025/2025	0.1	<0.01	<0.01
Project Operational, interim	2025–2032/2025/2025	0.4	0.01	0.09
Project Operational, full	NA	0.0	0.0	0.0
Project Construction + Operations[cd]	2023–2032/2025/2025	0.5	0.01	0.09
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	No

NOTES:
µg/m^3 = micrograms per cubic meter; HI = Hazard Index; MEIR = Maximally Exposed Individual Receptor; NA = not applicable; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter

a **Bold values** = threshold exceedance.

b Health risk values presented in this table include Tier 4 Final engines on all off-road equipment (as available, with the assumption that 4% of horsepower-hours for all phases of construction would be associated with Tier 4 interim off-road equipment engines, 1% with Tier 3 off-road equipment engines plus Level 4 diesel particulate filters, and 1% with Tier 3 off-road equipment engines), and 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 The resident child cancer risk MEIR is located east of the project site, north of Park Avenue. The HI and $PM_{2.5}$ MEIR is located along Auzerais Avenue, south of the project site.

d HI and $PM_{2.5}$ annual concentration represent the worst year of exposure, not a summation. Overlapping years of construction and operation have combined impacts.

e The resident adult cancer risk MEIR is located east of the project site, along N. Montgomery Street north of the SAP center. The HI and $PM_{2.5}$ MEIR is located along Auzerais Avenue, south of the project site.

f The school cancer risk and HI MEIR is located at Gardener Elementary School. The $PM_{2.5}$ MEIR is located at Hester School.

g The exposure duration of the school MEIR is less than 30 years. The exposure start date represents the worst-case exposure period.

SOURCES: Data compiled by Environmental Science Associates in 2019 (refer to Appendix C1).

Page 3.1-134, Table 3.1-19, footnote references

TABLE 3.1-19
SCENARIO 2—MITIGATED INCREMENTAL INCREASE IN LIFETIME CANCER RISK, CHRONIC HAZARD INDEX, AND ANNUAL AVERAGE $PM_{2.5}$ CONCENTRATION

Receptor Type/ Emissions Source	Exposure Period/ HI Max Year/ $PM_{2.5}$ Max Year	Incremental Increase in Lifetime Cancer Risk (in 1 million)[a,b]	Chronic Hazard Index[a,b]	Annual Average $PM_{2.5}$ Concentration (µg/m^3)[a,b]
Resident Child—On-Site Receptor[bc]				
Project Construction	2029–2032/2029/2029	2.5	<0.01	0.01
Project Operational, interim	2029–2032/2029/2029	1.8	0.01	0.09
Project Operational, full	2032–2059/2032/2032	2.2	0.01	0.11

Project Construction + Operations	2029–2059/2032/2032	6.5	0.01	0.11
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	No
Resident Adult—On-Site Receptor[cd]				
Project Construction	2026–2032/2029/2029	0.1	<0.01	0.01
Project Operational, interim	2026–2032/2026/2026	0.1	0.01	0.09
Project Operational, full	2032–2056/2032/2032	0.3	0.01	0.11
Project Construction + Operations	2026–2056/2032/2032	0.5	0.01	0.11
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	No
Childcare—On-Site Receptor[de]				
Project Construction[ef]	2027–2032/2028/2028	1.4	<0.01	<0.01
Project Operational, interim	2027–2032/2027/2027	0.9	0.01	0.04
Project Operational, full	2032–2035/2032/2032	0.3	0.01	0.06
Project Construction + Operations[fg]	2027–2035/2032/2032	2.6	0.01	0.06
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	No

NOTES:

$\mu g/m^3$ = micrograms per cubic meter; HI = Hazard Index; MEIR = Maximally Exposed Individual Receptor; NA = not applicable; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter

a **Bold values** = threshold exceedance.

b Health risk values presented in this table include Tier 4 Final engines on all off-road equipment (as available, with the assumption that 4% of horsepower-hours for all phases of construction would be associated with Tier 4 interim off-road equipment engines, 1% with Tier 3 off-road equipment engines plus Level 4 diesel particulate filters, and 1% with Tier 3 off-road equipment engines), and 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 The resident child MEIR is located on-site at Block E2.

d The resident adult MEIR is located on-site at Block E2.

e The education MEIR is located on-site at Block H3.

f The exposure duration of the school MEIR is less than 30 years. The exposure start date represents the worst-case exposure period.

g Hazard impact and $PM_{2.5}$ annual concentration represent the worst year of exposure, not a summation. Overlapping years of construction and operation have combined impacts.

SOURCES: Data compiled by Environmental Science Associates in 2019 (refer to Appendix C1).

7Page 3.1-135, Table 3.1-20, footnote references

TABLE 3.1-20
SCENARIO 3—MITIGATED INCREMENTAL INCREASE IN LIFETIME CANCER RISK, CHRONIC HAZARD INDEX, AND ANNUAL AVERAGE $PM_{2.5}$ CONCENTRATION

Receptor Type/ Emissions Source	Exposure Period/ HI Max Year/ $PM_{2.5}$ Max Year	Incremental Increase in Lifetime Cancer Risk (in 1 million)[a,b]	Chronic Hazard Index[a,b]	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)[a,b]
Resident Child—Off-Site Receptor[b,c]				
Project Operational, full buildout	2032–2062/2032/2032	**17.0**	0.04	**0.74**
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		**Yes**	No	**Yes**
Resident Child—On-Site Receptor[c,d]				
Project Operational, full buildout	2032–2062/2032/2032	9.7	0.03	0.27
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	No
Resident Adult—Off-Site Receptor[d,e]				
Project Operational, full buildout	2032–2062/2032/2032	1.8	0.04	**0.74**
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	**Yes**
Resident Adult—On-Site Receptor[e,f]				
Project Operational, full	2032–2062/2032/2032	1.0	0.03	0.27
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	No
School—Off-Site Receptor[f,g]				
Project Operational, full buildout[g,h]	2032–2039/2032/2032	1.6	0.02	0.11
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	No
Childcare – On Site Receptor[h,i]				
Project Operational, full buildout[g,h]	2032–2038/2032/2032	3.2	0.02	0.14
Significance Threshold		**10**	**1.0**	**0.3**
Exceeds Threshold (Yes or No)?		No	No	No

NOTES:
$\mu g/m^3$ = micrograms per cubic meter; HI = Hazard Index; MEIR = Maximally Exposed Individual Receptor; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter

a **Bold values** = threshold exceedance.

b Health risk values presented in this table include Tier 4 Final engines on all off-road equipment (as available, with the assumption that 4% of horsepower-hours for all phases of construction would be associated with Tier 4 interim off-road equipment engines, 1% with Tier 3 off-road equipment engines plus Level 4 diesel particulate filters, and 1% with Tier 3 off-road equipment engines), and 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] The off-site resident child MEIR is located east of the project site, along N. Montgomery Street north of the SAP center.
[d] The on-site resident child cancer risk and HI MEIR is located in Block C1. The $PM_{2.5}$ MEIR is located in Block D1.
[e] The off-site resident adult MEIR is located east of the project site, along N. Montgomery Street north of the SAP center.
[f] The on-site resident adult cancer risk and HI MEIR is located in Block C1. The $PM_{2.5}$ MEIR is located in Block D1.
[g] The off-site school MEIR is located at the Hester School.
[h] The exposure duration of the school and childcare MEIR is less than 30 years. The exposure start date represents the worst-case exposure period.
[i] The childcare MEIR is located in Block H2.

SOURCES: Data compiled by Environmental Science Associates in 2019 (refer to Appendix C1)

Page 3.1-142, **new paragraph** prior to the heading, "Mitigation Measures"

Another potential source of on-site odors could be a centralized solid waste collection system, if included in the project as is the applicant's preference. As stated in Chapter 2, *Project Description*, this system would include on-site collection and sorting of solid waste, recyclables, and other discarded material before off-hauling. Solid waste transfer facilities are regulated by the California Department of Resources Recycling and Recovery (CalRecycle) through a network of Local Enforcement Agencies. In San José, the Code Enforcement Division of the Department of Planning, Building and Code Enforcement is the Local Agency, charged with ensuring proper operation of solid waste facilities, including transfer facilities. Additionally, Chapter 9.10 of the *San José Municipal Code*, Solid Waste Management, sets forth a comprehensive regulatory framework for odor control from on-site solid waste handling to, among other things, avoid generation of offensive odors. The City would be responsible for monitoring and enforcement in connection with any odor complaints generated by the on-site solid waste collection system. Because the centralized solid waste collection system would be largely a sealed, pneumatic system, and because an existing regulatory scheme exists to prevent odor generation from solid waste facilities, operation of the on-site solid waste collection system would result in **less-than-significant** impacts with respect to odors.

Page 3.1-145, paragraph below the heading, "Odors"

There are not currently uncommon or objectionable odors in the project vicinity and no odor-generating projects are reasonably foreseeable in the immediate area. The proposed project could result in objectionable odors from charbroilers, on-site waste handling and sorting, and the potential private district water reuse facilities. Odors from the charbroilers would be minimized through compliance with BAAQMD Rule 6-2. City Local Enforcement Agency supervision and compliance with the *San José Municipal Code* would avoid generation of offensive odors from on-site waste facilities. With implementation of BAAQMD Rule 8-8 and Mitigation Measure AQ-5, Odor Controls at the Potential Water Reuse Facility, and through the monitoring and enforcement mechanisms of BAAQMD, odors from the water reuse facilities would be minimized.

4.1.8 Section 3.2, Biological Resources

Page 3.2-6, last paragraph

Mixed riparian woodland is present along Los Gatos Creek; however, the extent and quality of the woodland are limited by urban development on either side of the waterway, and by the presence of non-native, invasive plant species. Within the riparian corridor,[18] a mix of native vegetation was observed during the reconnaissance survey of the project area, including Fremont cottonwood, ~~black acacia (*Robinia pseudoacacia*),~~ California walnut (*Juglans hindsii*), arroyo willow, and California blackberry. Non-native vegetation was also observed, including black locust (*Robinia pseudoacacia*), American elm (*Ulmus americana*), Peruvian pepper tree (*Schinus molle*), fennel, cape ivy (*Delairea odorata*), and English ivy (*Hedera helix*). Other vegetation documented in the riparian woodland along Los Gatos Creek includes eucalyptus (*Eucalyptus* sp.), box elder (*Acer negundo*), giant reed (*Arundo donax*), and tree of heaven (*Ailanthus altissima*).[footnote omitted]

Page 3.2-7, second paragraph

Mixed riparian woodland often provides habitat for a number of wildlife species because of its extensive cover and the presence of flowing water. Common mammals that could be found in riparian corridors within the study area include raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), and skunk (*Mephitis mephitis*). Birds that use moderate- to high-quality riparian habitats for nesting and foraging include northern flicker (*Colaptes auratus*); red-shouldered hawk (*Buteo lineatus*); song sparrow (*Melospiza melodia*); common merganser (*Mergus merganser*), green heron (*Butorides virescens*); yellow warbler (*Setophaga petechia*), a California species of special concern; ~~and~~ Cooper's hawk (*Accipiter cooperii*), a species on the CDFW Watch List; snowy egret (*Egretta thula*); great egret (*Ardea alba*); great blue heron (*Ardea herodius*); and black-crowned night heron (*Nycticorax nycticorax*). Snowy egret, great egret, great blue heron, and black-crowned night heron nesting colonies are regulated by CDFW; however, these species have not been documented within the Project area.[20a]

Page 3.2-8, third bullet

- Species that meet the definitions of rare and endangered under CEQA. CEQA Guidelines Section 15380 provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists (CEQA Guidelines Section 15380);

[20a] California Department of Fish and Wildlife, *Special Animals List*, November 2020. Available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline, accessed January 19, 2021.

Page 3.2-10, Table 3.2-1

Fish			
Riffle sculpin *Cottus gulosus*	—/—/SSC	Require cool, headwater streams where riffle and rocky substrates predominate.	Low. Know to occur throughout the Guadalupe River watershed. Primarily confined to the swift, cool, high-elevation reaches of streams upstream of the project site.[29a,29b]
Pacific lamprey *Entosphenus tridentatus*	—/—/SSC	Requires cool, freshwater streams with suitable gravel for spawning. Rears in rivers and tributaries to San Francisco Bay.	Low. Known to occur in low densities in multiple South Bay streams including the Guadalupe River and Los Gatos Creek.[29c] This species' status is poorly documented, and its relative abundance in streams is unknown.
Steelhead (Central California Coast DPS) *Oncorhynchus mykiss irideus*	FT/—/—	Spawns and rears in coastal streams between the Russian River and Aptos Creek, as well as drainages tributary to San Francisco Bay, where gravelly substrate and shaded riparian habitat occurs.	**Moderate.** Historically present in the Guadalupe River watershed, but urbanization and barriers to passage have likely reduced steelhead runs. Most recently identified in Los Gatos Creek during fish surveys in winter 2014.
Chinook salmon *Onchorhynchus tshawytscha*	—/—/SSC	Requires cold, freshwater streams with suitable gravel for spawning. More common in Central Valley streams, occasionally rears in tributaries to San Francisco Bay.	Low. Known to occur in small numbers in multiple South Bay streams including the Guadalupe River and Los Gatos Creek.[29d] Genetic analysis and presence of coded wire tags has determined that Chinook in South Bay streams are derived hatchery stock.[29e,29f]

Page 3.2-11, Table 3.2-1, Burrowing owl row, last column

Low. Multiple relatively current (1990s–2009) CNDDB records from vacant lots at Norman Y. Mineta San José International Airport (natural and artificial burrows in use). Most vacant lots appear to have been developed since burrowing owl observations were recorded in the CNDDB. All ~~sites~~ occurrences approximately 2.5 miles north of project area. No suitable habitat in study area currently, but suitable habitat could be created following demolition if construction does not start right away and burrows or burrow surrogates are present.

[29a] Leidy, R. A., *Ecology, Assemblage Structure, Distribution, and Status of Steelhead/Rainbow Trout (*Oncorhynchus mykiss*) in Streams of the San Francisco Estuary, California*. Center for Ecosystem Management and Restoration, Oakland, CA, 2007.

[29b] Smith, J., *Northern Santa Clara County Fish Resources*, Department of Biological Science, San José State University, July 25, 2013.

[29c] Leidy, R. A., *Ecology, Assemblage Structure, Distribution, and Status of Steelhead/Rainbow Trout (*Oncorhynchus mykiss*) in Streams of the San Francisco Estuary, California*. Center for Ecosystem Management and Restoration, Oakland, CA, 2007.

[29d] Leidy, R. A., *Ecology, Assemblage Structure, Distribution, and Status of Steelhead/Rainbow Trout (*Oncorhynchus mykiss*) in Streams of the San Francisco Estuary, California*. Center for Ecosystem Management and Restoration, Oakland, CA, 2007.

[29e] Moyle, P. B., *Inland Fishes of California – Revised and Expanded*. University of California Press, 2002.

[29f] Garcia-Rossi, D., and D. Hedgecock, *Provenance analysis of chinook salmon (*Oncorhynchus tshawytscha*) in the Santa Clara Valley watershed*, Santa Clara Valley Water District, 2002.

Page 3.2-16, first paragraph, following third sentence

… The urbanization in the lower reaches of the watershed, along with construction of barriers to upstream passage, has reduced the size of the historic run. Other impediments that create partial barriers to steelhead movement within the watershed include concrete channelization, high water temperatures, and intermittent hydrology. …

Page 3.2-34, second full paragraph

The project proposes setbacks of 50 feet for new buildings from either the top of bank of Los Gatos Creek or the edge of the creek's existing riparian canopy, whichever is a greater distance outward from the creek. ~~Also, consistent with the previously approved project on the former San Jose Water Company site, the~~ The project also proposes a ~~30~~ 50-foot setback from the top of the channel wall along the Guadalupe River for new buildings at that location; vehicular circulation along a new private street on Block E would be set back 35 feet from the Guadalupe River. In addition, the two non-historic existing buildings along Barack Obama Boulevard (formerly South Autumn Street) that are closest to the riparian corridor—Blocks D9 and D12—could be retained and reused with only cosmetic improvements and maintenance; should either or both of these buildings be demolished, replacement structures would be required to be outside the 50 foot riparian setback, just as with all new construction, ~~along Autumn Street (Blocks D8, D9, D10, D11, D12, and D13), which are currently within 50 feet of the riparian corridor, may be retained and repurposed, or could be rebuilt within existing building footprints if within the riparian setback,~~ pursuant to Sections A.2 and A.3 of City Council Policy 6-34 concerning reduced setbacks and City confirmation that the replacement would be consistent with Policy 6-34.[footnote omitted] Three other existing buildings that are farther from Los Gatos Creek but partially within the 50-foot riparian setback (Blocks D8, D10, and D11) would be retained and reoccupied with active uses (expansion beyond their existing footprints would be permitted only outside the 50-foot riparian setback), while a sixth existing building (Block D13) would be demolished and replaced with a relocated structure that would be placed outside the 50-foot riparian setback.

Page 3.2-35, Mitigation Measure BI-1a

Mitigation Measure BI-1a: General Avoidance and Protection Measures

~~This measure~~ The applicant or the applicant's contractor shall be responsible for this measure, which shall be required for demolition, site preparation (including clearing of vegetation), and construction work in the Los Gatos Creek channel and riparian corridor and the 50-foot building construction setback from the riparian corridor. It shall also be required for proposed construction activities within 50 feet of the Guadalupe River (Block~~s~~ E~~1 and E3~~, including 374 West Santa Clara Street), and work within 20 feet of the creeping wild rye plant community described under Impact BI-2. Relevant avoidance and protection measures shall be included on demolition, grading, and building permit plans.

- Before the issuance of any demolition, grading, or building permit, a qualified biologist shall prepare a worker environmental awareness training brochure and submit the brochure to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval. The training shall be distributed to the construction contractor for the specific work in question to ensure that a copy is available to all construction workers on-site. The training shall be implemented as described below.
- A California Department of Fish and Wildlife (CDFW)– and National Marine Fisheries Service (NMFS)–approved biologist shall be present to monitor all of the following activities:

  All construction-related work within the Los Gatos Creek channel or riparian corridor or the 50-foot building construction setback from the riparian corridor;

  Construction activities within 50 feet of the Guadalupe River (Block~~s~~ E,~~1 and E3 and~~ including the former San Jose Water Company building [374 West Santa Clara Street]); and

  Work within 20 feet of the creeping wild rye plant community.

The biologist shall prepare and submit daily reports demonstrating compliance with all general avoidance and protection measures to the Director of Planning, Building and Code Enforcement or the Director's designee.

- A qualified biologist shall provide the worker environmental awareness training to field management and construction personnel. Communication efforts and training shall take place during pre-construction meetings so that construction personnel are aware of their responsibilities and the importance of compliance. The training shall identify the types of sensitive biological resources in the project area (nesting birds, roosting bats, salmonids and other special-status fish, western pond turtle, riparian habitat, and creeping wild rye plant community) and the measures required to avoid impacting these resources. The materials covered in the training program shall include environmental rules and regulations for the specific project and shall require workers to limit activities to the construction work area and avoid demarcated sensitive resource areas.
- If the project adds new construction personnel, the contractor for the work in question shall ensure that the new personnel receive worker environmental awareness training before starting work within the Los Gatos Creek riparian corridor or channel; within the 50-foot building construction setback from the Los Gatos Creek riparian corridor and the Guadalupe River; or within 20 feet of the creeping wild rye plant community. The contractor shall maintain a sign-in sheet identifying the individuals who have received the training. A representative from the contractor company for the work in question shall be appointed during the training to be the contact person for any employee or contractor who might inadvertently kill or injure a listed species, or who finds a dead, injured, or entrapped individual.

The representative's name and telephone number shall be provided to NMFS and CDFW before the start of ground disturbance.

- The minimum qualifications for a qualified biologist shall be a four-year college degree in biology or related field and at least two years' demonstrated experience with the species of concern.
- If a listed wildlife species is discovered, construction activities shall not begin in the immediate vicinity of the individual until the CDFW Region 3 office in Fairfield is contacted, and the discovered species has been allowed to leave and is no longer present in the construction area.
- Any special-status species observed by the qualified biologist shall be reported to CDFW by the qualified biologist, or by a biologist designated by the qualified biologist, so that the observations can be added to the California Natural Diversity Database.
- The discharge of water from new construction sites into Los Gatos Creek or the Guadalupe River shall be prohibited if the temperature of the discharged water exceeds 72 degrees Fahrenheit (°F), unless modeling studies and subsequent monitoring demonstrate that the volume of the discharge would not increase maximum daily stream temperatures above 75.2°F. Prior to project construction, water and ambient air temperature loggers shall be installed at three locations within and adjacent to the project site. One logger shall be installed in upstream Los Gatos Creek, one within the affected reach adjacent to building construction, and one downstream of the project site. Loggers at these three locations shall record hourly water temperature values before, during, and after project construction. This prohibition shall cover both direct discharges and indirect discharges into local storm drains that discharge to Los Gatos Creek or the Guadalupe River. Construction discharges shall be prohibited until the discharged water cools below the average daily stream temperature at the discharge point or maximum daily stream temperatures drop below 75°F.

Page 3.2-36, Mitigation Measure BI-1b

Mitigation Measure BI-1b: In-Water Construction Schedule

~~All~~ The project applicant shall ensure that the contractor includes the schedule for in-water construction work in the Los Gatos Creek channel ~~shall~~ to occur outside of the normal rainy season, between June 1 and October 15 inclusive (or as otherwise specified by permits from the San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, National Marine Fisheries Service, and/or U.S. Army Corps of Engineers), when flows in Los Gatos Creek and the Guadalupe River are normally at their lowest and special-status anadromous fish species are least likely to occur in the project area.

Page 3.2-37, Mitigation Measure BI-1c

Mitigation Measure BI-1c: Native Fish Capture and Relocation

The project applicant shall ensure that any contractor for any construction work in the Los Gatos Creek channel prepares and submits a fish relocation plan (consistent with federal and state permit requirements) for in-water work in Los Gatos Creek. Relocation shall be required only for in-water work in the Los Gatos Creek channel. The fish relocation plan shall be prepared by a qualified biologist. The plan shall be prepared in coordination with the California Department of Fish and Wildlife (CDFW), and a copy of the final plan shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, along with demonstration of coordination with CDFW. Implementation of the fish relocation plan shall be consistent with the following conditions: …

Page 3.2-39, last paragraph

Western Pond Turtle

Western pond turtles could be present in the Guadalupe River, but this species' presence near the project site would be transient because no vegetative cover or basking sites are adjacent to the project site. Therefore, project construction adjacent to the river is assumed to have low potential to impact western pond turtles. Construction activities that could directly impact this species would be the use of project-related motorized equipment to remove vegetation and construct the footbridge across Los Gatos Creek, and replace the West San Fernando Street vehicle bridge over the creek, which could cause direct mortality of, or injury to, this species, including any western pond turtle nests that are present.

Page 3.2-41, first full paragraph

Construction-related direct impacts on nesting birds protected by the Migratory Bird Treaty Act could result from the removal of trees and vegetation and/or demolition of buildings or the West San Fernando Street bridge while an active bird nest is present. …

Page 3.2-41, third full paragraph

Operational/long-term activities that could indirectly impact nesting birds include the removal of street trees, as well as removal of dead and live trees from the riparian corridor; however, the removal of dead and live trees would be mitigated through tree replacement ranging from a ratio of 1:1 to 3:1 (replacement:existing), as described in the analyses of Impact BI-2 (riparian habitat) and Impact BI-5 (street tree removal policy); therefore, the reduction in potential nest sites due to tree removal would be temporary.

Page 3.2-41, fifth full paragraph

Increased human activity could also attract bird species known to thrive in human-dominated environments, such as American crow (*Corvus brachyrhynchos*). Increases in food-related trash would be a primary attractant to these species, as well as raccoons, Norway rats (*Rattus norvegicus*), and feral cats (*Felis catus*). These ~~larger, more aggressive birds can out-compete songbirds and~~ species will prey on ~~their~~ bird eggs and

nestlings. However, as stated on Draft EIR page 3.2-50, the Downtown West Design Standards and Guidelines would require wildlife-proof waste receptacles (Standard 4.8.4). Additionally, the City requires that trash cans be covered for stormwater protection.

Page 3.2-42, continuing onto page 3.2-4, Mitigation Measure BI-1e

Mitigation Measure BI-1e: Avoidance of Impacts on Nesting Birds

Prior to the issuance of any demolition, grading, or building permits, the project shall implement the following measures to avoid impacts on nesting migratory birds:

- **Avoidance:** The project applicant for the specific construction activity to be undertaken shall schedule demolition and construction activities to avoid commencement during the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay Area, extends from February 1 through August 15 (inclusive), as amended.
- …
- **Buffer Zones:** If an active nest is found within 250 feet of work areas to be disturbed by construction, the ornithologist, in coordination with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet for raptors and 100 feet for songbirds, or an area determined to be adequate by the qualified ornithologist in coordination with CDFW, to ensure that raptor or migratory bird nests are not ~~be~~ disturbed during project construction. The no-disturbance buffer shall remain in place until the ornithologist determines that the nest is no longer active or the nesting season ends. If construction ceases for 7 days or more, then resumes during the nesting season, an additional survey shall be necessary to avoid impacts on active bird nests that may be present.

Page 3.2-44, first two bullets (Mitigation Measure BI-1f)

- Removal of trees and structures with active roosts shall occur when bats are active, approximately between March 1 and April 15 inclusive and between September ~~15~~ 1 and October 15 inclusive. To the extent feasible, removal shall occur outside of bat maternity roosting season (approximately April 15 to August 31 inclusive) and outside of the months of winter torpor (approximately October 16 to February 28 inclusive).
- If removing trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the project area where tree and structure removal is planned, a ~~100-foot~~ no-disturbance buffer shall be established around these roost sites, typically 100 feet, or an area determined to be adequate by the qualified biologist based on site conditions, construction activity, species, number of roosting individuals, and/or noise attenuation and

frequency, along with coordination with CDFW, if necessary, until the qualified biologist has determined that they are no longer active.

Page 3.2-46, second full paragraph, fifth sentence

… Outside of the riparian setback, vertical and horizontal ~~additional~~ additions would be permitted to the existing structures. …

Page 3.2-46, first paragraph beneath the heading, "Riparian Habitat"

In general, City Policy 6-34 requires that new buildings be set back at least 100 feet and that multi-use trails on natural channels be set back at least 10 feet; however, lesser setbacks may be permitted Downtown—including the project site. Pedestrian-only paths (e.g., the boardwalks proposed as part of the project) may be allowed up to the edge of and, where necessary for continuity, within the riparian corridor. The project proposes setbacks of 50 feet from Los Gatos Creek and the Guadalupe River for new buildings~~ and, consistent with the previously approved project on the former San Jose Water Company site, a 30-foot setback from the top of the channel wall along the Guadalupe River at the San Jose Water Company site~~; vehicular circulation along a new private street on Block E would be set back 35 feet from the Guadalupe River. Portions of six existing structures, on Blocks D8, D9, D10, D11, D12, and D13 at Creekside Walk ~~at South Autumn Street~~, currently encroach into the Los Gatos Creek 50-foot riparian setback. Only cosmetic improvements and repairs would be permitted to the buildings on Blocks D9 and D12, while the existing building at Block D13 would be demolished and replaced with a relocated structure that would be placed outside the 50-foot riparian setback from Los Gatos Creek. Buildings on Blocks D8, D10, and D11 could be altered as long as their existing foundations remain, and expansion beyond their existing footprints would be permitted only outside the 50-foot riparian setback. Outside of the riparian setback, vertical and horizontal ~~additional~~ additions would be permitted to the existing structures. The cumulative area of vertical and horizontal additions to these existing structures would not exceed 17,500 square feet (sf) beyond the total built area of existing structures. ~~It is also possible that future structural assessments would indicate that~~ If one or more of these existing structures ~~cannot reasonably be retained. In that event~~ is demolished, replacement structures would be permitted with a minimum riparian setback of 50 feet from Los Gatos Creek, pursuant to Sections A.2 and A.3 of City Council Policy 6-34 concerning reduced setbacks from the riparian corridor ~~and City confirmation that the replacement would be consistent with Policy 6-34~~.

Page 3.2-46, last paragraph

Active programs would be kept outside the 50-foot riparian setback, with the exception of programming within the existing buildings on Blocks D8, D9, D10, D11, D12, and D13 and the existing former San Jose Water Company building at 374 West Santa Clara Street. Where possible, a 50- to 100-foot ecological enhancement zone would be included in the project in open

spaces such as Los Gatos Creek Connector, Los Gatos Creek Park, Creekside Walk ~~at South Autumn Street~~, and Los Gatos Creek East. This enhancement zone would include riparian plantings composed ~~primarily~~ of native species. These riparian plantings would expand the riparian canopy, replace existing …

Page 3.2.47, fourth bullet

- Placement of creek overlooks/viewing platforms within the riparian setback, up to three of which could extend up to four feet into the ~~or~~ riparian corridor, subject to restrictions identified in Standard 4.8-4 of the Downtown West Design Standards and Guidelines. ~~If placed within the riparian corridor, development of the~~ This standard specifies that overlooks/viewing platforms would ~~avoid~~ minimize removal of native trees, avoid placement of footings within the top of bank, and be located no less than 250 linear feet apart, ~~with up to 4 foot protrusion into the riparian corridor for a maximum of~~ and shall not be greater than 25 feet in length along the riparian corridor.

Page 3.2-49, first sentence of the third full paragraph

Construction of the footbridge would occur during the daylight hours (7 a.m. to 7 p.m., with work within, or within 50 feet of, the riparian corridor limited to daylight hours regardless of time).

Page 3.2-50, Mitigation Measure BI-2a

Mitigation Measure BI-2a: Avoidance of Impacts on Riparian Habitat

The project applicant for the specific construction activity to be undertaken and its contractors shall implement the following measures.

For portions of the project site located within 50 feet of the riparian corridor—such as the new footbridge; multi-use trail and associated infrastructure; pedestrian boardwalks, viewing platforms, and signage; removal and replacement of fencing; replacement of the West San Fernando Street vehicle bridge; reconstruction of the existing storm drain; and building demolition, construction, and renovation—a qualified biologist shall clearly delineate the construction footprint in or within 50 feet of the riparian area with flagging before the start of construction to avoid the accidental removal or trampling of vegetation outside of the project limits. No noise-generating construction activity shall be permitted within 50 feet of the riparian corridor after 7 p.m. or after sunset, whichever is earlier.

The limits of construction within 50 feet of the riparian corridor shall be confined to the smallest possible area to complete the required work. The edge of construction in and near riparian areas shall be separated and protected from the work area through silt fencing, amphibian-friendly fiber rolls (i.e., no microfilament), or other appropriate erosion control material. Staging of materials and all other project-related activity shall be located at least 25 feet upslope from riparian areas.

Where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. Live trees larger than 6 inches diameter at breast height (dbh) removed by the project shall be replaced at a minimum ratio of 3:1 (trees replaced: trees removed) for native species and 2:1 for non-native species. Removal of live trees with a dbh of less than 6 inches shall be mitigated at a minimum of 1:1 on an acreage basis for native trees and not mitigated for non-native trees. Removal of dead native trees shall be mitigated at a ratio of 1:1. Replacement trees shall consist of a combination of plantings of shade-tolerant riparian vegetation and other locally appropriate native species. No mitigation is proposed for the removal of invasive tree species regardless of dbh.

Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat with the goal of returning temporarily affected areas to pre-project conditions or better. Mitigation for project impacts shall be undertaken within the City of San José and, to the extent practical, shall be adjacent to or in proximity to the project area (i.e., along the Guadalupe River, Los Gatos Creek, or other local waterway and in a location where, in the opinion of a qualified biologist, comparable riparian habitat exists or can successfully be created). ~~At a minimum,~~ To that end, the restoration or compensation sites shall, at a minimum, meet the following performance standards by the fifth year after restoration or as otherwise required by resource agency permits:

~~(1) Temporarily affected areas are returned to pre-project conditions or better.~~

(~~2~~1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area.

(~~3~~2) No more cover by invasive species shall be present than in the baseline/impact area.

Restoration or compensation shall be detailed in a Riparian Habitat Mitigation and Monitoring Plan, which shall be developed before the start of construction and in coordination with permit applications and/or conditions from applicable regulatory agencies. At a minimum, the plan shall include:

(1) Name and contact information for the property owner of the land on which the mitigation will take place;

(2) Identification of the water source for supplemental irrigation, if needed;

(3) Identification of depth to groundwater;

(4) Topsoil salvage and storage methods for areas that support special-status plants;

(5) Site preparation guidelines to prepare for planting, including coarse and fine grading;

(6) Plant material procurement, including assessment of the risk of introduction of plant pathogens through the use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds;

(7) A planting plan outlining species selection, planting locations, and spacing for each vegetation type to be restored. To the extent practical, the planting plan will follow the *Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County*;

(8) Planting methods, including containers, hydroseed or hydromulch, weed barriers, and cages, as needed;

(9) Soil amendment recommendations, if needed;

(10) An irrigation plan, with proposed rates (in gallons per minute), schedule (i.e., recurrence interval), and seasonal guidelines for watering;

(11) A site protection plan to prevent unauthorized access, accidental damage, and vandalism;

(12) Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species;

(13) Performance standards, as referenced above, by which successful completion of mitigation can be assessed relative to a relevant baseline or reference site, and by which remedial actions will be triggered;

(14) Success criteria that shall include the minimum performance standards described in Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, and Mitigation Measure BI-2d, Avoidance and Protection of Creeping Wild Rye Habitat;

(15) Monitoring methods and schedule;

(16) Reporting requirements and schedule;

(17) Adaptive management and corrective actions to achieve the established success criteria; and

(18) An educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages.

The Riparian Habitat Mitigation and Monitoring Plan shall be developed before the start of construction and in coordination with

permit applications and/or conditions from applicable regulatory oversight agencies. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, prior to the issuance of any demolition, grading, or building permit that would include construction activities that would have direct impacts on riparian habitat.

Page 3.2-53, second sentence of the final paragraph

Construction of the multi-use trail, pedestrian boardwalks, viewing platforms, and interpretive signage and replacement of fencing would occur largely during the daylight hours (7 a.m. to 7 p.m.), with work within, or within 50 feet of, the riparian corridor (e.g., boardwalks, creekside paths, and bridges) limited to daylight hours.

Page 3.2-55, second sentence of the last full paragraph

Construction would occur largely during the daylight hours (7 a.m. to 7 p.m.), with work within, or within 50 feet of, the riparian corridor (e.g., boardwalks, creekside paths, and bridges) limited to daylight hours.

Page 3.2-57, second sentence of the third paragraph

Jack-and-bore construction would occur largely during the daylight hours (7 a.m. to 7 p.m.), with work within, or within 50 feet of, the riparian corridor (e.g., boardwalks, creekside paths, and bridges) limited to daylight hours.

Page 3.2-60, second sentence of the third paragraph

Construction of the storm drain outfall would occur largely during the daylight hours (7 a.m. to 7 p.m.), with work within, or within 50 feet of, the riparian corridor (e.g., boardwalks, creekside paths, and bridges) limited to daylight hours.

Page 3.2-60, last paragraph

Operational Impacts

No new noise or light would be associated with the operation of the replacement storm drain outfall south of the Santa Clara Street overcrossing. The outfall would discharge stormwater into Los Gatos Creek approximately 50 feet upstream from its current discharge location. Because Los Gatos Creek is a major perennial stream and the proposed new discharge location is so close to the current discharge location, no changes to stream hydrology or riparian vegetation are anticipated. A concrete apron or riprap would be installed and would protect against erosion. Similarly, the increased capacity of storm drainage pipes in Cinnabar Street in the northern portion of the project site, which would connect to the existing outfall east of the former Howard Street, would result in increased stormwater being discharged into Guadalupe ~~Creek~~ River. Because the Guadalupe River is a major perennial stream and the proposed new discharge location is the same as the current location, no changes to stream hydrology or riparian vegetation are anticipated. Therefore, a less-than-significant impact on riparian habitat would result from outfall operations, and no mitigation is required.

Page 3.2-62, first paragraph

The project proposes 50-foot setbacks from Los Gatos Creek and the Guadalupe River for new building construction ~~and, consistent with the previously approved project on the former San Jose Water Company site, a 30-foot setback from the top of the channel wall along the Guadalupe River at the San Jose Water Company site~~; vehicular circulation along a new private street on Block E would be set back 35 feet from the Guadalupe River. In addition, non-historic existing buildings along Barack Obama Boulevard (formerly South Autumn Street) (Blocks D8, D9, D10, D11, D12, and D13) that are currently within 50 feet of the riparian corridor may be retained and repurposed, or could be ~~rebuilt within existing building footprints if within the riparian setback~~ replaced by new or relocated buildings with a minimum riparian setback of 50 feet.[footnote omitted] City Policy 6-34 allows consideration of a reduced riparian setback under certain circumstances (see Sections A.2 and A.3 of the policy). Because new structures, including pavilions and kiosks, program decks, and the outdoor performance space, would be constructed a minimum of 50 feet outside of the riparian corridor or within the footprint of existing buildings or previously approved setbacks, permanent impacts on riparian habitat from building construction would be **less than significant**, and no mitigation is required.

Page 3.2-62, fourth paragraph

Lighting and Noise. As described earlier in this impact discussion under *Impacts of the Footbridge*, increases in artificial night lighting during construction could impact wildlife in the riparian corridor. Construction would generally occur during the daylight hours (7 a.m. to 7 p.m.), except during 24-hour continuous concrete pours for major building foundations, which could be required for residential/commercial buildings; however, work within, or within 50 feet of, the riparian corridor (e.g., boardwalks, creekside paths, and bridges) would be limited to daylight hours. Construction-related night lighting is only expected to potentially impact wildlife when used for building construction adjacent to the Los Gatos Creek or Guadalupe River riparian corridors. ~~Six~~ Eight blocks in the vicinity of the riparian corridor are planned for new construction: Blocks E1, E2, and E3 (collectively referred to as Block E), and Blocks G1, H2, ~~and~~ H3, H5, and H6. Additionally, renovation, relocation, and/or replacement construction could occur on Blocks D8, D9, D10, D11, D12, and D13. This impact would be **potentially significant**.

Page 3.2-62, last paragraph, continuing to page 3.2-62

During building construction, noise would be generated by construction crews, haul trucks, and heavy equipment accessing the construction site via existing primary roadways in Downtown San José, and by the operation of construction equipment such as pile drivers, compactors, excavators, concrete trucks, and other heavy equipment. Construction-related noise from pile driving and heavy equipment could indirectly impact active bird nests in riparian areas during the bird nesting season (February 1 through August 15

[inclusive]) or roosting bats, as described in the discussions under Impact BI-1, under *Nesting Birds* and *Special-Status Bats*. To reduce potentially significant construction-related impacts, the proposed project would implement Mitigation Measure BI-1e, Avoidance of Impacts on Nesting Birds and Mitigation Measure BI-1f, Roosting Bat Surveys.

Tower construction and/or bridge replacement may require the use of impact or vibratory hammer and, therefore, may also expose aquatic organisms to elevated noise levels. Because construction of these features would occur outside of the stream channel, there is limited potential for direct impact on aquatic species from these activities. However, pile installation in water-adjacent habitats (e.g., shorelines, riverbanks) has been demonstrated to, in certain cases, generate deleterious sound levels within neighboring aquatic habitat.[70a] This is typically a concern with impact hammer pile installation, as high-intensity pulses are transferred from the impact hammer to the pile, and then to the substrate, which radiates outward from the point of impact. Because rock propagates noise more efficiently than unconsolidated sediment, the amount of noise created by driving is more dependent on the degree of consolidation of impacted substrate than the size and power of the impact hammer.[70b,70c] Pile installation in support of the proposed tower and bridge replacement would occur in soft substrate, not bedrock, and thus would have a limited spreading potential. Noise from other pile installation methodologies (i.e., vibratory hammer and drilling) typically generate a lower hydroacoustic profile and have significantly less potential to impact aquatic habitat adjacent to the construction activity.[70d]

Most building construction activities would occur 50 feet or more from the riparian corridor, in accordance with City Policy 6-34, except in a few locations: where roadways used as haul routes cross Los Gatos Creek, where the former San Jose Water Company building and transformer house on Block E may be rehabilitated within 30 feet of the Guadalupe River, and where existing non-historical buildings within the riparian corridor of the Creekside Walk ~~at South Autumn Street~~ open space may be retained and undergo maintenance or alteration ~~rehabilitated or redeveloped~~ (as described earlier in this impact discussion). The level of existing disturbance within and adjacent to the riparian corridor makes the riparian habitat in this area conducive only to wildlife species that are tolerant of human activity. These

[70a] Caltrans, *Technical guidance for assessment and mitigation of the hydroacoustic effects of pile driving on fish. Final Report*, prepared for California Department of Transportation by ICF Jones & Stokes and Illingworth & Rodkin, Inc., 2015.

[70b] Caltrans, *Technical guidance for assessment and mitigation of the hydroacoustic effects of pile driving on fish. Final Report*, prepared for California Department of Transportation by ICF Jones & Stokes and Illingworth & Rodkin, Inc., 2015.

[70c] Applied Physical Sciences, *Mitigation of Underwater Pile Driving During Offshore Construction: Final Report*, prepared for the Department of Interior, January 2010.

[70d] Caltrans, *Technical guidance for assessment and mitigation of the hydroacoustic effects of pile driving on fish. Final Report*, prepared for California Department of Transportation by ICF Jones & Stokes and Illingworth & Rodkin, Inc., 2015.

species may avoid the area temporarily during construction by moving to other sections of the riparian corridor upstream and downstream of the construction site. Construction equipment would use noise suppression devices as described in General Plan Policy EC-1.7 and SCA NO-1, Construction-Related Noise (refer to Section 3.10, *Noise and Vibration*). Therefore, noise impacts on wildlife from building demolition, construction, and renovation would be **less than significant with mitigation**.

Page 3.2-67, Mitigation Measure BI-2c

Mitigation Measure BI-2c: Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature

To evaluate the effects of building shading on riparian vegetation and water temperature in Los Gatos Creek, the project applicant shall implement an annual monitoring program that includes a baseline assessment and continues annually for 15 years following construction between Auzerais Avenue and West Santa Clara Street. The baseline assessment shall begin prior to the issuance of permits for ground-disturbing activity in the designated area. Post-construction monitoring shall begin following completion of each submitted phase that includes development between Auzerais Avenue and West Santa Clara Street and is adjacent to Los Gatos Creek and continue for 15 consecutive years thereafter for each submitted phase within these bounds. Two or more unshaded reference sites shall be included for comparison to shaded areas to account for vegetation effects that are unrelated to the project, such as from drought. The following performance standards shall be used to evaluate vegetation and water temperature changes over time, and determine whether project-related shading is negatively affecting the riparian corridor, or whether the increased urban footprint is negatively affecting water temperatures in Los Gatos Creek.

Aquatic monitoring. The project applicant shall use the following methodology to study water temperature in Los Gatos Creek during the 15-year monitoring period. Prior to project construction, water and ambient air temperature loggers shall be installed at three locations within and adjacent to the project site. One logger shall be installed in upstream Los Gatos Creek, one within the affected reach adjacent to building construction, and one downstream of the project site. Care shall be taken to ensure that each of these temperature loggers is installed in similar habitat types (e.g., pool, riffle, run) within similar habitat conditions (e.g., amount of cover, depth, flow rate). Loggers at these three locations shall record hourly water temperature values before, during, and after project construction. If the difference in water temperature between the upstream and downstream monitoring locations increases substantially over time, particularly above the threshold of concern (71.6 degrees Fahrenheit), then additional adaptive actions shall be implemented (e.g., riparian planting, increase in urban tree

canopy, treatment of runoff) to compensate for any increase in stream temperature. All actions shall be consistent with the approved Habitat Enhancement Plan, described below.

Riparian monitoring. At a minimum, riparian vegetation shaded by project buildings shall meet the following performance standards by the 15th year of post-project monitoring:

(1) The loss of absolute cover of riparian canopy and understory cover relative to baseline conditions is less than or equal to 15 percent. (If the loss of cover exceeds this criterion, then the change shall be compared with changes measured in the reference site[s] to determine whether on-site shading is the causal factor as opposed to other external regional factors such as climate change, drought, and alterations to reservoir releases.)

(2) There is no more than a 5 percent reduction in native species relative to non-native species for tree and woody shrub species, measured both as species richness and relative cover.

The following approach shall be used to monitor vegetation conditions during the 15-year period:

(1) Prior to the start of building construction within 100 feet of the riparian corridor, the project applicant shall prepare a 15-Year Riparian Vegetation Monitoring Plan to assess the change in riparian vegetation canopy and understory cover in the Los Gatos Creek riparian corridor within 100 feet of the project. The Riparian Vegetation Monitoring Plan shall describe quantitative methods for measuring the canopy and understory vegetation cover of baseline on-site and reference site riparian habitat and changes in the extent and species composition of riparian vegetation canopy following the completion of building construction within 100 feet of the riparian corridor. This plan shall assess the impacts of shading by project buildings on the riparian vegetation. <u>The plan shall have measures to track changes in the percentage of native tree species (thus revealing any changes towards more shade tolerant species) and the results of the monitoring shall be assessed to determine if any tree species shifts could potentially adversely affect the riparian ecosystem. The monitoring data shall be reviewed by a qualified wildlife biologist. If adverse effects on ecosystems are identified, corrective actions would be implemented as part of the Habitat Enhancement Plan described below, and could involve planting of either shade tolerant species (such as bigleaf maple or alder, or sun-loving species in mitigation areas where they would thrive).</u> Reference sites shall be chosen that have comparable canopy coverage, species composition, hydrology, topography, and scale from locations on Los Gatos Creek or the Guadalupe River as close to the project site as possible. The Riparian Vegetation Monitoring Plan shall be submitted to the appropriate regulatory agencies (e.g., the California Department of Fish and Wildlife [CDFW]) for review and subsequently to the

Director of Planning, Building and Code Enforcement or the Director's designee. The Riparian Vegetation Monitoring Plan shall include, at a minimum, the following elements:

(a) Methods for monitoring and measuring composition (i.e., species), cover, and extent of existing riparian vegetation, which may include:

(1) Tree canopy and wood understory cover plots or transects; and

(2) Percent cover of non-native invasive species. Non-native species shall be based on the California Invasive Plant Council (Cal-IPC) and Valley Water's Invasive Plant Management Program list.

In addition, monitoring shall include qualitative indicators of riparian vegetation health such as photomonitoring and signs of early decline (e.g., yellowing of leaves, small leaves, poor growth) to allow for early indications that riparian canopy cover and understory vegetation is in decline. Monitoring will also include natural recruitment/succession of native riparian vegetation, by recording observations of seedling and sapling tree species, and tracking their persistence and growth each year.

(b) Pre-project conditions shall be assessed during the late summer before the start of each construction phase that includes construction within 100 feet of the riparian corridor. Post-project monitoring shall be conducted in years 1–15 following the conclusion of each construction phase that includes construction within 100 feet of the riparian corridor. Surveys shall be conducted during the late summer to capture riparian species during their maximum growth.

(c) The project applicant shall prepare and submit to the Director of Planning, Building and Code Enforcement, or the Director's designee, an annual report documenting the monitoring of riparian habitat and any associated habitat enhancement activities. The first-year report shall consist of baseline on-site and reference site monitoring and a plan for habitat enhancement. Reports shall be submitted by December 30 of each monitoring year.

(2) A failure to meet the performance standards defined above in year 5, 10, or 15 shall trigger implementation of the following habitat enhancement measures as mitigation for loss of existing riparian habitat:

(a) Repeat the monitoring the following year (e.g., if performance criteria are not met in year 5, repeat monitoring in year 6). If in the following year (e.g., year 6), performance criteria are not met (i.e., for 2 years in a row), implement step (b), below.

(b) The project applicant shall develop a Habitat Enhancement Plan to be reviewed and approved by appropriate regulatory agencies

(e.g., National Marine Fisheries Service), and submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee. The plan shall consist of a planting palette composed primarily of shade-tolerant riparian vegetation such as white alder (*Alnus rhombifolia*), bigleaf maple (*Acer macrophyllum*), box elder (*Acer negundo*), Oregon ash (*Fraxinus latifolia*), California buckeye (*Aesculus californica*), and other locally appropriate native species, as well as an invasive vegetation control plan (if appropriate based on monitoring findings). Shade-tolerant riparian vegetation selected for the planting palette shall be based on nearby reference sites.

(c) The area of plantings needed to offset losses of existing riparian vegetation shall be defined in the Habitat Enhancement Plan based on the documented difference in percent absolute cover of riparian vegetation between the baseline conditions and the percent absolute cover averaged over each year of annual monitoring to date.

(d) Mitigation gains in woody riparian vegetation shall be deemed successful when there is an 80 percent survival rate of plantings after 5 years of additional monitoring, and no increase in percent cover of invasive plant species in restored areas.

(e) If these criteria are not met, adaptive management and corrective actions shall be implemented to achieve the established success criteria, in coordination with the applicable regulatory agencies. These may include additional plantings, weeding, or provision of supplemental water. Monitoring within the corrective action area shall continue for up to 10 additional years, until the criteria are met, or as otherwise required by the applicable regulatory agencies.

(f) The project applicant shall prepare and submit an annual report to the Director of Planning, Building and Code Enforcement, or the Director's designee, documenting the annual monitoring of habitat enhancement activities to document that this performance standard has been satisfied.

Page 3.2-72, first paragraph under the heading, "Conclusion Regarding Impact BI-2"

In summary, if any project components analyzed above could permanently or temporarily impact riparian habitat, the proposed project would require review and/or permit authorization from some or all of the following agencies:

Page 3.2-74, Mitigation Measure BI-2d

Mitigation Measure BI-2d: Avoidance and Protection of Creeping Wild Rye Habitat

Prior to the start of construction within 20 feet of retained areas of creeping wild rye, the project applicant shall ensure that all areas that contain or potentially contain creeping wild rye are clearly delineated, separated, and protected from the work area by environmentally sensitive area fencing, which shall be maintained throughout the construction period. A qualified biologist shall oversee the delineation and installation of fencing. Excavation, vehicular traffic, staging of materials, and all other project-related activity shall be located outside of the environmentally sensitive area.

If creeping wild rye cannot be avoided, any temporarily affected areas shall be restored to pre-construction conditions or better at the end of construction that occurs within 20 feet of the retained area of creeping wild rye in accordance with CDFW permits, as well as the requirements of USACE and the San Francisco Bay Regional Water Quality Control Board. Compensation for permanent impacts on creeping wild rye habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. If impacts to prior mitigation sites occur, resource agencies may require a greater ratio (e.g., 2:1 or higher). Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. ~~At a minimum,~~ To that end, the restoration sites shall, at a minimum, meet the following performance standards by the fifth year after restoration:

~~(1) Temporarily affected areas shall be returned to pre-project conditions or better.~~

(~~2~~1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area.

(~~3~~2) No more cover by invasive species shall be present than in the baseline/impact area.

Restoration shall be detailed in a habitat mitigation and monitoring plan, which shall be developed before the start of construction and in coordination with permit applications and/or conditions. At a minimum, the plan shall include:

(1) Name and contact information for the property owner of the land on which the mitigation will take place;

(2) Identification of the water source for supplemental irrigation, if needed;

(3) Identification of depth to groundwater;

(4) Topsoil salvage and storage methods for areas that support special-status plants;

(5) Site preparation guidelines to prepare for planting, including coarse and fine grading;

(6) Plant material procurement, including assessment of the risk of introduction of plant pathogens through the use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds;

(7) A planting plan outlining species selection, planting locations, and spacing for each vegetation type to be restored;

(8) Planting methods, including containers, hydroseed or hydromulch, weed barriers, and cages, as needed;

(9) Soil amendment recommendations, if needed;

(10) An irrigation plan, with proposed rates (in gallons per minute), schedule (i.e., recurrence interval), and seasonal guidelines for watering;

(11) A site protection plan to prevent unauthorized access, accidental damage, and vandalism;

(12) Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species;

(13) Performance standards by which successful completion of mitigation can be assessed relative to a relevant baseline or reference site, and by which remedial actions will be triggered;

(14) Success criteria that shall include the minimum performance standards described in Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, and Mitigation Measure BI-2d, Avoidance and Protection of Creeping Wild Rye Habitat;

(15) Monitoring methods and schedule;

(16) Reporting requirements and schedule;

(17) Adaptive management and corrective actions to achieve the established success criteria; and

(18) An educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages.

The Habitat Mitigation and Monitoring Plan and all field documentation, prepared in coordination with the appropriate regulatory agencies, shall be submitted to the Director of the City of Planning, Building and Code Enforcement or the Director's designee

for review and approval prior to the issuance of any demolition, grading, or building permit for construction that would occur within 20 feet of creeping wild rye habitat.

Page 3.2-79, paragraph (1) in Mitigation Measure BI-3

(1) Temporarily affected areas shall be returned to pre-project conditions or better, as determined by the Director of PBCE or USACE, RWQCB, or CDFW.

Page 3.2-81, Mitigation Measure BI-4

Mitigation Measure BI-4: Avian Collision Avoidance Measures

In addition to conforming to the bird safety standards and guidelines in the City's Downtown Design Guidelines, and the General Plan, the following mitigation measures shall be implemented:

Educating Tenants, Residents, and Occupants. Prior to issuance of any building permits, the project applicant shall develop educational materials for building tenants, occupants, and residents, encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lights and/or closing window coverings at night. The Director of Planning, Building and Code Enforcement or the Director's designee shall review and approve the educational materials before buildings are occupied. The project applicant shall also supply documentation (e.g., written statement) describing when and how the materials will be distributed (e.g., poster in building lobby, attachment to lease, new-tenant welcome packet). Documentation shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

…

Page 3.2-83, first paragraph under the heading, "City of San José Riparian Corridor Protection and Bird-Safe Design (Policy 6 34)"

Riparian projects in San José are subject to design guidelines, including a riparian setback in certain areas, as defined by the City's Policy 6-34. Generally, this policy prescribes a standard 100-foot setback requirement for new buildings, roads, and active recreational uses in the vicinity of riparian corridors; however, a reduced setback may be considered under limited circumstances, including when the development is located within the boundaries of the Downtown area, as defined in the General Plan (additional detail is provided in Section 3.2.2, *Regulatory Framework*). The project site is located in the designated Downtown area, as identified in the General Plan, making the project eligible for a reduced setback of 50 feet from the Los Gatos Creek and Guadalupe River riparian corridors, as is proposed for all new project buildings. ~~Consistent with the previously approved project on the former San Jose Water Company site (Building 374 on Figure 2-3, Land Use Plan), the project proposes a 30-foot setback from the top of the channel wall along the Guadalupe River at that location.~~ In addition, non-historic existing buildings along Barack Obama Boulevard (formerly South Autumn

Street) (Blocks D8, D9, D10, D11, D12, and D13), which are currently within 50 feet of the riparian corridor, may be retained and repurposed, or could be ~~rebuilt within existing building footprints if within the riparian setback~~ replaced by new or relocated buildings with a minimum setback of 50 feet~~, subject to City conformation of consistency with Policy 6-34~~.[footnote omitted]

Page 3.2-86, second full paragraph and footnote 95

The Habitat Plan defines the standard setback for Los Gatos Creek, a Category 1 stream inside the existing urban service area, and with a slope class of 0–30 percent, as 100 feet. As described under Impact BI-2, the project proposes 50-foot building setbacks from Los Gatos Creek, consistent with a setback reduction that may be permitted under Policy 6-34.[95] The project would also retain certain existing buildings along Barack Obama Boulevard (formerly South Autumn Street) (Blocks D8, D9, D10, D11, D12, and D13) that are currently within 50 feet of the riparian corridor. One or more of these buildings could also be replaced ~~within existing building footprints~~ by new or relocated buildings with a minimum setback of 50 feet. ~~if retention is determined not reasonably feasible, subject to City confirmation of consistency with Policy 6-34; such replacement would be required under the Downtown West Design Standards and Guidelines to maintain or reduce the existing building footprint within the City-mandated minimum 50-foot riparian setback.~~ …

[95] On Block E, the former San Jose Water Company site, the project would provide a ~~30~~50-foot setback for all new buildings from the top of the channel wall along the Guadalupe River~~, consistent with a project previously approved there (File Nos. PDC15-051, PD15-061, and PT16-012). This portion of the Guadalupe River is an engineered flood channel that the City, in consultation with the Santa Clara Valley Habitat Agency, previously determined was not subject to Habitat Plan policies~~; vehicular circulation along a new private street on Block E would be set back 35 feet from the Guadalupe River.

Page 3.2-89, second full paragraph

Potential direct impacts of the proposed project on nesting birds and special-status roosting bats include the effects of removing vegetation and demolishing buildings and the West San Fernando Street Bridge during construction. …

Page 3.2-90, bulleted list

- Provide worker environmental awareness training;
- Prepare and implement a fish relocation plan for in-water work in Los Gatos Creek;
- Conduct pre-construction surveys for western pond turtle;
- Conduct pre-construction nesting bird surveys and create no-construction buffers around active bird nests;
- …

4.1.9 Section 3.3, Cultural Resources and Tribal Cultural Resources

Page 3.3-8, first paragraph beneath the heading, "Identified Resources on the Project Site," first sentence

The project site covers approximately ~~81~~ 80 acres and includes nine historic architectural resources under CEQA.[footnote omitted]

Page 3.3-41, Table 3.3-2 (new footnotes added)

TABLE 3.3-2
ARCHITECTURAL RESOURCES IN THE STUDY AREA LISTED OR ELIGIBLE FOR THE CITY OF SAN JOSÉ HISTORIC RESOURCES INVENTORY (NOT HISTORICAL RESOURCES UNDER CEQA)

APN	Address	Resource Name (Date)	Status	Source
259-25-037	541 W. Julian Street	(1885)	Structure of Merit	City of San José
259-27-003	**357 N. Montgomery Street**	**Puccio Machine & Welding Works (ca. 1941)**	**Structure of Merit**	**ARG (2020)**
259-29-008	210 N. Montgomery Street	(1895)	Structure of Merit	City of San José
259-29-013	270 N. Montgomery Street	(1905)	Structure of Merit	City of San José
259-29-020	255 N. Autumn Street	Holeman's Auto Repair (1946)	Structure of Merit	City of San José
259-29-022	211 N. Autumn Street	(1905)	Structure of Merit	City of San José
259-29-026	151 N. Autumn Street	(1930)	Structure of Merit	City of San José
259-29-087	263 N. Autumn Street	(1920)	Structure of Merit	City of San José
259-38-009	**35 Barack Obama Blvd. (formerly S. Autumn St.)** [a]	**(ca. 1880)**	**Structure of Merit**	**ARG (2020)**
259-38-088	**91 Barack Obama Blvd. (formerly S. Autumn St.)** [b]	**Poor House Bistro (ca. 1910)**	**Structure of Merit**	**ARG (2020)**
259-45-057	101 Delmas Avenue	Delmas Market (1940)	Structure of Merit	A&A (2006)
259-48-012	**102 S. Montgomery Street**	**Patty's Inn (ca. 1890s)**	**Structure of Merit**	**ARG (2020)**
259-48-012	338 Royal Street	(1900)	Structure of Merit	City of San José

264-20-059	562-564 W. San Carlos Street	(1950)	Identified Structure	City of San José

NOTES:
APN = Assessor's Parcel Number
Bold indicates property located within the project site boundaries.
[a] This building would be relocated within the project site.
[b] Project applicant would provide partial funding for off-site relocation of this building

SOURCE: Architectural Resources Group, *Historical Resources Technical Report, Downtown West Mixed-Use Plan, San José, California*, June 2020; City of San José.

Page 3.3-47, Table 3.3-4, last row, first column

H3/4/5/6

Page 3.3-60, **new paragraph** following the last bulleted paragraph

The above documentation, relocation, and salvage requirements from the DSAP EIR would be applicable to the proposed project as standard conditions of approval (standard permit conditions).

Page 3.3-62, **new paragraph** immediately prior to the heading, "Impacts and Mitigation Measures"

In addition, the DSAP EIR requirements regarding documentation, relocation, and salvage that are referenced on page 3.3-60 would be applicable to the proposed project as standard conditions of approval (standard permit conditions).

Page 3.3-65, Impact CU-1 and following paragraph

Impact CU-1: The proposed project would demolish or relocate historic architectural resources, resulting in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. ***(Significant and Unavoidable)***

The project would result in the demolition of ~~five~~ four historic architectural resources under CEQA: 343 North Montgomery Street/Advance Metal Spinning, 345 North Montgomery Street/Circus Ice Cream, 580 Lorraine Avenue/Democracy Hall, and 145 South Montgomery Street/Sunlite Baking Co.~~, and~~ Additionally, the project would relocate within the project site the grouping of residences at 559, 563, and 567 West Julian Street (refer to Figure 3.3-2). Each of these resources is described in more detail in Section 3.3.1, *Environmental Setting*, under *Existing Cultural and Historical Setting*, and briefly below. The properties that would be demolished ~~and~~ would be replaced with open space, offices, and residential uses. This demolition would be a significant impact. Relocation of the West Julian residences would remove these buildings from their historic context, change

their historic use, and potentially affect certain building features, and would likewise be a significant impact.

Page 3.3-66, first bullet

- ~~**559, 563, and 567 West Julian Street (APN 259-27-009)** This grouping of three small residences is significant because they "are representative of the residential use that defined its immediate area in the late nineteenth and early twentieth century, and their proximity strengthens their ability to communicate this association."[footnote omitted] The grouping appears to be eligible for Candidate City Landmark Status.~~

Page 3.3-66, fifth bullet

- **145 South Montgomery Street (Sunlite Baking Co., APN 261-35-027)**—This building is the former Sunlite Baking Company. It is significant for its association with the Gilliland family and as a distinctive local example of the Art Moderne style designed by prominent architect Ralph Wyckoff.[footnote omitted] The building appears to be eligible for National Register and California Register listing under Criteria B/2 (People) and C/3 (Architecture) and as a Candidate City Landmark. As part of the proposed project, the project applicant proposes to salvage the main Art Moderne-style entryway, along with the three arched window openings to either side, of this building. The salvaged entryway and window openings would be incorporated elsewhere in the project, in a manner to be determined. This would reduce the severity of, but would not eliminate, the significant impact of demolition.

Page 3.3-67, second full paragraph, third sentence

Reasonable candidates for relocation include portions of the 18,000-square-foot (sf) building at 145 South Montgomery Street constructed in 1936; ~~the residential buildings at 559, 563, and 567 West Julian Street;~~ the front office portion (but not the warehouse portion) of the building at 343 North Montgomery Street; and the building at 345 North Montgomery Street.

Page 3.3-67, immediately prior to the heading, "Mitigation Measures"

In addition to the above-described demolitions, the project would relocate the three residential buildings at 559, 563, and 567 West Julian Street to a site on the east side of Barack Obama Boulevard (formerly South Autumn Street) between the Valley Transportation Authority light-rail tracks and Block D8 (the existing building at 450 West Santa Clara Street). This grouping of three small residences is significant because they "are representative of the residential use that defined its immediate area in the late nineteenth and early twentieth century, and their proximity strengthens their ability to communicate this association."[95a] The grouping appears to be an eligible Candidate City Landmark. Relocation of the West Julian residences would entail rehabilitation, but not necessarily in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards), for the following reasons. The relocation would remove these residences from their historic mixed residential-light industrial context and relocate them to a light industrial and commercial context, meaning that integrity of setting would be lost. Additionally, the

buildings, which historically were residences, would be in non-residential, active use under the proposed project, which could affect compliance with the Secretary's Standards. Finally, because of space constraints, the separation between the three buildings would not be maintained, potentially affecting certain building features. Therefore, the impact of relocation would be significant and unavoidable.

Page 3.3-67, new footnote

[95a] Architectural Resources Group, DPR form-set for 559 West Julian Street, January 2020

Page 3.3-67, Mitigation Measure CU-1a

Mitigation Measure CU-1a: Documentation

Before the issuance of a demolition and/or relocation permit and under the direction of the Director of Planning, Building and Code Enforcement or the Director's designee, the project applicant shall prepare documentation of all historic architectural resources under CEQA subject to demolition and/or relocation. This includes **150 South Montgomery Street; 343 North Montgomery Street; 345 North Montgomery Street; 559, 563, and 567 West Julian Street; 145 South Montgomery Street; and 580 Lorraine Avenue**. Each resource shall be photo-documented to an archival level utilizing 35 mm photography and consisting of selected black-and-white views of the building to the following standards: …

Page 3.3-68, Mitigation Measure CU-1b

Mitigation Measure CU-1b: Relocation

In accordance with General Plan Policy LU-13.2, and consistent with the DSAP Final EIR's *Measures Included in the Project to Reduce and Avoid Impacts to Historic Resources*, relocation of a historic architectural resource shall be considered as an alternative to demolition. After implementation of Mitigation Measure CU-1a, Documentation, and prior to issuance of any permit that would allow demolition of a historic architectural resource, the project applicant shall take the following actions to facilitate historic architectural resource relocation within the City limits. This applies to **343 North Montgomery Street (partial); 345 North Montgomery Street; ~~559, 563, and 567 West Julian Street;~~ and 145 South Montgomery Street (partial)**:[footnote omitted]

(1) **Relocation Outreach.** The project applicant shall advertise the availability for relocation of historic architectural resources subject to Mitigation Measure CU-1b, Relocation. A dollar amount equal to the estimated cost of demolition, as certified by a licensed contractor, and any associated Planning Permit fees for relocation shall be offered to the recipient of the building who is willing to undertake relocation and rehabilitation after relocation. Advertisement and outreach to identify an interested third party shall continue for no less than 60 days. The advertisements shall include notification in at least one newspaper of general circulation and on online platforms as appropriate, including at a minimum the *San Jose Mercury News* (print and online), and the City of San José

Department of Planning, Building and Code Enforcement's Environmental Review website. Noticing shall be compliant with City Council Policy 6-30: Public Outreach Policy and shall include posting of a notice, on each building proposed for demolition, that is no smaller than 48 x 72 inches and is visible from the public right-of-way. Satisfaction of the notification provisions shall be subject to review by the Director of Planning, Building and Code Enforcement or the Director's designee following completion of the minimum 60-day public outreach period, before the issuance of demolition permits.

(2) **Relocation Implementation Plan(s).** If, before the end of the outreach period, an interested third party (or parties) expresses interest in relocating and rehabilitating one or more of the resources to a suitable site under their ownership or control, they shall be allowed a period of up to 60 days to prepare and submit a Relocation Implementation Plan, and an additional 120 days to complete removal of the resources from the project site. The Relocation Implementation Plan(s) shall be prepared in consultation with historic preservation professionals who meet or exceed the *Secretary of the Interior's Professional Qualification Standards*. The plan(s) shall be based on the findings of the *Downtown West Mixed-Use Plan—Historic Resource Move Feasibility* memo and *Site Selection Criteria for Relocation of Identified Historic Resources* memo (EIR Appendix E3) or subsequent relocation feasibility documentation, to support relocation of the historic resource to a site outside of the project site and acceptable to the City.

The Relocation Implementation Plan for each resource shall include:

- A description of the intended relocation receiver site within the City limits and an analysis of its compatibility with the unique character, historical context, and prior physical environment of the resource;
- A description and set of working drawings detailing methods and means of securing and bracing the building through all stages of relocation;
- A site plan for the receiver site within the City limits demonstrating compliance with all setback and zoning requirements;
- A travel route survey that records the width of streets, street lamp and signal arm heights, heights of overhead utilities that may require lifting or temporary removal, and other details necessary for coordinating the relocation;
- A scope of work for building rehabilitation following completion of relocation, and anticipated timing to initiate and complete such rehabilitation; and

- Roles and responsibilities between the interested party, project applicant, City staff, and outside individuals, groups, firms, and/or consultants as necessary.

Once the Relocation Implementation Plan(s) have been reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee, implementation of the approved relocation shall occur within 120 days.

(3) **Rehabilitation after Relocation.** After relocation of the resource(s) and pursuant to General Plan Policy LU-13.6 and CEQA Guidelines Section 15064.5(3), parties responsible for relocation shall also be responsible for rehabilitation of the building(s) on their new site(s) as specified in the Relocation Implementation Plan. Resource(s) shall be secured on a foundation and repaired to ensure that each resource remains in good condition and is usable for its intended purpose, and that all modifications are sensitive to those elements that convey the resource's historical significance. All repairs and modifications shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Rehabilitation* and related permits shall be subject to review by the Director of Planning, Building and Code Enforcement or the Director's designee.

Page 3.3-70, Mitigation Measure CU-1c

Mitigation Measure CU-1c: Interpretation/Commemoration

As part of the Downtown West Design Standards and Guidelines Conformance Review for each new building on the site of one or more demolished or otherwise adversely affected resources (including 150 South Montgomery Street), the project applicant, in consultation with a qualified architectural historian and design professional, and under the direction of the Director of Planning, Building and Code Enforcement or the Director's designee, shall develop an interpretive program that may include one or more interpretive displays, artworks, incorporation/reuse of historic materials, electronic media, smartphone apps, and other means of presenting information regarding the site's history and development. The program shall concentrate on those contextual elements that are specific to the resources that have been demolished. Display panels, if included in the interpretive program, shall be placed at, or as near as possible to, the location where the resource was historically located. The interpretive program shall be approved prior to the issuance of demolition permit(s) for the historical resource(s) to be demolished and shall be fully implemented and/or installed before the issuance of a certificate of occupancy for the applicable new building(s).

Page 3.3-72, first partial paragraph

… Street with no setback. The new relationship between Post Street (extended) and the continued location at the lot line along South Montgomery Street would maintain the building's corner placement.[footnote omitted] After relocation, the historic portion of 40 South Montgomery Street would maintain its present context, albeit approximately 30 feet south of its current location. Also relocated would be a metal hopper tower at 40 South Montgomery Street that rises above a non-historic (ca. 1958) portion of the property to the rear of the complex; the hopper, added outside the property's period of significance, would be retained and installed within 75 horizontal feet of the relocated historic building and would retain its height relative to the relocated building.

Page 3.3-73, Mitigation Measure CU-2a

Mitigation Measure CU-2a: Relocation On-site

Before the issuance of any building, grading, or demolition permit that would allow disturbance of the historic resource at 40 South Montgomery Street, the project applicant shall prepare a Relocation Implementation Plan that includes a detailed description of the proposed relocation methodology. At a minimum, this plan shall include detailed descriptions and drawings that indicate:

- The means and methods of securing and bracing the building through all stages of relocation;
- The proposed locations of cuts to facilitate relocation, with sections that are as large as feasible to limit damage to the historic fabric;
- Proposed siting and foundation details; and
- The approximate timetable for the completion of work, including major milestones.

All work shall be undertaken in consultation with an architect or professional who meets the *Secretary of the Interior's Historic Preservation Professional Qualifications Standards*. The Relocation Implementation Plan shall be subject to review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee.

Page 3.3-73, Mitigation Measure CU-2b

Mitigation Measure CU-2b: Compliance with the Secretary of the Interior's Standards

Before the issuance of any building, grading, or demolition permit to move or modify or expand the building at 40 South Montgomery Street, the project applicant shall submit detailed designs prepared by a qualified historic preservation architect demonstrating that all proposed relocation methodologies, including satisfaction of the provisions of Mitigation Measure CU-2a, Relocation On-site, repairs, modifications, and additions,

are consistent with the Secretary of the Interior's Standards for Rehabilitation.

The submitted designs shall be subject to review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee.

Page 3.3-94, Mitigation Measure CU-8

Mitigation Measure CU-8c: Archaeological Evaluation

~~The~~ Prior to the issuance of any demolition or grading permits, the project applicant shall ensure that all prehistoric and historic-era materials and features identified during testing are evaluated by a qualified archaeologist based on California Register of Historical Resources criteria and consistent with the approved Archaeological Testing Plan. Based on the findings of the subsurface testing, a qualified archaeologist shall prepare an Archaeological Resources Treatment Plan addressing archaeological resources, in accordance with Mitigation Measure CU-8d, Archaeological Resources Treatment Plan.

Page 3.3-102, second paragraph beneath Impact C-CU-2, first sentence

The Downtown West Mixed-Use Plan includes development of approximately ~~81~~ 80 acres and is centered near the Southern Pacific Depot Historic District.

4.1.10 Section 3.4, Energy

Page 3.4-5, first paragraph beneath the heading, "Local Setting," second sentence

The ~~81~~80-acre project site currently contains approximately 100 individual parcels.

Page 3.4-17, fourth paragraph

As described in Chapter 2, *Project Description*, this analysis conservatively assumes that construction would begin in 2021 and continue through 2031 (for a total of 11 years). Actual phased implementation could be constrained by external factors such as construction staging for ~~the BART Downtown~~ VTA's BART Silicon Valley Phase II Extension Project extension, and thus could extend over a longer period. The development schedule could also be affected by market forces. The specific type of construction work would also vary by phase, but would generally consist of the following sequence for each of the three phases:

Page 3.4-20, first paragraph

Electrical power for the proposed project is expected to be provided by ~~SJCE or~~ PG&E at transmission voltage (115 kV) to a project area substation in the Southern Zone for District Infrastructure. The 115 kV electricity would be stepped down at the substation to 12.47 kV or 21 kV and distributed to the

various buildings on the project site through new on-site distribution lines (i.e., a "microgrid"). Modifications to three PG&E substations for the transmission infrastructure (such as protection services) would be required, and a new electrical switching station would be installed. Alternatively, the switching station may be located within the San José A substation, allowing for direct PG&E distribution service from San José A. In this option, the project would not require a new on-site substation and switching station, and would be served with 12 kV supplies directly from San José A. San José A would be upgraded to accommodate direct distribution needs for the project. The electricity use is expected to be the same, regardless of the transmission option chosen, therefore, the following analysis applies to both options. The project is also considering the addition of up to two central utility plants to efficiently manage utility infrastructure in a centralized location. Refer to Chapter 2, *Project Description*, for details on the existing and planned utility infrastructure.

Page 3.4-20, last paragraph

~~The~~ All of the proposed project's ~~residential uses, office buildings, and all but 20,000 square feet of restaurant kitchens~~ land uses, including all restaurant kitchens and cooking appliances, would ~~not use natural gas, so operational~~ be 100 percent electric. Although the project applicant has committed to completely electrify all buildings and uses at the project site, and the project will therefore not consume or combust any natural gas during operations, the analysis conservatively assumes the consumption of natural gas for 20,000 square feet of commercial kitchens. Operational natural gas ~~demand would be generated by~~ consumption was calculated for the active uses (which include restaurants) and mobile sources, which are described in greater detail under *Transportation Fuels*, below. Natural gas combustion emissions for cooking in 20,000 square feet of restaurant 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. The project's estimated natural gas demand was analyzed relative to the state's existing and planned energy supplies in 2030 (the closest projected year to the proposed project buildout year)[footnote omitted] to determine whether PG&E would be able to meet projected energy demand. Natural gas demand generated under existing conditions was calculated using demand factors provided in CalEEMod and subtracted from the project's natural gas demand to obtain the net annual natural gas demand.

Page 3.4-21, last paragraph, following second sentence

… These blocks would result in energy use from electricity, natural gas, water use, and wastewater generation.[41a] …

Page 3.4-26

TABLE 3.4-3
TOTAL ANNUAL ENERGY USE DURING PROJECT OPERATION (PROJECT BUILDOUT)

Source	Electricity (MWh/yr)	Natural Gas (MMBtu/yr)[a,b,c]	Gasoline (gal)	Diesel (gal)
Existing Annual Use	**5,095**	**8,842**	**1,751,600**	**313,704**
Project				
Total Annual Building Energy—Buildout[c]	229,055	2,410	—	—
Solar Array[d]	(12,436)	—	—	—
EV Charging	4,437	—	—	—
Emergency Generators	—	—	—	78,165
Wastewater Treatment Plant[e,f]	(65)	—	—	—
Mobile Sources[g]	—	7,646	6,172,474	1,270,318
Project Total Annual Use	**220,990**	**10,056**	**6,172,474**	**1,348,483**
Net Total Annual Use (Project Buildout—Existing)	**215,895**	**1,214**	**4,420,874**	**1,034,778**
Statewide Annual Use	**284,436,262**	**12,327,096,996**	**15,471,000,000**	**3,702,083,333**
% of State Total	**0.08%**	**0.00001%**	**0.03%**	**0.03%**
Countywide Annual Use	**16,708,080**	**440,030,822**	**643,000,000**	**100,000,000**
% of Santa Clara County Total	**1.3%**	**0.0003%**	**0.69%**	**1.03%**

NOTES:

EV = electric vehicle; gal = gallons; MMBtu/yr = million British thermal units; MWh/yr = megawatts per year

All mobile-source fuel consumption calculated using fleet mixes, vehicle types, fuel efficiencies, and fuel types from EMFAC2017.

a EMFAC2017 includes natural gas vehicles, which are incorporated into natural gas totals in this table.

b Natural gas consumption includes consumption of natural gas through vehicles that would access the project site.

c Although the project applicant has committed to completely electrify all buildings and uses at the project site, and the project will therefore not consume or combust any natural gas during operations, the analysis conservatively assumes the consumption of natural gas for 20,000 square feet of commercial kitchens and mobile sources.

c Building energy totals account for the conservative approach of assuming individual cooling/heating units for buildings and do not assume use of the district-wide thermal network.

d Solar generation estimated using the total photovoltaic (PV) capacity of 7.8 megawatts (MW) inputted into the PVWatts solar tool. The PVWatts tool accounts for different environmental factors such as daily

[41a] Although the project applicant has committed to completely electrify all buildings and uses at the project site, and the project will therefore not consume or combust any natural gas during operations, the analysis conservatively assumes the consumption of natural gas for 20,000 square feet of commercial kitchens and mobile sources.

sunlight, angle of solar panels, the geographical location of the site, and panel efficiency ratings. Available online at https://pvwatts.nrel.gov/. For detailed assumptions, refer to Appendix F2.

e The wastewater treatment electricity savings derive from the project treating and distributing wastewater at its on-site plant rather than pumping wastewater off-site for treatment and distribution. Electricity used by the on-site wastewater treatment plant is incorporated as part of the total building energy. For assumptions and calculations, refer to Appendix 2F.

f If an on-site wastewater treatment plant is not constructed and the project instead uses the regional wastewater treatment facility, electricity usage would increase by 65 MWh per year.

g The mobile-source energy use reported here does not include reductions associated with Mitigation Measure AQ-2h, Enhanced Transportation Demand Management Program, and, therefore, overstates mobile source energy consumption for the proposed project with mitigation.

SOURCES:
Data compiled by Environmental Science Associates in 2020.
CalEEMod, 2020.
EMFAC, 2017.
California Energy Commission, California Energy Consumption Database, 2019. Available at https://ecdms.energy.ca.gov/.
California Energy Commission, California Annual Retail Fuel Outlet Report Results (2018), available online at https://ww2.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html.

Page 3.4-28, first full paragraph

With compliance with 2019 Title 24 standards and applicable CALGreen Code requirements, at buildout, the proposed project would use natural gas primarily for mobile source fuel and for cooking in up to 20,000 square feet of new project commercial kitchen space and would generate an estimated net increase in the on-site annual demand for natural gas totaling approximately 1,214 MMBtu.[49a] …

Page 3.4-31, last paragraph, second sentence

… The proposed project would include a 7.8 MW solar photovoltaic array to generate renewable energy and a district-wide thermal network, enabling the project to be combustion-free by providing heating and cooling only through electric equipment~~, other than natural gas that would be used for cooking in up to 20,000 square feet of commercial kitchen space~~. …

4.1.11 Section 3.5, Geology, Soils, and Paleontological Resources

Page 3.5-7, first full paragraph, last sentence

…~~Subsidence should be minimal and only occur during dewatering for construction.~~ Subsidence is not likely because the dewatering for construction would occur in the shallow aquifer zone and for a relatively short duration, during foundation and basement construction. Historical subsidence has occurred over broad areas of northern Santa Clara County including San José prior to the 1970s because of groundwater pumping largely from the principal aquifer zone, not the shallow aquifer zone. Temporary dewatering from the shallow aquifer zone for construction is not anticipated to cause subsidence. Long-term (post-construction) dewatering, at relatively low volume, would likely be required due to groundwater seepage into building basements and would be at too small a volume to result in subsidence.

[49a] Although the project applicant has committed to completely electrify all buildings and uses at the project site, and the project will therefore not consume or combust any natural gas during operations, the analysis conservatively assumes the consumption of natural gas for 20,000 square feet of commercial kitchens and mobile sources.

Page 3.5-24, second paragraph under Impact GE-3

Dewatering would likely be required during construction for the subsurface parking, as the groundwater level is known to be above 25 feet below ground surface. However, as discussed in Section 3.7, *Hazards and Hazardous Materials*, a dewatering control and disposal plan will be required as part of the Soil and Groundwater Management Plan. The dewatering control and disposal plan would include procedures to control the rate and effect of the dewatering to avoid any possible subsidence. Long-term (post-construction) dewatering, at relatively low volume, would likely be required due to groundwater seepage into building basements and would be at too small a volume to result in subsidence.

Page 3.5-24, Mitigation Measure GE-3

Mitigation Measure GE-3: Geotechnical Report

Prior to or coincident with the submittal of grading and drainage plans for each proposed building or other improvements, the project applicant for the improvements in question shall submit to the ~~City of San José~~ Director of Public Works or ~~his/her~~ Director's designee for review and approval, in accordance with the California Building Code, a geotechnical report for the site under consideration. The applicant for the improvements in question shall comply with the recommendations of the geotechnical report, as approved by the Director of Public Works or ~~his/her~~ Director's designee.

Page 3.5-27, Mitigation Measure G-5c, paragraph (3)

3. If ~~many~~ multiple pieces of heavy equipment (gross vehicle weight of 10,000 pounds or more) are in use simultaneously but at ~~diverse~~ locations greater than 500 feet distant from one another, each location shall be individually monitored.

Page 3.5-28, last paragraph, penultimate sentence

… Construction is anticipated for 2022 through ~~2028~~ 2030, with substantial completion anticipated in 2028. …

4.1.12 Section 3.6, Greenhouse Gas Emissions

Page 3.6-15, third full paragraph, first sentence

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 Guidelines Section 15183.5(b).

Page 3.6-27, second paragraph under the heading, "Significance Criteria"

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~~ November 2020, the City ~~published its~~ adopted an updated *City of San José 2030 Greenhouse Gas Reduction Strategy*, which~~, once adopted,~~ will serve as a qualified Plan for the Reduction of Greenhouse Gas emissions (Climate Action Plan) for the purposes of tiering under CEQA.

Page 3.6-31, first paragraph beneath the heading, "Existing Conditions," first sentence

As described in Chapter 2, *Project Description*, the approximately ~~81~~80-acre project site currently contains approximately 100 individual parcels.

Page 3.6-60, third paragraph, first sentence

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 Guidelines Section 15183.5(b), that demonstrates how future projects will be consistent with the state's 2030 GHG reduction target mandated by SB 32.

Page 3.6-61, second full paragraph, first sentence

Without a community-wide GHG Reduction Plan in place that meets the current requirements of CEQA Guidelines 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.

Page 3.6-61, footnote 98

[98] ~~The current *Climate Smart San José* plan does not meet the requirements of CEQA Section 15183.5(b). However, the City's~~ In November 2020, the City Council adopted the *City of San José 2030 Greenhouse Gas Reduction Strategy*, ~~if adopted, would~~ which will serve as a Qualified Plan for the Reduction of Greenhouse Gas emissions (Climate Action Plan) for the purposes of tiering under CEQA, in compliance with Section 15183.5(b) of the CEQA Section Guidelines.

4.1.13 Section 3.7, Hazards and Hazardous Materials

Page 3.7-74, new paragraph immediately below the heading, "City of San José Municipal Code"

Chapter 15.14: Sewer Use Regulations

The project would construct some buildings that would have subsurface levels, and, because of the relatively shallow depth to groundwater, dewatering would likely be required in at least some locations, in relatively small volumes, over the long term due to seepage into building basements. Chapter 15.14 requires that a person discharging to the City sewer system provide for pre-treatment or other measures to avoid discharge of excessive volumes and to ensure that various pollutants are at or below the maximum permitted concentrations as specified in Section 15.14.585. Discharge to the City sewer requires a permit that is subject to conditions as may be deemed necessary by the City's Director of Environmental Services or other applicable City official. (Dewatering during construction would also be subject to City code but is covered by Mitigation Measure HZ-3c, as discussed below on page 3.7-87.)

Page 3.7-86, following first four bullets (in Mitigation Measure HA-3c)

- The locations at which groundwater dewatering is likely to be required.
- Test methods to analyze groundwater for hazardous materials.
- Appropriate treatment and/or disposal methods.
- Discussion of discharge to a publicly owned treatment works or the stormwater system, in accordance with any regulatory requirements the treatment works may have, if this effluent disposal option is to be used.
- <u>The groundwater dewatering control and disposal plan shall provide a detailed analysis of construction dewatering, including estimating dewatering volumes/durations and evaluating related impacts if volumes are expected to be significant. The dewatering system shall be designed such that the volume and duration of dewatering are minimized to the greatest extent possible.</u>
- <u>The geotechnical investigation for those parcels that may require dewatering shall identify the foundation design and waterproofing to minimize the need for permanent dewatering after construction is complete.</u>

Page 3.7-74, below the heading, "Operation"

As discussed above under *Construction*, Mitigation Measures HA-3a through HA-3d would require the proposed project to conduct site investigations and cleanups, as needed; address land use limitations imposed by regulatory agencies, where existing and if needed; implement HSPs (and SMPs as appropriate) for each parcel or group of parcels on the project site, depending on parcel conditions; and install vapor mitigation, where needed. With implementation of the mitigation measures during construction, hazardous materials, if present, would be removed, treated, or encapsulated before operations. In addition, certain parcels (previously identified above) have land use covenants that include requirements to periodically inspect and maintain

the site remedies (e.g., caps that isolate buried contaminated materials, and/or restrictions on specific types of land uses). After the completion of construction activities, contamination would be reduced to below all applicable screening levels, regulatory cleanup levels, or isolated under caps that may not be disturbed as enforced by an LUC. Although parcels may remain on the Cortese List and be identified as closed sites, the parcels would no longer pose a threat to the public, construction workers, or the environment because they would have been treated, mitigated, cleaned up, or capped.

Some development sites would likely have subterranean levels that would be below the water table. Although basement levels would be waterproofed, it is typical for basements below the water table to include a sump and associated treatment equipment because basement waterproofing systems are seldom completely effective and some degree of water seepage would likely occur over time. Therefore, the subterranean levels would likely require long-term (post-construction) dewatering, albeit at relatively low volumes. Depending on the location of the building, the dewatering effluent would be discharged either to the onsite treatment plant described in Section 2.8.11 or to the City's existing sanitary sewer network, which flows to the San José–Santa Clara Regional Wastewater Facility sanitary sewer. Disposal of water discharged during project operations, whether directly to the City sewer system or to the City sewer via the project's proposed on-site water reuse facility (wastewater treatment plant) would be required to comply with City regulations summarized above in Section 3.7.2, Regulatory Framework, San José Municipal Code Chapter 15.14, *Sewer Use Regulations*. The requirements include acquiring a permit and demonstrating that the dewatering effluent complies with the sanitary sewer system acceptance criteria. Code compliance would avoid any adverse water quality effects.

With compliance with existing regulations and implementation of the mitigation measures during the construction phase discussed above, hazardous materials issues, where present, would have been addressed. This impact would be **less than significant**.

4.1.14 Section 3.8, Hydrology and Water Quality

Page 3.8-2, second paragraph, fourth sentence

… In drought years, however, up to 90 percent of the water ~~has been imported to serve~~ serving the City of San José's municipal demand has been imported.[7] …

Page 3.8-2, last paragraph

Groundwater in the Santa Clara Subbasin is of generally good quality. ~~Key issues of concern in the subbasin are land subsidence caused by past groundwater overdraft, and saline intrusion into groundwater through tidal channels near southern portions of San Francisco Bay.~~ Key issues of concern in the subbasin are land subsidence caused by historic groundwater overdraft prior to the 1970s. The subsided land surface contributed to the tidal incursion of salt water into the shallow groundwater zone near the southern portions of the San Francisco Bay. …

Page 3.8-7, first partial paragraph, penultimate sentence

… Existing stormwater management systems serving the project site lack capacity to adequately convey floodwaters during a 10-year, 24-hour event as described in Chapter 2, *Project Description*, Section 2.8.~~7~~1, *Stormwater*. …

Page 3.8-14, first full paragraph

The project site is within Basin 2-009.02, Santa Clara Valley Basin, which is a high-priority basin. Valley Water, the local groundwater sustainability agency, submitted its *2016 Groundwater Management Plan: Santa Clara and Llagas Subbasins* as an alternative groundwater sustainability plan (GSP). Under the SGMA, local agencies have an opportunity to submit an "alternative" GSP, provided that the alternative satisfies the act's objectives for the basin. An alternative could be either an existing groundwater management plan, an adjudication, or an analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield for a minimum of 10 years.[22] In July 2019, the California Department of Water Resources approved Valley Water's Alternative GSP, confirming it satisfies SGMA objectives for sustainable groundwater management in both basins. The following basin sustainability goals related to groundwater supply reliability and protection of water quality were developed for the Valley Water GSP:[23]

Page 3.8-17, following first paragraph

Regulation of Water Wells

Permits for well construction and destruction work, including exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance. Due to the long agricultural history of the Santa Clara Subbasin, and subsequent land development, there are likely many abandoned wells in the subbasin. While some of these abandoned wells may have been sealed prior to well permitting requirements, many have open casings and may be discovered during project construction. It is not uncommon for these wells to have substantial artesian flow, which may affect dewatering and construction activities. If encountered during the proposed project, abandoned wells must be properly destroyed, with related work subject to review and approval through Valley Water.

Page 3.8-28, Mitigation Measure HY-1

Mitigation Measure HY-1: Water Quality Best Management Practices during Construction Activities in and near Waterways

To avoid and/or minimize potential impacts on water quality (and jurisdictional waters) for project activities that would be conducted in, over, or within 100 feet of waterways, the project ~~contractor~~ applicant shall implement the following standard construction best management practices (BMPs), applicable to project construction activities in, near, or over waterways, to prevent releases of construction materials or hazardous materials and to avoid other potential environmental impacts:

- If the project includes activities such as debris removal or pier/pile demolition, the project applicant for the specific work proposed shall be required to submit a notice of intent to comply with waste discharge requirements and conditions identified by the San Francisco Bay Regional Water Quality Control Board. No debris, rubbish, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil, or petroleum products shall be allowed to enter jurisdictional waters, or shall be placed where it would be subject to erosion by rain, wind, or waves and enter into jurisdictional waters, except as permitted by the San Francisco Bay Regional Water Quality Control Board under an approved waste discharge requirement permit condition. Staged construction materials with the potential to be eroded/entrained during a rainfall event shall be covered every night and during any rainfall event (as applicable).
- In-stream construction shall be scheduled during the summer low-flow season to the extent feasible to minimize impacts on aquatic resources.
- To the maximum extent practicable, construction materials, wastes, debris, sediment, rubbish, trash, fencing, etc., shall be removed from the project site's riparian areas daily during construction, and thoroughly at the completion of the project. Debris shall be transported to a pre-designated upland disposal area.
- Protective measures shall be used to prevent accidental discharges of oils, gasoline, or other hazardous materials to jurisdictional waters during fueling, cleaning, and maintenance of equipment, as outlined in the project's soil and groundwater management plan. Well-maintained equipment shall be used to perform construction work, and except in the case of failure or breakdown, equipment maintenance shall be performed off-site, to the extent feasible. Crews shall check heavy equipment daily for leaks; if a leak is discovered, it shall be immediately contained and use of the equipment shall be suspended until repaired. The source of the leak shall be identified, material shall be cleaned up, and the cleaning materials shall be collected and properly disposed.
- Vehicles and equipment used during construction shall be serviced off-site, as feasible, or in a designated location a minimum of 100 feet from waterways. Fueling locations shall be inspected after

fueling to document that no spills have occurred. Any spills shall be cleaned up immediately.

- The project applicant shall submit a copy of the BMPs to the Director of Planning, Building, and Code Enforcement or Director's designee for review and approval prior to the issuance of any demolition or grading permits.

Page 3.8-32, first partial paragraph beneath the heading. "Construction," first sentence

Project construction would occur on an ~~81~~80-acre project site and would include substantial excavation, grading, trenching, and other ground-disturbing activities, some near or in waterways

Page 3.8-36, Mitigation Measure HY-3a, second paragraph (continuing to page 3.8-37)

Mitigation Measure HY-3a: Flood Risk Analysis and Modeling

Once the final design is complete and before the issuance of any building permit for any portion of the project potentially subject to flooding according to ~~FEMA flood maps and/or~~ the best available data from the City or Valley Water, the project applicant for the specific work proposed shall conduct a hydrologic analysis of the final project design to address flood risks.

The project applicant shall prepare a thorough hydrologic technical evaluation and demonstrate that the project poses minimal flood risk to occupants, residents, visitors, and surrounding properties. The project design shall be modified to minimize the impacts of the proposed development and shall be submitted to the City for review and approval. The design shall ensure that proposed new structures are elevated or flood-proofed above the 1 percent (100-year) base flood elevation, consistent with the City's adopted performance standards[2] that limit development within a special flood hazard area (Zone A) unless demonstrated that the cumulative effect of the proposed development would not increase the water surface elevation of the base flood more than 1 foot at any point within the City of San José.

Page 3.8-37, Mitigation Measure HY-3b

Mitigation Measure HY-3b: Plan for Ongoing Creek Maintenance

In the event that the project includes channel rehabilitation, ~~within 30 days of completion~~ prior to commencement of the initial restoration program within Los Gatos Creek, the project applicant shall submit a plan for ongoing maintenance of the affected reach of Los Gatos Creek to Valley Water and to the Director of Planning, Building, and Code Enforcement, or the Director's designee, for review and approval ~~a plan for ongoing maintenance of the affected reach of Los Gatos Creek~~. The ~~Plan~~ plan shall be consistent with the conditions in the existing permits for Valley Water's ongoing stream

[2] City of San José, *City of San José Code of Ordinances*, Title 17, Buildings and Construction; Chapter 17.08, Special Flood Hazard Areas; Part 5, Requirements; Section 17.08.640, New Developments. Available at https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT17BUCO_CH17.08SPFLHAARE_PT5RESPFLHAAR_17.08.640NEDE. Accessed January 15, 2020.

maintenance program and/or shall be subject to its own project-specific permitting regime, subject to jurisdictional agency review and approval.

Page 3.8-42, first paragraph, last sentence, and second paragraph

… Also refer to Section 2.8.~~7~~1, *Stormwater*, and Section 3.14, *Utilities and Service Systems*, Section 3.14.9, *Impacts and Mitigation Measures*.

In addition to these conveyance structures, a pump station near Park Avenue and South Montgomery Street is proposed for relocation, as described in Section 2.8.~~7~~1. The locations proposed (within the same block, or within the existing street right-of-way if space is available) would not be within the 100-year flood zone, under any project design scenario, based on the updated Valley Water hydrologic model.

Page 3.8-43, first paragraph under the heading, "Operation," first sentence

The project proposes to construct up to 7.3 million gross square feet of office space; up to 5,900 residential units; up to 500,000 gross square feet of active uses; up to 300 hotel rooms; up to 800 ~~rooms of~~ limited-term corporate accommodations, and an event and conference center.

Page 3.8-44, second full paragraph

As described in Section 3.7, *Hazards and Hazardous Materials,* some of the project's parcels are likely to contain contaminants in the soil and groundwater, which could contaminate surface water and/or groundwater if handled improperly. Dewatering, if required during operation (post-construction) of the project, either directly or via the on-site water reuse facility (wastewater treatment plant), and thus would be subject to City regulatory requirements for the protection of groundwater resources (per Municipal Code Chapter 15.14, *Sewer Use Regulations*). Conditions may include limits on volume, pre-treatment, monitoring and sampling, as well as requirements for notification, plans and protections against accidental discharge. Compliance with these regulatory control measures would preclude contamination of groundwater during project operation. Mitigation Measures HA-3b and HA-3c would be implemented to ensure that surface water and groundwater quality would be protected during project construction. With implementation of these mitigation measures, operation of the proposed project would not conflict with the water quality objectives identified in the Basin Plan, and this impact would be **less than significant with mitigation incorporated**.

Page 3.8-45, last partial paragraph, continuing to page 3.8-46

As described in Impact HY-1, the project would comply with the Construction General Permit and MRP requirements, including implementation of BMPs to reduce impacts associated with runoff. The project would also implement mitigation measures to address potential impacts associated with in- or near-water construction; hazardous materials; and disturbance in riparian corridors; measures to re-vegetate habitat areas and conduct monitoring would also be implemented. This would protect

surface waters from the water quality impacts associated with cumulative development in the watershed. Mitigation Measure HA-3c requires contractors to develop a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, would be handled and disposed of safely, appropriately, and lawfully. Dewatering, if required during operation of the project, would be subject to wastewater discharge permit conditions as required by Municipal Code Chapter 15.14, *Sewer Use Regulations*. Such measures would limit groundwater contamination and reduce the likelihood of a contribution to cumulative effects. Cumulative projects would have to comply with the same regulatory requirements and, where applicable, mitigation measures. This would substantially limit the effects of any cumulative project, generally precluding cumulative significant impacts on hydrology and water quality.

4.1.15 Section 3.9, Land Use and Planning

Page 3.9-4, first paragraph beneath the heading, "Project Site Existing Land Use Designations," first sentence

The entire project site is ~~81~~ 80 acres and encompasses approximately 100 separate parcels.

Page 3.9-31, second paragraph beneath Impact LU-1, first sentence

Most of the ~~81~~80-acre project site is developed with a mix of low-intensity uses as described in Section 3.9.1, *Environmental Setting*, in an existing surrounding urbanized area that contains residential, commercial, entertainment, industrial, office, and parking uses.

4.1.16 Section 3.10, Noise and Vibration

Page 3.10-9, Table 3.10-1

TABLE 3.10-1
EXISTING NOISE ENVIRONMENTS IN THE PROJECT VICINITY

Long-Term (LT) Noise Monitoring Location	Noise Levels (dBA)				Primary Noise Sources
	Day-Night Noise Level	24-Hour L_{eq}	Daytime[a] Hourly Average L_{eq}	Nighttime[b] Hourly Average L_{eq}	
…					
LT-2: 50 feet ~~south~~ north from the center of Park Avenue	66	NA	NA	NA	Traffic on Park Avenue and rail noise

Page 3.10-32, second bullet

- One or more ~~publically~~ publicly accessible indoor live entertainment venues on Blocks D4, D5, D6, and/or ~~D6~~ D7 accommodating an aggregate capacity of approximately 500 people;

Page 3.10-32, fourth paragraph

One or more indoor live entertainment venues in the project's central area would likely be on Blocks D4, D5, D6, and/or ~~D6~~ D7. The venue(s), which could include live music, would operate ~~5 to 6~~ up to 7 days per week, ~~with anticipated daytime events (11 a.m. 3 p.m.) held Wednesday through Sunday and nighttime events (7 11 p.m.) held Thursday through Saturday~~ from 11 a.m. to 11 p.m. There could be up to about 15 events per week. The venue(s) would have a maximum aggregate capacity of approximately 500. The venue(s) may be as close as 50 feet from proposed residential uses on Blocks D1 and F2. Live entertainment would occur in an interior space that would attenuate noise levels from reaching the exterior of the building, although crowd ingress and egress may generate exterior noise from multiple human voices.

Page 3.10-33, paragraph prior to the heading, "Overall Significance Conclusion"

Like the outdoor performance space, these pavilion structures could accommodate relatively small musical performances. The pavilion structures would be enclosed structures, up to 5,000 square feet for serviced pavilions and up to 2,500 square feet for un-serviced pavilions. The pavilion structures would function as standalone, enclosed structures to be used for indoor gatherings or events. Should the event spill outdoors, operators at the pavilions would be required to obtain a special event permit from the City to operate any loudspeaker or sound amplifier. Also subject to special event permits would be outdoor events in in project-applicant owned open spaces and on private streets that would include amplified sound and that could generate noise levels in excess of 60 dBA, based on the hourly average noise level (hourly Leq) measured at the property line of noise-sensitive uses, as well as all events in the public-right-of way or City-dedicated parks. Such a permit may establish conditions such as hours of operation, direction of speakers, or sound level restrictions. All events occurring in either the public-right-of way or City-dedicated parks would follow the City's standard permitting processes. ~~Such events~~ Events with amplified sound would not be regular occurrences, and would be restricted by permit conditions to certain hours to ensure compliance with noise ordinance standards. Moreover, they would occur in an area subject to existing noise sources, including aircraft overflights, rail operations, and traffic noise. This, along with the permit conditions, would limit the noticeable increase in noise generated by occasional events at these enclosed performance spaces and outdoor areas, and the noise impact from events with amplified sound would be **less than significant**. Quieter events would not be anticipated to generate noise levels in excess of 60 dBA, based on the hourly average noise level (hourly Leq) measured at the property line of noise-sensitive uses and therefore would

have little to no potential for adverse noise effects; the noise impact would likewise be **less than significant**.

Page 3.10-40, Mitigation Measure NO-1b

Mitigation Measure NO-1b: Traffic Noise Impact Reduction

Prior to the issuance of any building permits, the project applicant shall implement the following measures to reduce roadside noise impacts at the following roadway segments:

- *West San Fernando Street from South Montgomery Street to Delmas Avenue*. Prior to the issuance of any building permits for ~~Phase 1~~ construction on this block, the project applicant for the construction work proposed shall prepare and submit to the Director of Planning, Building and Code Enforcement, or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact property owners of single-family residences to implement, with the owners' consent, reasonable sound insulation treatments, such as replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, that could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study.
- *Bird Avenue from West San Carlos Street to Auzerais Avenue*. Prior to the issuance of any building permits for ~~Phase 1~~ construction on this block, the project applicant for the construction work proposed shall prepare and submit to the Director of Planning, Building and Code Enforcement, or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact the property owners of single-family homes on Auzerais Avenue, within 200 feet of Bird Avenue, to implement, with the owners' consent, reasonable sound insulation treatments, such as replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, that could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study.

Page 3.10-41, first paragraph, fourth sentence

… Actual phased implementation could be constrained by external factors such as construction staging for ~~the BART Downtown~~ VTA's BART Silicon Valley Phase II Extension Project extension, and thus would extend over a longer period, as described below. …

Page 3.10-43, Mitigation Measure NO-1c

Mitigation Measure NO-1c: Master Construction Noise Reduction Plan

Prior to the issuance of the first demolition, grading, or building permit for new construction within the project site or for any of the project's new public and private infrastructure, the project applicant shall prepare a Master Construction Noise Reduction Plan, to be implemented as development occurs throughout the project site to address demolition and construction ~~of buildings~~ within 500 feet of residential uses, or within 200 feet of commercial or office

uses, or areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval, and implementation of the identified measures shall be required as a condition of each permit. This Master Construction Noise Reduction Plan shall include, at a minimum, the following noise reduction measures:

1. **Noise Monitoring:** The Master Construction Noise Reduction Plan shall include a requirement for noise monitoring of construction activity throughout the duration of project construction, at times and locations determined appropriate by the qualified consultant and approved by the Director of Planning, Building and Code Enforcement, or the Director's designee.

2. **Schedule:** Loud activities such as rock breaking and pile driving shall occur only between 8 a.m. and 4 p.m., every day (with pile driving and rock breaking to start no earlier than 9 a.m. on weekends). Similarly, other activities with the potential to create extreme noise levels exceeding 90 dBA shall be avoided where possible. (Extreme noise-generating activities consist of those activities that independently generate noise in excess of 90 dBA. These activities include impact pile driving, vibratory pile driving, deep dynamic compaction, rapid impact compaction, and the breaking of concrete using a hoe ram.) Where such activities cannot be avoided, they shall also occur only between 8 a.m. and 4 p.m. Any proposed nighttime (defined as 10 p.m. to 7 a.m.) construction activities, such as nighttime concrete pours or other nighttime work necessary to achieve satisfactory results or to avoid traffic impacts, shall undergo review, permitting, and approval by the Director of Planning, Building and Code Enforcement, or the Director's designee.

3. **Site Perimeter Barrier:** To reduce noise levels for work occurring adjacent to residences, schools, or other noise-sensitive land uses, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor, a noise barrier(s) shall be constructed on the edge of the work site facing the receptor(s). Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater.

4. **Stationary-Source Equipment Placement:** Stationary noise sources, such as generators and air compressors, shall be located as far from adjacent properties as possible, and no closer than 50 feet from the Los Gatos Creek riparian corridor. These noise sources shall be muffled and enclosed within temporary sheds, shall incorporate insulation barriers, or shall use other measures as determined by the Director of Planning, Building, and Code Enforcement, or the Director's designee, to provide equivalent noise reduction.

5. **Stationary-Source Equipment Local Barriers:** For stationary equipment, such as generators and air compressors, that will operate for more than one week within 500 feet of a noise-sensitive land use, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor, the project contractor shall provide additional localized barriers around such stationary equipment that break the line of sight[footnote omitted] to neighboring properties.
6. **Temporary Power:** The project applicant shall use temporary power poles instead of generators, where feasible.
7. **Construction Equipment:** Exhaust mufflers shall be provided on pneumatic tools when in operation for more than one week within 500 feet of a noise-sensitive land use, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor. All equipment shall be properly maintained.
8. **Truck Traffic:** The project applicant shall restrict individual truck idling to no more than two consecutive minutes per trip end. Trucks shall load and unload materials in the construction areas, rather than idling on local streets. If truck staging is required, the staging area shall be located along major roadways with higher traffic noise levels or away from the noise-sensitive receivers, where such locations are available.
9. **Methods:** The construction contractor(s) shall consider means to reduce the use of heavy impact tools, such as pile driving, and shall locate these activities away from the property line, as practicable. Alternative methods of pile installation, including drilling, could be employed if noise levels are found to be excessive. Piles could be pre-drilled, as practicable, and a wood block placed between the hammer and pile to reduce metal-to-metal contact noise and "ringing" of the pile.
10. **Noise Complaint Liaison:** A noise complaint liaison shall be identified to field complaints regarding construction noise and interface with the project construction team. Contact information including a telephone number (including for text messages, if feasible) and e-mail address shall be distributed to nearby noise-sensitive receivers. Signs that include contact information shall be posted at the construction site.
11. **Notification and Confirmation:** Businesses and residents within 500 feet shall be notified by certified mail at least one month before the start of extreme noise-generating activities (to be defined in the Construction Noise Reduction Plan). The notification shall include, at a minimum, the estimated duration of the activity, construction hours, and contact information.
12. **Nighttime Construction:** If monitoring confirms that nighttime construction activities substantially exceed the ambient noise level (to be defined for receptors near each nighttime construction area in the site-wide Master Construction Noise Reduction Plan) and complaints occur regularly (generally considered to be two or more

per week), additional methods shall be implemented, such as installing additional storm windows in specific residences and/or constructing additional local barriers. The specific approach shall be refined as the construction activities and noise levels are refined.

13. **Complaint Protocol:** Protocols shall be implemented for receiving, responding to, and tracking received complaints. A noise complaint liaison shall be designated by the applicant and shall be responsible for responding to any local complaints about construction noise. The community liaison shall determine the cause of the noise complaint and require that measures to correct the problem be implemented. Signage that includes the community liaison's telephone number shall be posted at the construction site and the liaison's contact information shall be included in the notice sent to neighbors regarding the construction schedule.

Page 3.10-50, second sentence of the last partial paragraph

As indicated in Figure 3.10-6, the 2027 65 dBA CNEL noise contour extends into the project site to encompass blocks designated for residential use or hotel use, including most of Block E3 ~~and, potentially, the northeastern most corner of Block E2~~ (between West Santa Clara Street and West San Fernando Street, east of the Guadalupe River), along with ~~the eastern edge of Block C1 and, potentially,~~ the eastern edge of Block C3 (between West Julian and West St. John Streets).

Page 3.10-52, Mitigation Measure NO-3

Mitigation Measure NO-3: Exposure to Airport Noise

Prior to approval of construction-related permits for residential and hotel structures on the easternmost blocks of the project site, which are located within the year 2027 65 dBA CNEL noise contour—including Blocks ~~E2,~~ E3~~, C1,~~ and C3—each project applicant for a residential or hotel structure shall submit a noise reduction plan prepared by a qualified acoustical engineer for review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee. The noise reduction plan shall contain noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the General Plan's Noise Element for any and all proposed residential land uses within the 65 dBA CNEL noise contour for operations at Norman Y. Mineta San José International Airport. Exterior-to-interior noise reductions of 36 dBA have been demonstrated in modern urban residential uses,[footnote omitted] while attenuation of up to 45 dBA CNEL has been achieved at Airport hotels. Noise-reduction specifications shall be included on all building plans, and the construction contractor shall implement the approved plans during construction such that interior noise levels shall not exceed 45 dBA CNEL at these residential land uses.

Page 3.10-58, third paragraph, last sentence

… Construction is anticipated for 2022 through ~~2028~~ 2030, with substantial completion anticipated in 2028, and staging for this project would constrain the sequence of construction of the proposed project.

Page 3.10-60, third bullet following the third full paragraph

- Stockton ~~Street~~ Avenue from West Julian Street to Lenzen Avenue, and

Page 3.10-61, Mitigation Measure C-NO-2

Mitigation Measure C-NO-2: Cumulative Traffic Noise Impact Reduction

Prior to the issuance of any building permits, the project applicant shall implement the following measures to reduce roadside noise impacts at the following roadway segment:

- *North Montgomery Street from West Julian Street to St. John Street.* Prior to the issuance of any building permits for ~~Phase 1~~ construction on this block, the project applicant shall prepare and submit to the Director of Planning, Building and Code Enforcement, or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact property owners of single-family homes on this stretch of North Montgomery Street to implement, with the owners' consent, reasonable sound insulation treatments. Treatments may include replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, which could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study.

Page 3.10-66, **new less-than-significant impact** following last paragraph

Impact C-NO-4: The proposed project would make a less-than-significant considerable contribution to exposure of people to potential future increases in rail noise. *(Less than Significant)*

As explained on page 3-11, there are two major projects relevant to this EIR that are not fully designed, funded, or approved and do not yet provide sufficient detail to be included in a quantitative cumulative noise analysis: the California High-Speed Rail Project and the Diridon Integrated Station Concept (DISC) Plan, the current status and planning of which are therefore discussed at a high level.

As stated in Section 2.1.8, *Planning Context*, on page 2-4, the City's participation—along with Caltrain, the California High-Speed Rail Authority, and the Santa Clara VTA and the Metropolitan Transportation Commission—in the DISC Plan is an evolving process that will evaluate how to expand and redesign Diridon Station as a world-class center of transit and public life that provides intermodal connections and integration with the surrounding neighborhoods. Available data consist of a Conceptual Layout Figure presented to the San José City Council in 2020. This option would

elevate the entire (new) Diridon Station and the track approaches both north and south of the station, as opposed to the High-Speed Rail preferred alternative, which would keep tracks at grade. Elevating train operations would result in a greater distance to ground-level receivers, but elevated receivers (i.e., multistory residential structures) would be exposed to essentially the same rail noise levels that ground-level receivers currently experience. As a practical matter, the modest changes in diagonal distance provided by the elevated structure under the DISC proposal are not anticipated to meaningfully increase noise levels for new proposed receptors of the proposed project. Therefore, the cumulative exposure of people to potential future increases in rail noise would be **less than significant**.

Mitigation: None required.

4.1.17 Section 3.11, Population and Housing

Page 3.11-1, last sentence

The project site contains ~~11~~ seven residential units, but only one is occupied and the applicant reports that the occupant has agreed to relocate prior to commencement of construction.

Page 3.11-18, first paragraph under the heading, "Operational Impacts—Direct Population, Housing, and Employment Growth"

As shown in Table 3.11-1, the project site contains ~~11 residential units, but only~~ one occupied residential unit. The proposed project would demolish ~~these~~ this unit~~s~~ and create 3,000–5,900 dwelling units, which, based on an average of 2.2 persons per household,[footnote omitted] would yield up to 12,980 permanent residents at the project site (**Table 3.11-8**).

4.1.18 Section 3.13, Transportation

Page 3.13-10, third paragraph

The VTA BART Silicon Valley Phase II project will extend BART service from its current terminus at Berryessa Station through Downtown San José, with a stop at Diridon Station, and terminate at the Santa Clara Caltrain Station. As of spring 2020, service is expected to begin in 2030 and is projected to serve ~~9,600~~ 11,400 daily passengers at Diridon Station by ~~2035~~ 2040.

Page 3.13-21

Transportation	
Goal TR-1	**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.**
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 VMT.
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

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.

TR-1.5 Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

TR-1.6 Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

TR-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.

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

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 and pedestrian connections in existing cul-de-sac areas where feasible.

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

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.

Goal TR-4 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.

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.

TR-4.2 Work collaboratively with the California High-Speed Rail Authority to bring high-speed rail to San José in a timely manner.

TR-4.3 Support the development of amenities and land use and development types and intensities that contribute to increased ridership on the potential high-speed rail system, and also provide positive benefits to the community.

…

Page 3.13-28, first two paragraphs under Impact TR-1, continuing to page 3.13-29

Construction of the proposed project could result in conflicts with applicable plans or policies, especially those that relate to transit, pedestrian, and bicycle facilities/operations. The LTA (refer to Appendix J2 of this EIR) discusses specific steps that would be required to minimize those effects as much as possible during construction to provide for the safe and efficient movement of all transportation modes including walking, bicycling, vehicles, and transit. These steps would be part of a required comprehensive traffic control plan, which would include City best practices and any additional best practices relevant to the proposed project, and would be incorporated into site-specific Construction Impacts Mitigation Plans (CIMPs) prepared consistent with Municipal Code

Section 13.36 and an overall project CIMP considered for adoption by the City Council in conjunction with other project approvals.

The City has a Recommended Temporary Traffic Control Plan (RTTCP) that was developed in accordance with California Vehicle Code Section 21400.[footnote omitted] The plan provides high-level guidance on construction management and approves various devices that can be used on a construction site. The project applicant would be required to prepare and submit a project-specific RTTCP as a component of each site-specific CIMP that is submitted to the San José Department of Public Works for approval before beginning project construction on each building or group of buildings. The components of the RTTCP and the potential effects that they would address are summarized below …

Page 3.13-31, first paragraph under the heading, "Transportation Network Diagram," third sentence

In addition, the following streets would be abandoned ~~vacated~~ under the proposed project, necessitating removal from the General Plan Transportation Network Diagram: a portion of North Montgomery Street just north of the SAP Center; Delmas Avenue between West Santa Clara Street and West San Fernando Street; and South Montgomery Street between West San Fernando and Park Avenue.

Page 3.13-35, last bullet, continuing to page 3.13-36

- An additional network of private streets, most of which would be generally accessible to the public and some of which would predominantly provide service and loading access. Generally accessible private streets would include ~~a new street extending west and north from North Montgomery Street to the rear (west) of the northern most parcel (Block A1) connecting to Lenzen Avenue;~~ a dead-end street extending west from North Montgomery Street between West Julian and West St. John Streets (within Block C1); ~~an L-shaped~~ a street along the alignment of Delmas Avenue north of the light rail tracks and turning east to reach the Guadalupe River and then south along the river to reach West San Fernando Street; and an L-shaped street linking Royal Avenue and Auzerais Street (between Blocks H3, H5, and H6 and Block H4). Limited-access private streets would include a service street that would run north of West San Fernando Street and parallel to Delmas Avenue at the eastern border of the project site and a service connection between Cahill Street and Barack Obama Boulevard ~~South Autumn Street~~ north of Park Avenue (through Block F1).

Page 3.13-46, fourth, sixth, and 11th bullets following the second paragraph

- ~~Create a new north-south roadway between Cinnabar Street and Lenzen Avenue, providing public access to Block A1.~~
- Create a new ~~ring roadway extending west from the intersection of North Montgomery and Cinnabar Streets around the rear (west) of Block A1, connecting to the former Lenzen Avenue right-of-way (private street) and to a new~~ public street along the east side of Block A1.
- Remove Cinnabar Street west of North ~~Montgomery~~ Autumn Street.

Page 3.13-47, last paragraph, continuing to page 3.13-48

The removal of Cinnabar Street west of North ~~Montgomery~~ Autumn Street would be replaced by a new ~~private~~ public street connection between North Montgomery Street and Lenzen Avenue along the ~~southern and western~~ perimeter of ~~the block, and a new north-south connection between Cinnabar Street and Lenzen Avenue along the eastern perimeter of the block that could be used for emergency vehicle access~~ Block A1. Access to the block along North Montgomery Street across railroad tracks serving Union Pacific Railroad (UPRR) would be maintained.

Page 3.13-59, second full paragraph, last sentence

… The project applicant would contribute to the Bird Avenue/~~I-80~~ I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community.

Page 3.13-63, first paragraph

The proposed project would be required to prepare an overall project Construction Impacts Mitigation Plan (CIMP) that would be considered for adoption by the City Council in conjunction with other project approvals. Subsequent CIMPs for subsequent project development, consistent with Municipal Code Section 13.36, would be approved by the Director of Public Works. Each Subsequent CIMP would include a site-specific Recommended Temporary Traffic Control Plan (RTTCP) to limit peak-hour traffic and to address potential safety/accessibility issues related to vehicles (including emergency responders), transit, bicycles, and pedestrians. ~~Required RTTCP elements are provided, based on best practices and consideration of site-specific constraints. The project applicant would be required to prepare and submit the RTTCP to the City for approval before beginning project construction.~~ A more detailed summary of the RTTCP is provided in the discussion of Impact TR-1.

Page 3.13-63, last paragraph

The analysis of transit vehicle delay found that the proposed project would result in additional delay to transit service in the area. The added traffic on San Carlos Street, The Alameda/Santa Clara Street, and First Street would cause increases in delays for all 10 study routes (routes located within 1 mile of the project site with full-day service and frequencies of 30 minutes or less). Delay increases are generally three minutes or more on San Carlos Street and The Alameda/Santa Clara Street, and two minutes or less on First Street, which is largely a function of the cumulative growth and congestion

estimated by the year 2040. The City does not currently have established policies or significance criteria related to transit vehicle delay. However, the City ~~and~~ would require the project applicant ~~may include as part of the conditions of approval applicant provided~~ to provide funding for a Public Service Lanes Feasibility Study to analyze the ~~study of~~ potential for a dedicated bus lane and/or other transit speed improvements (queue jumps, signalization, etc.) within existing right-of-way from 17th Street to I-880 along Santa Clara Street–The Alameda ~~as part of the~~. This requirement will be reflected in the project's conditions of approval and/or Development Agreement.

Page 3.13-64, last paragraph

The project would provide a minimum of 2,850 and up to a maximum of 4,800 publicly accessible and/or commercial parking spaces to meet the demand for parking of site-specific users and the public, and up to 2,360 parking spaces for the project's proposed residential uses. In total, the project would provide 7,160 off-street vehicle parking spaces. …

4.1.19 Section 3.14, Utilities and Service Systems

Page 3.14-27, last sentence of the third paragraph under Impact UT-3

These discharges would incur a fee based on the City's ~~monitored industrial discharge rates~~ applicable sanitary sewer service and use charges.

Page 3.14-31, last sentence of the second full paragraph

Refer to Section 3.1, *Air Quality* (Impact AQ-5, page 3.1-140), and Section 3.10, *Noise and Vibration* (Impact NO-1a, page 3.10-29), for further discussion.

Page 3.14-53, last full paragraph

AB 341, signed into law in 2012, requires commercial and multi-family dwellings to recycle. AB 1826 (2014) furthered diversion and recycling requirements by requiring that ~~all~~ most businesses generating 2 cubic yards or more of total waste (solid waste, recyclables, and organics) and multi-family dwellings with more than five units also divert organic material. AB 1826 does not require multi-family dwellings to ~~divert organic~~ have a food waste diversion program.

Page 3.14-55, first paragraph

Chapter 9.10 of the San José Municipal Code outlines solid waste management regulations in the City. Chapter 9.10, Part 15, establishes the City's Construction and Demolition Diversion Deposit Program, which uses financial incentives to encourage the recycling of C&D material and requires projects to divert 50 percent of the total projected waste. Under the program, developers of new construction pay a non-refundable fee for C&D review to ensure compliance with CALGreen requirements for new construction, while certain alteration, renovation, demolition projects pay a deposit when they apply for a construction permit with the City. The deposit is fully refundable if C&D materials were reused, donated, or sent to a City-certified processing facility.

Page 3.14-57, first partial paragraph under the heading, "Operation," first sentence

During operation of the proposed project, the project's up to 5,900 residential units, ~~1,100~~ 300 hotel rooms and 800 limited term corporate accommodations (analyzed as a total of 1,100 hotel rooms for purposes of solid waste generation), and 31,198 potential employees would generate solid waste.

Page 3.14-59, last sentence of the first paragraph

The automatic waste collection system would support up to three waste streams, the specifics of which remain flexible. One option for the three waste streams is wet, dry, and source-separated recycling. These streams would support existing local waste collection procedures, while preserving the option for on-site anaerobic digestion. The system could also support other three-stream combinations, such as solid waste, mixed recycling, and compost. If both commercial and residential streams feed into the system, it would be required to support wet, dry, and customized streams for commercial uses and trash, recycling, and yard waste for residential.

Page 3.14-59, first paragraph under Impact UT-8

During construction and operation, the proposed project would be required to comply with the state and local solid waste standards identified in Section 3.14.14, *Regulatory Framework*, such as the California Integrated Waste Management Act, AB 939, the CALGreen Code, AB 341 and AB 1826, SB 1383, and the City of San José Zero Waste ~~Strategies~~ Strategic Plan.

4.1.20 Chapter 4, Other CEQA Issues

Page 4-2, last paragraph prior to the heading, "Removal of Obstacles to Growth"

The project proposes to rezone and redevelop an approximately ~~81~~80-acre project site that is currently underused and is located in an existing urbanized area containing a mix of residential, commercial, entertainment, industrial, office, and parking uses, along with transportation facilities and open space.

4.1.21 Chapter 5, Alternatives

Page 5-18, first paragraph, second sentence

The location would need to be approximately ~~81~~ 80 acres in size with comparable height allowances to accommodate all proposed project uses, as described in Chapter 2, *Project Description*, and would need to be transit-accessible to avoid resulting in greater impacts than those of the project.

Page 5-20, first paragraph under the heading, "5.4.4, Substantially Reduced Project (Avoidance of Significant Criteria Air Pollution Impacts)," last sentence

Hotel rooms and limited-term corporate accommodations would be reduced by comparable amounts, to about 35 and 100 accommodations ~~rooms~~, respectively.[footnote omitted]

Page 5-23, Table 5-1, fourth row

Limited-term corporate accommodations	800 ~~rooms~~	0 ~~rooms~~	340 ~~rooms~~	800 ~~rooms~~	800 ~~rooms~~	320 ~~rooms~~	320 ~~rooms~~

Page 5-30, first full paragraph, first sentence

In addition, with significantly reduced housing overall (~~695~~ 625 units compared to the project's up to 5,900 units), affordable housing would also be expected to be reduced.

Page 5-32, first full paragraph, first sentence

Specifically, the maximum number of residential dwelling units would be 5,665, approximately 235 units (4 percent) fewer than with the project due to preservation of 580 Lorraine Avenue affecting Block H1; the number of limited-term corporate accommodations ~~units~~ would be reduced by about 460 (58 percent), to a maximum of 340, due to reductions in residential and office buildings throughout the project site that would otherwise include such accommodations; and the maximum amount of office space would be reduced by about 1,610,000 gsf (22 percent), to 5,690,000 gsf, due to preservation of 145 South Montgomery Street and the three resources on North Montgomery Street/West Julian Street, as well as required setbacks from those resources for compatibility purposes, affecting Blocks B1, F1, F3, F4, F5, and F6.

Page 5-39,last full paragraph

With these modifications to the treatment of historic resources and the resulting reduced building program, the Historic Preservation/CLUP Noise Compliance Alternative would include less overall development than the proposed project, as shown in Table 5-1. Notably, the Historic Preservation/CLUP Noise Compliance Alternative would retain most of the proposed project's non-residential development program, while substantially reducing the number of residential units proposed and making a smaller reduction in floor area of active uses. Specifically, this alternative would develop a maximum of 3,600 dwelling units, 2,300 (nearly 40 percent) fewer than with the project, and 436,000 gsf of active uses, about 13 percent less than the project. Unlike the proposed project, no residential uses would be developed on Blocks E2, E3, F2, F4, H2, or (potentially) H3, H5, and H6. Instead, these blocks would be developed with office space.

Page 5-39, last partial paragraph, first sentence

With these realignments of the land use plan, this alternative would develop 7.3 million gsf of office space, 300 hotel rooms, 800 ~~units of~~ limited-term corporate accommodations, 100,000 gsf of conference/event space, and 230,000 gsf devoted to infrastructure and utilities; all of these totals would be the same as under the proposed project.

Page 5-49, second paragraph, second sentence

Specifically, this alternative would include a maximum of only 3 million gsf of office space (almost 60 percent less than the proposed project); in addition, the number of limited-term corporate accommodations ~~rooms~~ would be reduced by 60 percent, to a maximum of 320 rooms, while infrastructure-related building space would be reduced by approximately 30,000 gsf (13 percent) and the event/conference space would be reduced from 100,000 gsf to a maximum of 45,000 gsf.

Page 5-54, last full paragraph, second sentence

Specifically, this alternative would include a maximum of 3.0 million gsf of office space, up to 2,655 dwelling units, a maximum of 150,000 gsf of active uses (e.g., commercial retail/restaurant, cultural, live entertainment, community center, institutional, childcare, and education), up to 135 hotel rooms, up to 320 ~~units of~~ limited-term corporate accommodations, a maximum of 45,000 gsf of event/conference space, and up to 127,000 gsf of infrastructure-related building space, as estimated by the project applicant.

4.1.22 Section 7.6, 3.2, Biological Resources

Page 7-11, following Section 7.6 heading

Applied Physical Sciences, *Mitigation of Underwater Pile Driving During Offshore Construction: Final Report*, prepared for the Department of Interior, January 2010.

Page 7-11, following end of California Department of Fish and Wildlife list

———, *Special Animals List*, November 2020. Available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline, accessed January 19, 2021.

California Department of Transportation (Caltrans), *Technical guidance for assessment and mitigation of the hydroacoustic effects of pile driving on fish. Final Report*, prepared for California Department of Transportation by ICF Jones & Stokes and Illingworth & Rodkin, Inc., 2015.

Page 7-12, following Gauthreaux reference

Garcia-Rossi, D., and D. Hedgecock, *Provenance analysis of chinook salmon (*Oncorhynchus tshawytscha*) in the Santa Clara Valley watershed*, Santa Clara Valley Water District, 2002.

4.1.23 Section 7.12, 3.8, Hydrology and Water Quality

Page 7-31, following State Water Resources Control Board references

Tetra Tech, Inc., *Guadalupe River Watershed Mercury TMDL Projected, Final Conceptual Model Report*. Prepared for the San Francisco Bay Regional Water Quality Control Board, May 20, 2005.

4.2 Revisions to Table S-1, *Summary of Impacts and Mitigation Measures*

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.1 Air Quality			
		Mitigation Measure AQ-2a: Construction Emissions Minimization Plan To ensure that the project features assumed in the analysis of air pollutant emissions are implemented, and to further reduce criteria pollutant emissions from construction activities, the project applicant shall implement the following measures prior to the issuance of any demolition, grading, or building permits for each phase of the project: 1. *Engine Requirements.* a. As part of the project design, all off-road construction equipment with engines greater than 25 horsepower must adhere to Tier 4 Final off-road emissions standards, if commercially available (refer to Item #2, *Engine Requirement Waivers*, below, for the definition of "commercially available"). This adherence shall be verified through submittal of an equipment inventory and Certification Statement to the Director of Planning, Building and Code Enforcement or the Director's designee. The Certification Statement must state that each contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of the contractor's agreement and/or the general contract with the project applicant. b. The project applicant shall use alternative fuels as commercially available, such as renewable diesel, biodiesel, natural gas, propane, and electric equipment. The applicant must demonstrate to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, that any alternative fuels used in any construction equipment, such as biodiesel, renewable diesel, natural gas, or other biofuels, reduce ROG, NO_X, and PM emissions compared to traditional diesel fuel. c. The project applicant shall use electricity to power off-road equipment, specifically for all concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, and cement and mortar mixers, along with 90 percent of pressure washers and 70 percent of pumps, in all but isolated cases where diesel powered equipment is used as an interim measure prior to the availability of grid power at more remote areas of the site. Portable equipment shall be powered by grid electricity or alternative fuels (i.e., not diesel) instead of by diesel generators. 2. *Engine Requirement Waivers.* If engines that comply with Tier 4 Final off-road emission standards are not commercially available for specific off-road equipment necessary during construction, the project applicant shall provide the next cleanest piece of off-road equipment, as provided by the step-down schedule identified in Table M-AQ-2a.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation

The project applicant shall provide to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval documentation showing that engines that comply with Tier 4 Final off-road emission standards are not commercially available for the specific off-road equipment necessary during construction.

For purposes of this mitigation measure, "commercially available" shall take into consideration the following factors: (i) potential significant delays to critical-path timing of construction and (ii) the geographic proximity to the project site of Tier 4 Final equipment.

The project applicant shall maintain records of its efforts to comply with this requirement.

TABLE M-AQ-2A
OFF-ROAD EQUIPMENT COMPLIANCE STEP-DOWN SCHEDULE

Compliance Alternative	Engine Emissions Standard	Emissions Control
1	Tier 4 Interim	N/A
2	Tier 3	CARB Level 3 VDECS
3	Tier 2	CARB Level 3 VDCES

NOTES: CARB = California Air Resources Board; N/A = not applicable; VDECS = Verified Diesel Emissions Control Strategies

How to use the table: If engines that comply with Tier 4 Final off-road emission standards are not commercially available, the project applicant shall meet Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 is not commercially available, the project applicant shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 is not commercially available, the project applicant shall meet Compliance Alternative 3.

3. *Additional Exhaust Emissions Control Measures*.

   The Emissions Plan (described in greater detail under Item #5, *Construction Emissions Minimization Plan*, below) shall include the applicable measures for controlling criteria air pollutants and toxic air contaminants during construction of the proposed project. Control measures shall include but are not limited to the following:

   a. Idling times on all diesel-fueled commercial vehicles weighing more than 10,000 pounds shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to two minutes, exceeding the five-minute limit required by the California airborne toxics control measure

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		(California Code of Regulations Title 13, Section 2485s). Clear signage to this effect shall be provided for construction workers at all access points. b. Idling times on all diesel-fueled off-road vehicles exceeding 25 horsepower shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to two minutes. Fleet operators must develop a written policy as required by California Code of Regulations Title 23, Section 2449 ("California Air Resources Board Off-Road Diesel Regulations"). c. Portable equipment shall be powered by grid electricity if available, instead of diesel generators. If grid electricity is not available, batteries or fuel cell systems or other non-diesel fuels shall be used for backup power. d. The project applicant shall use super-compliant volatile organic compound (VOC) architectural coatings during construction for all interior and exterior spaces and shall include this requirement on plans submitted for review by the City's building official. "Super-compliant" coatings are those that meet a limit of 10 grams VOC per liter (http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings). e. All equipment to be used on the construction site shall comply with the requirements of California Code of Regulations Title 13, Section 2449 ("California Air Resources Board Off-Road Diesel Regulations"). This regulation imposes idling limits; requires that all off-road equipment be reported to California Air Resources Board and labeled; restricts adding older vehicles to fleets starting January 1, 2014; and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emissions Control Strategies. Upon request by the City (and Bay Area Air Quality Management District if specifically requested), the project applicant and/or its contractor shall provide written documentation that fleet requirements have been met. f. Truck routes shall be established to avoid both on-site and off-site sensitive receptors. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. This program must demonstrate how the project applicant will locate the truck routes as far from on-site receptors as possible and how truck activity (travel, idling, and deliveries) will be minimized. The Construction Emissions Minimization Plan must include the location of construction truck routes and must demonstrate that routes have been established as far as possible from the locations of all on-site and off-site sensitive receptors. g. The project applicant shall encourage walking, bicycling, and transit use by construction employees by offering incentives such as on-site bike parking, transit subsidies, and additional shuttles. The project shall ~~achieve~~ target a project-lifetime performance standard of diverting at least 50 percent of construction employee trips from single-occupant vehicles. This may include the use of carpools and vanpools for construction workers.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		4. *Dust Control Measures*. The project applicant shall implement the following dust control requirements during construction of the project, consistent with the San José Downtown Strategy: a. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent (verified by lab samples or moisture probe). b. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour (mph). c. All trucks and equipment, including tires, shall be washed off before they leave the project site. d. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. f. All vehicle speeds on unpaved roads shall be limited to 15 mph. g. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. h. A publicly visible sign shall be posted, listing the telephone number and person to contact at the lead agency (the City) regarding dust complaints. This person shall respond and take corrective action within 48 hours. The sign shall also include the telephone number of the on-site construction manager. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. i. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. k. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. l. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. 5. *Construction Emissions Minimization Plan*. Before starting each phase of on-site ground disturbance, demolition, or construction activities, the project applicant shall submit a Construction Emissions Minimization Plan (Emissions Plan) to the Director of the City of San José	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		Department of Planning, Building and Code Enforcement, or the Director's designee, for review and approval. The Emissions Plan shall state, in reasonable detail, how the project applicant and/or its contractor shall meet the requirements of Section 1, Engine Requirements; Section 3, Additional Exhaust Emissions Control Measures; and Section 4, Dust Control Measures. a. The Emissions Plan shall include estimates of the construction timeline, with a description of each piece of off-road equipment required. The description shall include but not be limited to equipment type, equipment manufacturer, engine model year, engine certification (tier rating), horsepower, and expected fuel usage and hours of operation. b. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. c. The project applicant shall ensure that all applicable requirements of the Emissions Plan have been incorporated into the contract specifications. The plan shall include a certification statement that each contractor agrees to comply fully with the plan. d. The Emissions Plan shall be verified through an equipment inventory and Certification Statement submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. The Certification Statement must state that the project applicant agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of the contractor's agreement with the project applicant and/or the general contractor. e. The project applicant and/or its contractor shall make the Emissions Plan available to the public for review on-site during working hours. The project applicant and/or its contractor shall post at the construction site a legible and visible sign summarizing the Emissions Plan. The sign shall also state that the public may ask to inspect the project's Emissions Plan at any time during working hours and shall explain how to request to inspect the Emissions Plan. The project applicant and/or its contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. The sign shall include contact information for an on-site construction coordinator if any member of the public has complaints or concerns. 6. *Monitoring*. After the start of construction activities, the project applicant and/or its contractor shall submit annual reports to the Director of the City of San José Department of Planning, Building and Code Enforcement, or the Director's designee, documenting compliance with the Emissions Plan. The reports shall indicate the actual location of construction during each year and must demonstrate how construction of each project component is consistent with the Emissions Plan. **Mitigation Measure AQ-2h: Enhanced Transportation Demand Management Program**	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		The project applicant shall develop and submit a Transportation Demand Management (TDM) Program for review and approval by the Directors of Public Works and Planning, Building, and Code Enforcement or the Directors' designees prior to or concurrent with adoption of the Planned Development ~~PD~~ Permit. The TDM program shall be designed such that all project-related daily vehicle trips are reduced with the primary focus on the office and residential components of the proposed project. (Office and residential trips would comprise approximately 85 percent of project vehicle trips and are assumed to serve as a proxy for all project trips.) The TDM program shall: (A) Be designed to meet performance standards that include exceeding the 15 percent transportation efficiency requirement of AB 900 *and* achieving additional vehicle trip reductions to mitigate transportation-related environmental impacts and reduce criteria pollutant emissions from mobile sources, as described below; (B) Describe project features and TDM measures that shall and may be used to achieve the performance standard commitments; (C) Describe a monitoring and reporting program, including a penalty structure for non-compliance; and (D) Recognizing that commute patterns, behavior and technology continue to evolve, describe a process for amending and updating the TDM program as needed over time while continuing to achieve the performance standards described below. These elements of the TDM Program are described further below. A. **Performance Standards:** The project's TDM program shall be designed to achieve the performance standards described below: • Assuming currently available (pre-COVID-19) public transit service levels, achieve a combined non-single occupancy vehicle (SOV) rate of 50 percent, which is estimated to be equivalent to a 24 percent reduction in daily vehicle trips from the City of San José Travel Demand Forecasting Model's travel demand outputs. • Following completion of service enhancements related to Caltrain Electrification, achieve a combined non-SOV rate of 60 percent, which is estimated to be equivalent to a 26 percent reduction in daily vehicle trips from the City Travel Demand Forecasting Model's travel demand outputs. • Following completion of service enhancements related to the start of BART service to Diridon Station, achieve a combined non-SOV rate of 65 percent, which is estimated to be equivalent to a 27 percent reduction in daily vehicle trips from the City Travel Demand Forecasting Model's travel demand outputs. B. **TDM Program:** Project features and required SOV trip reduction strategies shall include the following elements: 1. Improvements to pedestrian and bicycle facilities on-site and connecting the site to surrounding areas, including the construction/contribution to Los Gatos	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation

Creek Trail improvements and on-street connectors between West San Carlos Street and West Santa Clara Street;

2. Limited parking supplies on-site, including no more than 4,800 parking spaces for commercial uses and no more than 2,360 spaces for residential development (a portion of the residential spaces could be available as shared-use spaces for office employees) and enforcement of the project's parking maximums for new uses as a disincentive for employees and visitors to the site, encouraging them to carpool, take transit, bike, and walk instead of drive;
3. Market-rate parking pricing ~~for non-residential uses~~ and unbundled parking for market-rate residential uses;
4. Pre-tax commuter benefits for employees allowing employees to exclude their transit or vanpooling expenses from taxable income or an alternate commuter benefit option consistent with the MTC/BAAQMD Commuter Benefits Program required for employers with 50 or more full-time employees;
5. Marketing (encouragement and incentives) to encourage transit use, carpooling, vanpooling, and all non-SOV travel by employees and residents, including welcome packets for new employees and residents, and dissemination of information about Spare the Air Days in the San Francisco Bay Area Air Basin, as recommended by the 2017 Clean Air Plan; and
6. Rideshare coordination, such as implementation of the 511 Regional Rideshare Program or equivalent, as recommended by the 2017 Clean Air Plan.

Other supplemental SOV trip reduction strategies to meet performance standards shall include some combination of the following:

Transit Fare Subsidy	~~Make available~~ Provide transit passes or subsidies to employees and residents to make transit an attractive, affordable mode of travel.
Parking Pricing Structure	Ensure that the parking pricing structure ~~complements on-street parking pricing and~~ encourages "park once" behavior for all uses.
Preferential Carpool and Vanpool Parking	Provide dedicated parking for carpool and vanpool vehicles near building and garage entrances.
On-Site Bicycle Parking and Storage	Provide additional security and convenience for bicycle parking, such as lockers or secured bicycle rooms.
Designated Ride-Hailing Waiting Areas	Dedicate curbside areas for passenger pickup by ride-hailing services, to minimize traffic intrusion and double-parking by rideshare vehicles.

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures		Level of Significance after Mitigation
		Bikeshare Program	Contribute to or implement a bikeshare program to increase use of biking and access to transit and surrounding land uses.	
		~~**Traffic Calming**~~	~~Implement on-site traffic calming improvements to support the increased use of walking, biking, and transit.~~	
		Alternative Work Schedules and Telecommuting	Allow and encourage employees to adopt alternative work schedules and telecommute when possible, reducing the need to travel to the office component of the project.	
		First-/Last-Mile Subsidy	Provide subsidies for first-/last-mile travel modes to employees to reduce barriers to the use of transit as a primary commute mode by making short connecting trips to and from longer transit trips less costly and more convenient. First-/last-mile subsidies could be used to access bicycle share, scooter share, ride hailing, and local bus and shuttle services, and could subsidize bicycling and walking.	
		On-Site Transportation Coordinators	Provide TDM program outreach and marketing via on-site transportation coordinators who can also give individualized directions, establish ridesharing connections, and provide other alternative travel information to project employees and residents.	
		Technology-Based Services	Use technology-based information, encouragement, and trip coordination services to encourage carpooling, transit, walking, and biking by project employees and visitors. These can include third-party apps to distribute incentives to people who choose to use these modes.	
		Employer-Sponsored Vanpools	Coordinate and provide subsidized vanpools for employees who cannot easily commute via transit.	
		Biking Incentives and On-Site Bike Repair Facilities	Provide additional incentives that encourage bicycle usage and ability to repair bikes on site.	
		Carshare Program	Provide carshare subsidies to residents to encourage the use of carshare programs (such as ZipCar~~,~~ ~~Car2Go,~~ and Gig) and limit parking demand.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation

Building-Specific TDM Plans	Develop customized TDM plans for specific buildings and tenants to better address the needs of their users.
Transportation Management Agency Membership	Join a non-profit transportation management association if formed for Downtown San José, and leverage the larger pool of commuters and residents to improve TDM program marketing and coordinate TDM programs.

C. **Monitoring and Enforcement:** Starting in the calendar year after the City issues the first certificate of occupancy for the first office ~~or residential~~ building in the first development phase, the project applicant shall retain the services of an independent City-approved transportation planning/engineering firm to conduct an annual mode-share survey of the project's office and residential components each fall (mid-September through mid-November). The survey shall be conducted to determine whether the project is achieving the combined average non-SOV mode share for office and residential uses sufficient to indicate the specified trip reductions. The applicant shall submit an annual report to the staff of the San José Department of Transportation each January 31 of the following year.

The annual report shall describe: (a) implementation of the TDM program; and (b) results of the annual mode split survey, including a summary of the methodology for collecting the mode split data, statistics on response rates, a summary conclusion, and an outline of additional TDM measures (i.e., a corrective action plan) to be implemented in subsequent years if the non-SOV mode split goal is not reached.

If timely reports are not submitted and/or reports indicate that the project office and residential uses combined have failed to achieve the non-SOV mode share specified above in two consecutive years after issuance of the certificates of occupancy for 50 percent of the office development, the project will be considered in violation of this mitigation measure. The City will issue a notice of non-compliance after the first year the project fails to meet monitoring requirements (submittal of timely reports and/or achieving specified non-SOV mode share), after which the applicant has one year to comply with the monitoring requirements through the project's discretionary implementation of additional TDM measures.

After two years of not meeting the project-wide monitoring requirements, the City may initiate enforcement action against the applicant and successors~~, including~~. In an enforcement action, the non-SOV mode share for the office and residential uses will be identified separately to determine whether the office and/or residential components are in non-compliance. Enforcement actions for owners and/or operators of the office development may include imposition of financial penalties ~~to the owners and/or operators of the office and residential development~~ that will support the funding and management of transportation improvements that would

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		~~bring~~ improve the project's ability to achieve the target non-SOV mode share. ~~Enforcement actions shall generally be consistent with City Council Policy 5-1 and include a mutually agreed-upon monetary cap~~ Financial penalties shall generally be consistent with City Council Policy 5-1 and include a mutually agreed-upon monetary cap for penalties applied to the office uses. Enforcement actions for the owner and/or operators of the residential development would include required implementation of additional feasible TDM measures as reasonably required by the City. If such additional TDM measures are not implemented as required, regardless of measured effectiveness, financial penalties may be imposed. If timely reports are submitted and demonstrate that the applicant has implemented required features and strategies and has achieved the non-SOV mode share specified above for five consecutive years after ~~full project~~ issuance of certificates of occupancy for 50 percent of the office development, monitoring shall no longer be required annually, and shall instead be required every five years, or ~~upon request~~ if reasonably determined by the City of San José Planning, Building, and Code Enforcement Department or Department of Public Works ~~for an annual update, as needed~~ to ensure ongoing compliance, monitoring and reporting may be required up to once per year. D. **Flexibility and Amendments:** The project applicant may propose amendments to the approved TDM program as part of its annual report each year, provided that the applicant shall not be permitted to decrease the performance standards specified in Section (A), above, and subject to review and approval by the Director of Public Works and Director of Planning, Building, and Code Enforcement or the Directors' designees. ~~The applicant shall not be permitted to decrease the performance standards specified in Section A, above.~~ The City and the project applicant expect that the TDM program will evolve as travel behavior changes and as new technologies become available. Any proposed changes will be considered approved unless the Director of Public Works ~~and~~ or Director of Planning, Building, and Code Enforcement objects to the proposed change within 30 days of receipt. **Mitigation Measure AQ-3: Exposure to Air Pollution—Toxic Air Contaminants** The project applicant shall incorporate the following health risk reduction measures into the project design to reduce the potential health risk caused by exposure to toxic air contaminants (TACs), as feasible for the project's sources of TACs. These features shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval and shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City: 1. Plant trees and/or vegetation between new on-site and existing off-site sensitive receptors and the project's operational source(s) of TACs (i.e., on-road vehicles, stationary emergency generators), if feasible. In addition, plant trees and/or vegetation between new on-site sensitive receptors and existing background	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		sources of toxic air contaminants, if feasible. Locally native trees that provide suitable trapping of particulate matter are preferred. 2. Construction trucks shall adhere to the modeled haul route as presented in Figure 3.1-2. If an alternative truck haul route is used, the project applicant shall quantitatively demonstrate to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, that these haul routes would not result in health risks that exceed the project-level thresholds of significance for either existing off-site or new on-site sensitive receptors.	
3.2 Biological Resources			
		Mitigation Measure BI-1a: General Avoidance and Protection Measures ~~This measure~~ The applicant or the applicant's contractor shall be responsible for this measure, which shall be required for demolition, site preparation (including clearing of vegetation), and construction work in the Los Gatos Creek channel and riparian corridor and the 50-foot building construction setback from the riparian corridor. It shall also be required for proposed construction activities within 50 feet of the Guadalupe River (Block~~s~~ E1~~ and E3~~, including 374 West Santa Clara Street), and work within 20 feet of the creeping wild rye plant community described under Impact BI-2. Relevant avoidance and protection measures shall be included on demolition, grading, and building permit plans. • Before the issuance of any demolition, grading, or building permit, a qualified biologist shall prepare a worker environmental awareness training brochure and submit the brochure to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval. The training shall be distributed to the construction contractor for the specific work in question to ensure that a copy is available to all construction workers on-site. The training shall be implemented as described below. • A California Department of Fish and Wildlife (CDFW)– and National Marine Fisheries Service (NMFS)–approved biologist shall be present to monitor all of the following activities: – All construction-related work within the Los Gatos Creek channel or riparian corridor or the 50-foot building construction setback from the riparian corridor; – Construction activities within 50 feet of the Guadalupe River (Block~~s~~ E,~~1 and E3 and~~ including the former San Jose Water Company building [374 West Santa Clara Street]); and – Work within 20 feet of the creeping wild rye plant community. The biologist shall prepare and submit daily reports demonstrating compliance with all general avoidance and protection measures to the Director of Planning, Building and Code Enforcement or the Director's designee. • A qualified biologist shall provide the worker environmental awareness training to field management and construction personnel. Communication efforts and training	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		shall take place during pre-construction meetings so that construction personnel are aware of their responsibilities and the importance of compliance. The training shall identify the types of sensitive biological resources in the project area (nesting birds, roosting bats, salmonids and other special-status fish, western pond turtle, riparian habitat, and creeping wild rye plant community) and the measures required to avoid impacting these resources. The materials covered in the training program shall include environmental rules and regulations for the specific project and shall require workers to limit activities to the construction work area and avoid demarcated sensitive resource areas. • If the project adds new construction personnel, the contractor for the work in question shall ensure that the new personnel receive worker environmental awareness training before starting work within the Los Gatos Creek riparian corridor or channel; within the 50-foot building construction setback from the Los Gatos Creek riparian corridor and the Guadalupe River; or within 20 feet of the creeping wild rye plant community. The contractor shall maintain a sign-in sheet identifying the individuals who have received the training. A representative from the contractor company for the work in question shall be appointed during the training to be the contact person for any employee or contractor who might inadvertently kill or injure a listed species, or who finds a dead, injured, or entrapped individual. The representative's name and telephone number shall be provided to NMFS and CDFW before the start of ground disturbance. • The minimum qualifications for a qualified biologist shall be a four-year college degree in biology or related field and at least two years' demonstrated experience with the species of concern. • If a listed wildlife species is discovered, construction activities shall not begin in the immediate vicinity of the individual until the CDFW Region 3 office in Fairfield is contacted, and the discovered species has been allowed to leave and is no longer present in the construction area. • Any special-status species observed by the qualified biologist shall be reported to CDFW by the qualified biologist, or by a biologist designated by the qualified biologist, so that the observations can be added to the California Natural Diversity Database. • The discharge of water from new construction sites into Los Gatos Creek or the Guadalupe River shall be prohibited if the temperature of the discharged water exceeds 72 degrees Fahrenheit (°F), unless modeling studies and subsequent monitoring demonstrate that the volume of the discharge would not increase maximum daily stream temperatures above 75.2°F. Prior to project construction, water and ambient air temperature loggers shall be installed at three locations within and adjacent to the project site. One logger shall be installed in upstream Los Gatos Creek, one within the affected reach adjacent to building construction, and one downstream of the project site. Loggers at these three locations shall record hourly water temperature values before, during, and after project construction. This prohibition shall cover both direct discharges and indirect	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		discharges into local storm drains that discharge to Los Gatos Creek or the Guadalupe River. Construction discharges shall be prohibited until the discharged water cools below the average daily stream temperature at the discharge point or maximum daily stream temperatures drop below 75°F. **Mitigation Measure BI-1b: In-Water Construction Schedule** ~~All~~ The project applicant shall ensure that the contractor includes the schedule for in-water construction work in the Los Gatos Creek channel ~~shall~~ to occur outside of the normal rainy season, between June 1 and October 15 inclusive (or as otherwise specified by permits from the San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, National Marine Fisheries Service, and/or U.S. Army Corps of Engineers), when flows in Los Gatos Creek and the Guadalupe River are normally at their lowest and special-status anadromous fish species are least likely to occur in the project area. **Mitigation Measure BI-1c: Native Fish Capture and Relocation** The project applicant shall ensure that any contractor for any construction work in the Los Gatos Creek channel prepares and submits a fish relocation plan (consistent with federal and state permit requirements) for in-water work in Los Gatos Creek. Relocation shall be required only for in-water work in the Los Gatos Creek channel. The fish relocation plan shall be prepared by a qualified biologist. The plan shall be prepared in coordination with the California Department of Fish and Wildlife (CDFW), and a copy of the final plan shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, along with demonstration of coordination with CDFW. Implementation of the fish relocation plan shall be consistent with the following conditions: • Before rescues of listed species are attempted, any necessary authorization shall be obtained from the resource agencies (CDFW and/or National Marine Fisheries Service [NMFS]). • Before dewatering may occur, a qualified biologist shall determine whether the extent of dewatering will result in immediate or foreseeable impacts on fish and wildlife. This shall include conducting a reconnaissance survey of the dewatering zone. • Before dewatering can begin, the following elements of fish relocation shall be determined: – *Staging Area:* Staging areas in the dewatering zone shall be identified. Sites should be selected based on their proximity and access to the dewatering zone and ability to support safe operation of the equipment. – *Relocation Sites:* Relocation site(s) shall be identified. Priority shall be given to a site's close proximity to the dewatering zone in the same stream. If a qualified on-site biologist determines that no suitable site in the stream is available, then "second choice" locations within the watershed shall be	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		selected. In all cases, the closest site that is likely to result in a successful rescue shall be used. – *Transportation Routes:* Transport routes for rescued fish species shall be determined in advance of dewatering. – *Disease Consideration:* To guard against disease transmission, fish shall not be moved upstream over substantial barriers or long distances (i.e., greater than 10 miles). • If salmonids are encountered during relocation, they shall be moved upstream to a location of perennial running water or the best available habitat determined by a qualified biologist. Collection and transport methods shall be determined based on site conditions. Methods shall also be selected to maximize the efficiency of the collection effort while minimizing handling and transport time and stress. Creek water from the site shall be used in all containers. The local transport of fish may be completed using various methods, including: – *Net Transfer:* Appropriate for short distances (less than 50 feet) where rapid transfer is possible. – *Live Car:* Appropriate for temporary holding in the stream and for short distances where a rapid transfer is required. – *Bucket:* Appropriate for temporary holding and transport over short to medium distances. Holding time should be minimized if possible and aeration should be supplied. – *Aerated Cooler:* Appropriate for temporary holding and transport for long distances. Temperature shall be maintained to be similar to the temperature of the source creek water, and if necessary, fish shall be sorted by size to reduce risks of predation. • Species and collection/relocation sites shall be prioritized as follows: (1) Threatened species; and (2) other native fishes. • A contact person at each of the appropriate resource agencies (CDFW, NMFS, and/or U.S. Fish and Wildlife Service) shall be identified in the relocation plan. At least 24 hours before fish relocation begins, the appropriate resource agencies shall be notified to communicate the details of the fish relocation and to confirm disposition instructions. • Fish shall be relocated under the following conditions: – *Setup:* Upon arrival at the site, a qualified biologist shall review the operational sequence and logistics of the rescue and field assignments shall be designated. The fish relocation team shall review safety and operational methods. – *Live Well Operation:* ▪ If necessary, live wells shall be set up early in the operation to stabilize tank conditions. ▪ Local “native” water shall be used to fill live wells, if available and clean.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		▪ To lessen stress on fish, the temperature in live wells shall be reduced or managed to be compatible with the water temperatures in which the fish were encountered. ▪ To ensure that sufficient oxygen is present during the adjustment period, the aeration system shall be started before fish are placed into the live well. When salmonids are placed in the live well, the live well shall be managed to the extent possible so that the dissolved oxygen concentration is greater than 6 milligrams per liter, but less than saturation. – *Electrofishing Operation:* ▪ The electrofishing unit settings shall be adjusted to the conductivity and temperature of the water. Settings shall be adjusted for either varying width (wide to narrow) or varying frequency (high to low) to minimize possible fish injury when these settings elicit proper taxis (i.e., response of fish toward or away from stimulus) for fish capture. ▪ The settings used and any incidental electrofishing mortalities shall be recorded in the field notebook. If electrofishing mortalities for salmonids and other species listed as threatened or endangered exceed 5 percent of the total capture, or as otherwise specified in any biological resource permits, a qualified biologist shall re-evaluate and possibly terminate electrofishing activities. ▪ Fish other than salmonids experiencing mortality from electrofishing activities shall be noted and used as an indicator of the possible injury or mortality rates of salmonids and other fish. – *General Collection Guidelines:* ▪ Fish shall be collected in a manner to minimize handling time and stress, yet maintain the safety of personnel. ▪ Multiple buckets and/or live cars shall be used to reduce crowding during collection and transfer. ▪ Fish shall be pre-sorted as needed for transport. ▪ Buckets that hold salmonids shall be equipped with portable aerators until the fish are transferred to a live well. – *Transport:* ▪ Fish shall be transported to minimize holding time and alternately sequenced in tandem with ongoing collection activities. ▪ Normal live well operations shall continue during transport. – *Records and Data:* ▪ Fish shall be inventoried and pertinent data shall be recorded, including species, numbers of each species, disposition, and fork length. If conditions preclude a complete inventory, at a minimum, the species	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		present and their disposition shall be documented and their abundance shall be estimated. ▪ Information on ambient site conditions (available habitat/water quality) shall be recorded as appropriate, including photo documentation at collection and release sites and other information on collection, handling, and transport. ▪ At completion, a qualified biologist shall conduct an assessment of the fish relocation to identify lessons learned, estimate the number of individual fish and fish species moved, and determine the mortality rate. The assessment report shall be forwarded to the appropriate resource agencies and to the Director of Planning, Building, and Code Enforcement or the Director's designee within a month of the completion of in-water work. **Mitigation Measure BI-1e: Avoidance of Impacts on Nesting Birds** Prior to the issuance of any demolition, grading, or building permits, the project shall implement the following measures to avoid impacts on nesting migratory birds: • **Avoidance:** The project applicant for the specific construction activity to be undertaken shall schedule demolition and construction activities to avoid commencement during the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay Area, extends from February 1 through August 15 (inclusive), as amended. • **Nesting Bird Surveys:** If demolition and construction cannot be scheduled to occur between August 16 and January 31 (inclusive), a qualified ornithologist shall complete pre-construction surveys for nesting birds to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days before the start of construction activities during the early part of the breeding season (February 1 through April 30 inclusive), and no more than 30 days before the start of construction activities during the late part of the breeding season (May 1 through August 15 inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. • **Buffer Zones:** If an active nest is found within 250 feet of work areas to be disturbed by construction, the ornithologist, in coordination with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet for raptors and 100 feet for songbirds, or an area determined to be adequate by the qualified ornithologist in coordination with CDFW, to ensure that raptor or migratory bird nests are not ~~be~~ disturbed during project construction. The no-disturbance buffer shall remain in place until the ornithologist determines that the nest is no longer active or the nesting season ends. If construction ceases for 7 days or more, then resumes during the nesting season, an additional survey shall be necessary to avoid impacts on active bird nests that may be present.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		• **Reporting:** The project applicant for the specific construction activity to be undertaken shall submit the ornithologist's report indicating the results of the surveys and any designated buffer zones to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval prior to issuance of any grading or building permits or tree removal (whichever occurs first). • The results of the surveys and any identified designated buffer zones shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. **Mitigation Measure BI-1f: Roosting Bat Surveys** In advance of tree and structure removal or adaptive reuse, a qualified biologist shall conduct a pre-construction survey for special-status bats to characterize potential bat habitat and identify active roost sites within 100 feet of the project site. The results of the surveys and the locations of any designated buffer zones shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval prior to issuance of any demolition or building permits. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed or renovated under the project or within a 100-foot buffer zone from these areas, the following measures shall be implemented: • Removal of trees and structures with active roosts shall occur when bats are active, approximately between March 1 and April 15 inclusive and between September ~~15~~ 1 and October 15 inclusive. To the extent feasible, removal shall occur outside of bat maternity roosting season (approximately April 15 to August 31 inclusive) and outside of the months of winter torpor (approximately October 16 to February 28 inclusive). • If removing trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the project area where tree and structure removal is planned, a ~~100-foot~~ no-disturbance buffer shall be established around these roost sites, typically 100 feet, or an area determined to be adequate by the qualified biologist based on site conditions, construction activity, species, number of roosting individuals, and/or noise attenuation and frequency, along with coordination with CDFW, if necessary, until the qualified biologist has determined that they are no longer active. • The qualified biologist shall be present during removal of trees and structures when active bat roosts not being used for maternity or hibernation purposes are present. Trees and structures with active roosts shall be removed only when no rain is occurring and rain is not forecast to occur for 3 days following removal of the roost, and when daytime temperatures are at least 50 degrees Fahrenheit. • Removal of trees with active or potentially active roost sites shall follow a two-step removal process:	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		(1) On the first day of tree removal and under the supervision of the qualified biologist, branches and limbs that do not contain cavities or fissures in which bats could roost shall be cut only using chainsaws. Removal of the canopy makes the tree unappealing for bats to return that evening to roost. (2) On the following day and under the supervision of the qualified biologist, after confirmation that bats have not returned, the remainder of the tree may be removed, using either chain saws or other equipment (e.g., excavator or backhoe). Structures that contain or are suspected to contain active bat roosts, but that are not being used for maternity or hibernation purposes, shall be dismantled under the supervision of the qualified biologist in the evening, after bats have emerged from the roost to forage. The structures shall be partially dismantled to substantially change roost conditions, causing the bats to abandon and not return to the roost. **Mitigation Measures BI-1a**, **BI-1b**, **BI-1c**, **BI-1e**, **BI-1f**, **HY-3b,** and **NO-1a** **Mitigation Measure BI-2a: Avoidance of Impacts on Riparian Habitat** The project applicant for the specific construction activity to be undertaken and its contractors shall implement the following measures. For portions of the project site located within 50 feet of the riparian corridor—such as the new footbridge; multi-use trail and associated infrastructure; pedestrian boardwalks, viewing platforms, and signage; removal and replacement of fencing; replacement of the West San Fernando Street vehicle bridge; reconstruction of the existing storm drain; and building demolition, construction, and renovation—a qualified biologist shall clearly delineate the construction footprint in or within 50 feet of the riparian area with flagging before the start of construction to avoid the accidental removal or trampling of vegetation outside of the project limits. <u>No noise-generating construction activity shall be permitted within 50 feet of the riparian corridor after 7 p.m. or after sunset, whichever is earlier.</u> The limits of construction within 50 feet of the riparian corridor shall be confined to the smallest possible area to complete the required work. The edge of construction in and near riparian areas shall be separated and protected from the work area through silt fencing, amphibian-friendly fiber rolls (i.e., no microfilament), or other appropriate erosion control material. Staging of materials and all other project-related activity shall be located at least 25 feet upslope from riparian areas. Where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. <u>Live trees larger than 6 inches diameter at breast height (dbh) removed by the project shall be replaced at a minimum ratio of 3:1 (trees replaced: trees removed) for native species and 2:1 for non-native species. Removal of live trees with a dbh of less than 6 inches shall be mitigated at a minimum of 1:1 on an acreage basis for native trees and not mitigated</u>	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		for non-native trees. Removal of dead native trees shall be mitigated at a ratio of 1:1. Replacement trees shall consist of a combination of plantings of shade-tolerant riparian vegetation and other locally appropriate native species. No mitigation is proposed for the removal of invasive tree species regardless of dbh. Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat with the goal of returning temporarily affected areas to pre-project conditions or better. Mitigation for project impacts shall be undertaken within the City of San José and, to the extent practical, shall be adjacent to or in proximity to the project area (i.e., along the Guadalupe River, Los Gatos Creek, or other local waterway and in a location where, in the opinion of a qualified biologist, comparable riparian habitat exists or can successfully be created). ~~At a minimum,~~ To that end, the restoration or compensation sites shall, at a minimum, meet the following performance standards by the fifth year after restoration or as otherwise required by resource agency permits: ~~(1) Temporarily affected areas are returned to pre-project conditions or better.~~ ~~(2)~~(1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area. ~~(3)~~(2) No more cover by invasive species shall be present than in the baseline/impact area. Restoration or compensation shall be detailed in a Riparian Habitat Mitigation and Monitoring Plan, which shall be developed before the start of construction and in coordination with permit applications and/or conditions from applicable regulatory agencies. At a minimum, the plan shall include: (1) Name and contact information for the property owner of the land on which the mitigation will take place; (2) Identification of the water source for supplemental irrigation, if needed; (3) Identification of depth to groundwater; (4) Topsoil salvage and storage methods for areas that support special-status plants; (5) Site preparation guidelines to prepare for planting, including coarse and fine grading; (6) Plant material procurement, including assessment of the risk of introduction of plant pathogens through the use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds; (7) A planting plan outlining species selection, planting locations, and spacing for each vegetation type to be restored. To the extent practical, the planting plan will follow the *Guidelines and Standards for Land Use Near Streams: A Manual of Tools*,	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County;	
		(8) Planting methods, including containers, hydroseed or hydromulch, weed barriers, and cages, as needed;	
		(9) Soil amendment recommendations, if needed;	
		(10) An irrigation plan, with proposed rates (in gallons per minute), schedule (i.e., recurrence interval), and seasonal guidelines for watering;	
		(11) A site protection plan to prevent unauthorized access, accidental damage, and vandalism;	
		(12) Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species;	
		(13) Performance standards, as referenced above, by which successful completion of mitigation can be assessed relative to a relevant baseline or reference site, and by which remedial actions will be triggered;	
		(14) Success criteria that shall include the minimum performance standards described in Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, and Mitigation Measure BI-2d, Avoidance and Protection of Creeping Wild Rye Habitat;	
		(15) Monitoring methods and schedule;	
		(16) Reporting requirements and schedule;	
		(17) Adaptive management and corrective actions to achieve the established success criteria; and	
		(18) An educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages.	
		The Riparian Habitat Mitigation and Monitoring Plan shall be developed before the start of construction and in coordination with permit applications and/or conditions from applicable regulatory oversight agencies. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, prior to the issuance of any demolition, grading, or building permit that would include construction activities that would have direct impacts on riparian habitat.	
		Mitigation Measure BI-2c: Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature	
		To evaluate the effects of building shading on riparian vegetation and water temperature in Los Gatos Creek, the project applicant shall implement an annual monitoring program that includes a baseline assessment and continues annually for 15 years following construction between Auzerais Avenue and West Santa Clara Street. The baseline assessment shall begin prior to the issuance of permits for ground-disturbing activity in the designated area. Post-construction monitoring shall begin following completion of each submitted phase that includes development	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		between Auzerais Avenue and West Santa Clara Street and is adjacent to Los Gatos Creek and continue for 15 consecutive years thereafter for each submitted phase within these bounds. Two or more unshaded reference sites shall be included for comparison to shaded areas to account for vegetation effects that are unrelated to the project, such as from drought. The following performance standards shall be used to evaluate vegetation and water temperature changes over time, and determine whether project-related shading is negatively affecting the riparian corridor, or whether the increased urban footprint is negatively affecting water temperatures in Los Gatos Creek. **Aquatic monitoring.** The project applicant shall use the following methodology to study water temperature in Los Gatos Creek during the 15-year monitoring period. Prior to project construction, water and ambient air temperature loggers shall be installed at three locations within and adjacent to the project site. One logger shall be installed in upstream Los Gatos Creek, one within the affected reach adjacent to building construction, and one downstream of the project site. Care shall be taken to ensure that each of these temperature loggers is installed in similar habitat types (e.g., pool, riffle, run) within similar habitat conditions (e.g., amount of cover, depth, flow rate). Loggers at these three locations shall record hourly water temperature values before, during, and after project construction. If the difference in water temperature between the upstream and downstream monitoring locations increases substantially over time, particularly above the threshold of concern (71.6 degrees Fahrenheit), then additional adaptive actions shall be implemented (e.g., riparian planting, increase in urban tree canopy, treatment of runoff) to compensate for any increase in stream temperature. All actions shall be consistent with the approved Habitat Enhancement Plan, described below. **Riparian monitoring.** At a minimum, riparian vegetation shaded by project buildings shall meet the following performance standards by the 15th year of post-project monitoring: (1) The loss of absolute cover of riparian canopy and understory cover relative to baseline conditions is less than or equal to 15 percent. (If the loss of cover exceeds this criterion, then the change shall be compared with changes measured in the reference site[s] to determine whether on-site shading is the causal factor as opposed to other external regional factors such as climate change, drought, and alterations to reservoir releases.) (2) There is no more than a 5 percent reduction in native species relative to non-native species for tree and woody shrub species, measured both as species richness and relative cover. The following approach shall be used to monitor vegetation conditions during the 15-year period: (1) Prior to the start of building construction within 100 feet of the riparian corridor, the project applicant shall prepare a 15-Year Riparian Vegetation Monitoring Plan to assess the change in riparian vegetation canopy and understory cover in the Los	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		Gatos Creek riparian corridor within 100 feet of the project. The Riparian Vegetation Monitoring Plan shall describe quantitative methods for measuring the canopy and understory vegetation cover of baseline on-site and reference site riparian habitat and changes in the extent and species composition of riparian vegetation canopy following the completion of building construction within 100 feet of the riparian corridor. This plan shall assess the impacts of shading by project buildings on the riparian vegetation. The plan shall have measures to track changes in the percentage of native tree species (thus revealing any changes towards more shade tolerant species) and the results of the monitoring shall be assessed to determine if any tree species shifts could potentially adversely affect the riparian ecosystem. The monitoring data shall be reviewed by a qualified wildlife biologist. If adverse effects on ecosystems are identified, corrective actions would be implemented as part of the Habitat Enhancement Plan described below, and could involve planting of either shade tolerant species (such as bigleaf maple or alder, or sun-loving species in mitigation areas where they would thrive). Reference sites shall be chosen that have comparable canopy coverage, species composition, hydrology, topography, and scale from locations on Los Gatos Creek or the Guadalupe River as close to the project site as possible. The Riparian Vegetation Monitoring Plan shall be submitted to the appropriate regulatory agencies (e.g., the California Department of Fish and Wildlife [CDFW]) for review and subsequently to the Director of Planning, Building and Code Enforcement or the Director's designee. The Riparian Vegetation Monitoring Plan shall include, at a minimum, the following elements: (a) Methods for monitoring and measuring composition (i.e., species), cover, and extent of existing riparian vegetation, which may include: (1) Tree canopy and wood understory cover plots or transects; and (2) Percent cover of non-native invasive species. Non-native species shall be based on the California Invasive Plant Council (Cal-IPC) and Valley Water's Invasive Plant Management Program list. In addition, monitoring shall include qualitative indicators of riparian vegetation health such as photomonitoring and signs of early decline (e.g., yellowing of leaves, small leaves, poor growth) to allow for early indications that riparian canopy cover and understory vegetation is in decline. Monitoring will also include natural recruitment/succession of native riparian vegetation, by recording observations of seedling and sapling tree species, and tracking their persistence and growth each year. (b) Pre-project conditions shall be assessed during the late summer before the start of each construction phase that includes construction within 100 feet of the riparian corridor. Post-project monitoring shall be conducted in years 1–15 following the conclusion of each construction phase that includes construction within 100 feet of the riparian corridor. Surveys shall be conducted during the late summer to capture riparian species during their maximum growth.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		(c) The project applicant shall prepare and submit to the Director of Planning, Building and Code Enforcement, or the Director's designee, an annual report documenting the monitoring of riparian habitat and any associated habitat enhancement activities. The first-year report shall consist of baseline on-site and reference site monitoring and a plan for habitat enhancement. Reports shall be submitted by December 30 of each monitoring year. (2) A failure to meet the performance standards defined above in year 5, 10, or 15 shall trigger implementation of the following habitat enhancement measures as mitigation for loss of existing riparian habitat: (a) Repeat the monitoring the following year (e.g., if performance criteria are not met in year 5, repeat monitoring in year 6). If in the following year (e.g., year 6), performance criteria are not met (i.e., for 2 years in a row), implement step (b), below. (b) The project applicant shall develop a Habitat Enhancement Plan to be reviewed and approved by appropriate regulatory agencies (e.g., National Marine Fisheries Service), and submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee. The plan shall consist of a planting palette composed primarily of shade-tolerant riparian vegetation such as white alder (*Alnus rhombifolia*), bigleaf maple (*Acer macrophyllum*), box elder (*Acer negundo*), Oregon ash (*Fraxinus latifolia*), California buckeye (*Aesculus californica*), and other locally appropriate native species, as well as an invasive vegetation control plan (if appropriate based on monitoring findings). Shade-tolerant riparian vegetation selected for the planting palette shall be based on nearby reference sites. (c) The area of plantings needed to offset losses of existing riparian vegetation shall be defined in the Habitat Enhancement Plan based on the documented difference in percent absolute cover of riparian vegetation between the baseline conditions and the percent absolute cover averaged over each year of annual monitoring to date. (d) Mitigation gains in woody riparian vegetation shall be deemed successful when there is an 80 percent survival rate of plantings after 5 years of additional monitoring, and no increase in percent cover of invasive plant species in restored areas. (e) If these criteria are not met, adaptive management and corrective actions shall be implemented to achieve the established success criteria, in coordination with the applicable regulatory agencies. These may include additional plantings, weeding, or provision of supplemental water. Monitoring within the corrective action area shall continue for up to 10 additional years, until the criteria are met, or as otherwise required by the applicable regulatory agencies. (f) The project applicant shall prepare and submit an annual report to the Director of Planning, Building and Code Enforcement, or the Director's designee,	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		documenting the annual monitoring of habitat enhancement activities to document that this performance standard has been satisfied. **Mitigation Measure BI-2d: Avoidance and Protection of Creeping Wild Rye Habitat** Prior to the start of construction within 20 feet of retained areas of creeping wild rye, the project applicant shall ensure that all areas that contain or potentially contain creeping wild rye are clearly delineated, separated, and protected from the work area by environmentally sensitive area fencing, which shall be maintained throughout the construction period. A qualified biologist shall oversee the delineation and installation of fencing. Excavation, vehicular traffic, staging of materials, and all other project-related activity shall be located outside of the environmentally sensitive area. If creeping wild rye cannot be avoided, any temporarily affected areas shall be restored to pre-construction conditions or better at the end of construction that occurs within 20 feet of the retained area of creeping wild rye in accordance with CDFW permits, as well as the requirements of USACE and the San Francisco Bay Regional Water Quality Control Board. Compensation for permanent impacts on creeping wild rye habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. If impacts to prior mitigation sites occur, resource agencies may require a greater ratio (e.g., 2:1 or higher). Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. ~~At a minimum,~~ To that end, the restoration sites shall, at a minimum, meet the following performance standards by the fifth year after restoration: ~~(1) Temporarily affected areas shall be returned to pre-project conditions or better.~~ ~~(2)~~ (1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area. ~~(3)~~ (2) No more cover by invasive species shall be present than in the baseline/impact area. Restoration shall be detailed in a habitat mitigation and monitoring plan, which shall be developed before the start of construction and in coordination with permit applications and/or conditions. At a minimum, the plan shall include: (1) Name and contact information for the property owner of the land on which the mitigation will take place; (2) Identification of the water source for supplemental irrigation, if needed; (3) Identification of depth to groundwater; (4) Topsoil salvage and storage methods for areas that support special-status plants;	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		(5) Site preparation guidelines to prepare for planting, including coarse and fine grading; (6) Plant material procurement, including assessment of the risk of introduction of plant pathogens through the use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds; (7) A planting plan outlining species selection, planting locations, and spacing for each vegetation type to be restored; (8) Planting methods, including containers, hydroseed or hydromulch, weed barriers, and cages, as needed; (9) Soil amendment recommendations, if needed; (10) An irrigation plan, with proposed rates (in gallons per minute), schedule (i.e., recurrence interval), and seasonal guidelines for watering; (11) A site protection plan to prevent unauthorized access, accidental damage, and vandalism; (12) Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species; (13) Performance standards by which successful completion of mitigation can be assessed relative to a relevant baseline or reference site, and by which remedial actions will be triggered; (14) Success criteria that shall include the minimum performance standards described in Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, and Mitigation Measure BI-2d, Avoidance and Protection of Creeping Wild Rye Habitat; (15) Monitoring methods and schedule; (16) Reporting requirements and schedule; (17) Adaptive management and corrective actions to achieve the established success criteria; and (18) An educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages. The Habitat Mitigation and Monitoring Plan and all field documentation, prepared in coordination with the appropriate regulatory agencies, shall be submitted to the Director of the City of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading, or building permit for construction that would occur within 20 feet of creeping wild rye habitat. **Mitigation Measure BI-3: Avoidance of Impacts on Wetlands and Waters**	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		The project applicant for the specific construction activity to be undertaken and its contractors shall minimize impacts on waters of the United States and waters of the state, including wetlands, by implementing the following measures: • A preliminary jurisdictional delineation of wetlands shall be prepared to determine the extent of waters of the United States and/or waters of the state within the project component footprints and anticipated construction disturbance areas. The results shall be summarized in a wetland delineation report to be submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement, or the Director's designee, for review and approval before the issuance of any demolition, grading, or building permit for construction activity within the riparian corridor. Wetlands identified in the report shall be avoided through project design, if feasible. All identified avoidance and protection measures shall be included on the plans for proposed demolition, grading, and/or building permits for construction activities within the riparian corridor. • The proposed project shall be designed to avoid, to the extent practical, work within wetlands and/or waters under the jurisdiction of U.S. Army Corps of Engineers (USACE), the San Francisco Bay Regional Water Quality Control Board, and/or the California Department of Fish and Wildlife (CDFW). If applicable, permits or approvals shall be sought from the above agencies, as required. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction shall be identified and the area outside avoided. • Before the start of construction within 50 feet of any wetlands and drainages, appropriate measures shall be taken to ensure protection of the wetland from construction runoff or direct impact from equipment or materials, such as the installation of a silt fence, and signs indicating the required avoidance shall be installed. No equipment mobilization, grading, clearing, or storage of equipment or machinery, or similar activity, shall occur until a qualified biologist has inspected and approved the fencing installed around these features. The construction contractor for the specific construction activity to be undertaken shall ensure that the temporary fencing is maintained until construction activities are complete. No construction activities, including equipment movement, storage of materials, or temporary spoils stockpiling, shall be allowed within the fenced areas protecting wetlands. • Where disturbance to jurisdictional wetlands or waters cannot be avoided, any temporarily affected jurisdictional wetlands or waters shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, San Francisco Bay Regional Water Quality Control Board, and/or CDFW permits. Compensation for permanent impacts on wetlands or waters shall be provided at a 1:1 ratio, or as agreed upon by CDFW, USACE, and the San Francisco Bay Regional Water Quality Control Board, as applicable. Compensation for loss of wetlands may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. At a minimum,	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		the restoration or compensation sites shall meet the following performance standards by the fifth year after restoration: (1) Temporarily affected areas shall be returned to pre-project conditions or better, as determined by the Director of PBCE or USACE, RWQCB, or CDFW. (2) Wetlands restored or constructed as federal wetlands meet the applicable federal criteria for jurisdictional wetlands, and wetlands restored or constructed as state wetlands meet the state criteria for jurisdictional wetlands. (3) No more cover by invasive species shall be present than in the baseline/impact area pre-project. Restoration and compensatory mitigation activities shall be described in the habitat mitigation and monitoring plan prescribed by Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat. **Mitigation Measure BI-4: Avian Collision Avoidance Measures** In addition to conforming to the bird safety standards and guidelines in the City's Downtown Design Guidelines, and the General Plan, the following mitigation measures shall be implemented: *Educating Tenants, Residents, and Occupants.* Prior to issuance of any building permits, the project applicant shall develop educational materials for building tenants, occupants, and residents, encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lights and/or closing window coverings at night. The Director of Planning, Building and Code Enforcement or the Director's designee shall review and approve the educational materials before buildings are occupied. The project applicant shall also supply documentation (e.g., written statement) describing when and how the materials will be distributed (e.g., poster in building lobby, attachment to lease, new-tenant welcome packet). Documentation shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. *Antennae, Monopole Structures, and Rooftop Elements.* Prior to issuance of any building permits, the project applicant shall provide documentation (e.g., construction drawings) that buildings minimize the number of and co-locate rooftop antennas and other rooftop equipment, and that monopole structures or antennas on buildings do not include guy wires. The documentation shall be reviewed and approved by a wildlife biologist before issuance of the site development permit for the project component (e.g., building) that poses a collision risk for birds. Documentation shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.3 Cultural Resources and Tribal Cultural Resources			
Impact CU-1: The proposed project would demolish or relocate historic architectural resources, resulting in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.	S	**Mitigation Measure CU-1a: Documentation** Before the issuance of a demolition and/or relocation permit and under the direction of the Director of Planning, Building and Code Enforcement or the Director's designee, the project applicant shall prepare documentation of all historic architectural resources under CEQA subject to demolition and/or relocation. This includes **150 South Montgomery Street;** 3**43 North Montgomery Street; 345 North Montgomery Street; 559, 563, and 567 West Julian Street; 145 South Montgomery Street; and 580 Lorraine Avenue**. Each resource shall be photo-documented to an archival level utilizing 35 mm photography and consisting of selected black-and-white views of the building to the following standards: • *Cover sheet*—A cover sheet identifying the photographer, providing the address of the building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions. • *Camera*—A 35mm camera. • *Lenses*—No soft-focus lenses. Lenses may include normal focal length, wide angle, and telephoto. • *Filters*—Photographer's choice. Use of a pola screen is encouraged. • *Film*—Black-and-white film only; tri-X, Plus-X, or T-Max film is recommended. • *View*—Perspective view–front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure, with aesthetic considerations necessary but secondary. • *Lighting*—Sunlight usually preferred for exteriors, especially of the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs. • *Technical*—Sharp focus required for all areas of the photograph. The project applicant shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and shall be submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a Standard Measure to address the loss of the historic resource, which shall be named and the address stated, with a copy provided to the Director of Planning, Building and Code Enforcement or the Director's designee. **Mitigation Measure CU-1b: Relocation** In accordance with General Plan Policy LU-13.2, and consistent with the DSAP Final EIR's *Measures Included in the Project to Reduce and Avoid Impacts to Historic Resources,* relocation of a historic architectural resource shall be considered as an	SU

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		alternative to demolition. After implementation of Mitigation Measure CU-1a, Documentation, and prior to issuance of any permit that would allow demolition of a historic architectural resource, the project applicant shall take the following actions to facilitate historic architectural resource relocation within the City limits. This applies to **343 North Montgomery Street (partial); 345 North Montgomery Street; ~~559, 563, and 567 West Julian Street;~~ and 145 South Montgomery Street (partial)**:[footnote omitted] (1) **Relocation Outreach.** The project applicant shall advertise the availability for relocation of historic architectural resources subject to Mitigation Measure CU-1b, Relocation. A dollar amount equal to the estimated cost of demolition, as certified by a licensed contractor, and any associated Planning Permit fees for relocation shall be offered to the recipient of the building who is willing to undertake relocation and rehabilitation after relocation. Advertisement and outreach to identify an interested third party shall continue for no less than 60 days. The advertisements shall include notification in at least one newspaper of general circulation and on online platforms as appropriate, including at a minimum the *San Jose Mercury News* (print and online), and the City of San José Department of Planning, Building and Code Enforcement's Environmental Review website. Noticing shall be compliant with City Council Policy 6-30: Public Outreach Policy and shall include posting of a notice, on each building proposed for demolition, that is no smaller than 48 x 72 inches and is visible from the public right-of-way.[3] Satisfaction of the notification provisions shall be subject to review by the Director of Planning, Building and Code Enforcement or the Director's designee following completion of the minimum 60-day public outreach period, before the issuance of demolition permits. (2) **Relocation Implementation Plan(s).** If, before the end of the outreach period, an interested third party (or parties) expresses interest in relocating and rehabilitating one or more of the resources to a suitable site under their ownership or control, they shall be allowed a period of up to 60 days to prepare and submit a Relocation Implementation Plan, and an additional 120 days to complete removal of the resources from the project site. The Relocation Implementation Plan(s) shall be prepared in consultation with historic preservation professionals who meet or exceed the *Secretary of the Interior's Professional Qualification Standards*. The plan(s) shall be based on the findings of the *Downtown West Mixed-Use Plan—Historic Resource Move Feasibility* memo and *Site Selection Criteria for Relocation of Identified Historic Resources* memo (EIR Appendix E3) or subsequent relocation feasibility documentation, to support relocation of the historic resource to a site outside of the project site and acceptable to the City.[4] The Relocation Implementation Plan for each resource shall include:	

3 Current noticing protocols for On-Site Noticing/Posting Requirements for Large Development Proposals can be found at https://www.sanjoseca.gov/home/showdocument?id=15573.

4 Garden City Construction, "Downtown West Mixed Use Plan – Historic Resource Move Feasibility," memo, prepared for Google/Lendlease, June 29, 2020; Architectural Resources Group, Site Selection Criteria for Relocation of Identified Historic Resources, memo, prepared for Google/Lendlease, August 7, 2020.

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		• A description of the intended relocation receiver site within the City limits and an analysis of its compatibility with the unique character, historical context, and prior physical environment of the resource; • A description and set of working drawings detailing methods and means of securing and bracing the building through all stages of relocation; • A site plan for the receiver site within the City limits demonstrating compliance with all setback and zoning requirements; • A travel route survey that records the width of streets, street lamp and signal arm heights, heights of overhead utilities that may require lifting or temporary removal, and other details necessary for coordinating the relocation; • A scope of work for building rehabilitation following completion of relocation, and anticipated timing to initiate and complete such rehabilitation; and • Roles and responsibilities between the interested party, project applicant, City staff, and outside individuals, groups, firms, and/or consultants as necessary. Once the Relocation Implementation Plan(s) have been reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee, implementation of the approved relocation shall occur within 120 days. (3) **Rehabilitation after Relocation.** After relocation of the resource(s) and pursuant to General Plan Policy LU-13.6 and CEQA Guidelines Section 15064.5(3), parties responsible for relocation shall also be responsible for rehabilitation of the building(s) on their new site(s) as specified in the Relocation Implementation Plan. Resource(s) shall be secured on a foundation and repaired to ensure that each resource remains in good condition and is usable for its intended purpose, and that all modifications are sensitive to those elements that convey the resource's historical significance. All repairs and modifications shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Rehabilitation* and related permits shall be subject to review by the Director of Planning, Building and Code Enforcement or the Director's designee. **Mitigation Measure CU-1c: Interpretation/Commemoration** As part of the Downtown West Design Standards and Guidelines Conformance Review for each new building on the site of one or more demolished or otherwise adversely affected resources (including 150 South Montgomery Street), the project applicant, in consultation with a qualified architectural historian and design professional, and under the direction of the Director of Planning, Building and Code Enforcement or the Director's designee, shall develop an interpretive program that may include one or more interpretive displays, artworks, incorporation/reuse of historic materials, electronic media, smartphone apps, and other means of presenting information regarding the site's history and development. The program shall concentrate on those contextual elements that are specific to the resources that have been demolished. Display panels, if included in the interpretive program, shall be placed at, or as near as possible to, the location where the resource was historically located. The interpretive	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		program shall be approved prior to the issuance of demolition permit(s) for the historical resource(s) to be demolished and shall be fully implemented and/or installed before the issuance of a certificate of occupancy for the applicable new building(s). **Mitigation Measure CU-2a: Relocation On-site** Before the issuance of any building, grading, or demolition permit that would allow disturbance of the historic resource at 40 South Montgomery Street, the project applicant shall prepare a Relocation Implementation Plan that includes a detailed description of the proposed relocation methodology. At a minimum, this plan shall include detailed descriptions and drawings that indicate: • The means and methods of securing and bracing the building through all stages of relocation; • The proposed locations of cuts to facilitate relocation, with sections that are as large as feasible to limit damage to the historic fabric; • Proposed siting and foundation details; and • The approximate timetable for the completion of work, including major milestones. All work shall be undertaken in consultation with an architect or professional who meets the *Secretary of the Interior's Historic Preservation Professional Qualifications Standards*. The Relocation Implementation Plan shall be subject to review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee. **Mitigation Measure CU-2b: Compliance with the Secretary of the Interior's Standards** Before the issuance of any building, grading, or demolition permit to move or modify or expand the building at 40 South Montgomery Street, the project applicant shall submit detailed designs prepared by a qualified historic preservation architect demonstrating that all proposed relocation methodologies, including satisfaction of the provisions of Mitigation Measure CU-2a, Relocation On-site, repairs, modifications, and additions, are consistent with the Secretary of the Interior's Standards for Rehabilitation. The submitted designs shall be subject to review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee. **Mitigation Measure CU-8c: Archaeological Evaluation** ~~The~~ Prior to the issuance of any demolition or grading permits, the project applicant shall ensure that all prehistoric and historic-era materials and features identified during testing are evaluated by a qualified archaeologist based on California Register of Historical Resources criteria and consistent with the approved Archaeological Testing Plan. Based on the findings of the subsurface testing, a qualified archaeologist shall prepare an Archaeological Resources Treatment Plan addressing archaeological resources, in accordance with Mitigation Measure CU-8d, Archaeological Resources Treatment Plan.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.5 Geology, Soils, and Paleontological Resources			
		Mitigation Measure GE-3: Geotechnical Report Prior to or coincident with the submittal of grading and drainage plans for each proposed building or other improvements, the project applicant for the improvements in question shall submit to the ~~City of San José~~ Director of Public Works or ~~his/her~~ Director's designee for review and approval, in accordance with the California Building Code, a geotechnical report for the site under consideration. The applicant for the improvements in question shall comply with the recommendations of the geotechnical report, as approved by the Director of Public Works or ~~his/her~~ Director's designee. **Mitigation Measure GE-5c: Paleontological Monitoring** The qualified paleontologist shall prepare, and the project applicant for specific construction work proposed and/or its contractors shall implement, a Paleontological Resources Monitoring and Mitigation Plan (PRMMP). The project applicant shall submit the plan to the Director of the City of San José Department of Planning, Building and Code Enforcement, or the Director's designee, for review and approval at least 30 days prior to the start of construction. This plan shall address the specifics of monitoring and mitigation and comply with the recommendations of the Society of Vertebrate Paleontology (SVP) (2010), as follows. 1. The qualified paleontologist shall identify, and the project applicant or its contractor(s) shall retain, qualified paleontological resource monitors (qualified monitors) meeting the SVP standards (2010). 2. The qualified paleontologist and/or the qualified monitors under the direction of the qualified paleontologist shall conduct full-time paleontological resources monitoring for all ground-disturbing activities in previously undisturbed sediments in the project site that have high paleontological sensitivity. This includes any excavation that exceeds 2 feet in depth in previously undisturbed areas. The PRMMP shall clearly map these portions of the proposed project based on final design provided by the project applicant and/or its contractor(s). 3. If ~~many~~ multiple pieces of heavy equipment (gross vehicle weight of 10,000 pounds or more) are in use simultaneously but at ~~diverse~~ locations greater than 500 feet distant from one another, each location shall be individually monitored. 4. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to evaluate and recover the fossil specimens, establishing a 50-foot buffer. 5. If construction or other project personnel discover any potential fossils during construction, regardless of the depth of work or location and regardless of whether the site is being monitored, work at the discovery location shall cease in a 50-foot radius of the discovery until the qualified paleontologist has assessed the discovery and made recommendations as to the appropriate treatment.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		6. The qualified paleontologist shall determine the significance of any fossils discovered, and shall determine the appropriate treatment for significant fossils in accordance with the SVP standards. The qualified paleontologist shall inform the project applicant of these determinations as soon as practicable. See Mitigation Measure GE-5d regarding significant fossil treatment. 7. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The qualified paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort and any curation of fossils. The project applicant shall provide the daily logs to the Director of the City of San José Department of Planning, Building, and Code Enforcement, or the Director's designee, upon request, and shall provide the final report to the Director of the City of San José Department of Planning, Building, and Code Enforcement, or the Director's designee, upon completion.	
3.7 Hazards and Hazardous Materials			
		Mitigation Measure HA-3c: Site Management Plan In support of the health and safety plans described in Mitigation Measure HA-3b, the project applicant for the specific work proposed shall develop and require that its contractor(s) develop and implement site management plans (SMPs) for the management of soil, soil gas, and groundwater before any ground-disturbing activity for all parcels with land use limitations and all parcels with known or suspected contamination. SMPs may be prepared for the entire project site, for groups of parcels, or for individual parcels. In any case, all such parcels shall be covered by an SMP. Each SMP shall include the following, at a minimum: • Site description, including the hazardous materials that may be encountered. • Roles and responsibilities of on-site workers, supervisors, and the regulatory agency. • Training for site workers focused on the recognition of and response to encountering hazardous materials. • Protocols for the materials (soil and/or dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner. • Reporting requirement to the overseeing regulatory agency and the Planning, Building, and Code Enforcement (PBCE), documenting that site activities were conducted in accordance with the SMP. SMPs for parcels with soil, soil gas, and/or groundwater above environmental screening levels for the proposed land use shall be submitted to the regulatory agency with jurisdiction (i.e., Department of Toxic Substances Control, the Regional Water Quality Control Board, or the SCCDEH), for review, and to the Director of Planning, Building, and Coded Enforcement or the Director's designee, and the Environmental Services Municipal Environmental Compliance Officer to inform their permit approval	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		process before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The overseeing regulatory agency, if it accepts oversight, will require enrolment in its cleanup program and payment for oversight. The Contract specifications shall mandate full compliance with all applicable federal, state, and local regulations related to the identification, transportation, and disposal of hazardous materials. For work at parcels that would encounter groundwater, as part of the SMPs, contractors shall include a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate, and lawful manner. The groundwater portion of the SMPs shall include the following, at a minimum: • The locations at which groundwater dewatering is likely to be required. • Test methods to analyze groundwater for hazardous materials. • Appropriate treatment and/or disposal methods. • Discussion of discharge to a publicly owned treatment works or the stormwater system, in accordance with any regulatory requirements the treatment works may have, if this effluent disposal option is to be used. • <u>The groundwater dewatering control and disposal plan shall provide a detailed analysis of construction dewatering, including estimating dewatering volumes/durations and evaluating related impacts if volumes are expected to be significant. The dewatering system shall be designed such that the volume and duration of dewatering are minimized to the greatest extent possible.</u> • <u>The geotechnical investigation for those parcels that may require dewatering shall identify the foundation design and waterproofing to minimize the need for permanent dewatering after construction is complete.</u> **Mitigation Measure HA-3d: Vapor Mitigation** To mitigate exceedances of indoor air standards, the project applicant shall incorporate at least one or more of the vapor mitigation methods listed below on each parcel known to have soil gas concentrations above soil gas screening levels or identified to have concentrations above screening levels as a result of Phase II investigations included in Mitigation Measure HA-3c. The proposed work-specific vapor mitigation, if not in compliance with then-current guidance, must be pre-approved by the applicable regulatory oversight agency (e.g., DTSC, the Regional Water Quality Control Board, or the Santa Clara County Department of Environmental Health [SCCDEH]): • Excavate and remove contaminated materials (soil and, if needed, groundwater), to levels where subsequent testing verifies that soil gas levels are below screening levels. This approach would remove the source of soil gas and would not require a physical barrier such as a high-density polyethylene vapor barrier to prevent vapor intrusion.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		• Install a physical vapor barrier (e.g., liner) beneath the structure foundation that prevents soil gas from seeping into breathing spaces inside the structure. • Install a passive or powered vapor mitigation system layer that draws soil gas out of the under-foundation base rock and directs that soil gas to a treatment system to prevent people from being exposed outdoors. Upon completion, the project applicant shall prepare a report documenting the testing results and installed vapor mitigation method and submit the report to the regulatory agency with jurisdiction (i.e., DTSC, SCCDEH, or the Regional Water Quality Control Board). A copy of the report shall be provided to Director of Planning, Building and Code Enforcement, or the Director's designee, and the Environmental Services Department Municipal Environmental Compliance Officer to inform them of compliance with this requirement. The implemented mitigation measure shall result in indoor air concentrations that do not exceed the screening levels provided in the above-referenced DTSC HHRA Note 3.	
3.8 Hydrology and Water Quality			
		Mitigation Measure HY-1: Water Quality Best Management Practices during Construction Activities in and near Waterways To avoid and/or minimize potential impacts on water quality (and jurisdictional waters) for project activities that would be conducted in, over, or within 100 feet of waterways, the project ~~contractor~~ applicant shall implement the following standard construction best management practices (BMPs), applicable to project construction activities in, near, or over waterways, to prevent releases of construction materials or hazardous materials and to avoid other potential environmental impacts: • If the project includes activities such as debris removal or pier/pile demolition, the project applicant for the specific work proposed shall be required to submit a notice of intent to comply with waste discharge requirements and conditions identified by the San Francisco Bay Regional Water Quality Control Board. No debris, rubbish, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil, or petroleum products shall be allowed to enter jurisdictional waters, or shall be placed where it would be subject to erosion by rain, wind, or waves and enter into jurisdictional waters, except as permitted by the San Francisco Bay Regional Water Quality Control Board under an approved waste discharge requirement permit condition. Staged construction materials with the potential to be eroded/entrained during a rainfall event shall be covered every night and during any rainfall event (as applicable). • In-stream construction shall be scheduled during the summer low-flow season to the extent feasible to minimize impacts on aquatic resources. • To the maximum extent practicable, construction materials, wastes, debris, sediment, rubbish, trash, fencing, etc., shall be removed from the project site's	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		riparian areas daily during construction, and thoroughly at the completion of the project. Debris shall be transported to a pre-designated upland disposal area. • Protective measures shall be used to prevent accidental discharges of oils, gasoline, or other hazardous materials to jurisdictional waters during fueling, cleaning, and maintenance of equipment, as outlined in the project's soil and groundwater management plan. Well-maintained equipment shall be used to perform construction work, and except in the case of failure or breakdown, equipment maintenance shall be performed off-site, to the extent feasible. Crews shall check heavy equipment daily for leaks; if a leak is discovered, it shall be immediately contained and use of the equipment shall be suspended until repaired. The source of the leak shall be identified, material shall be cleaned up, and the cleaning materials shall be collected and properly disposed. • Vehicles and equipment used during construction shall be serviced off-site, as feasible, or in a designated location a minimum of 100 feet from waterways. Fueling locations shall be inspected after fueling to document that no spills have occurred. Any spills shall be cleaned up immediately. • <u>The project applicant shall submit a copy of the BMPs to the Director of Planning, Building, and Code Enforcement or Director's designee for review and approval prior to the issuance of any demolition or grading permits.</u> **Mitigation Measure HY-1** **Mitigation Measure BI-1a** (refer to Section 3.2, *Biological Resources*) **Mitigation Measure HY-3a: Flood Risk Analysis and Modeling** Once the final design is complete and before the issuance of any building permit for any portion of the project potentially subject to flooding according to ~~FEMA flood maps and/or~~ the best available data from the City or Valley Water, the project applicant for the specific work proposed shall conduct a hydrologic analysis of the final project design to address flood risks. The project applicant shall prepare a thorough hydrologic technical evaluation and demonstrate that the project poses minimal flood risk to occupants, residents, visitors, and surrounding properties. The project design shall be modified to minimize the impacts of the proposed development and shall be submitted to the City for review and approval. The design shall ensure that proposed new structures are elevated or flood-proofed above the 1 percent (100-year) base flood elevation, consistent with the City's adopted performance standards[5] that limit development within a special flood hazard area (Zone A) unless demonstrated that the cumulative effect of the proposed	

5 City of San José, *City of San José Code of Ordinances*, Title 17, Buildings and Construction; Chapter 17.08, Special Flood Hazard Areas; Part 5, Requirements; Section 17.08.640, New Developments. Available at https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT17BUCO_CH17.08SPFLHAARRE_PT5RESPFLHAAR_17.08.640NEDE. Accessed January 15, 2020.

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		development would not increase the water surface elevation of the base flood more than 1 foot at any point within the City of San José. The hydrologic technical evaluation shall demonstrate that after construction of the new structure(s), floodplain encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge for existing adjacent structures or, for those structures located in the 100-year floodplain under existing conditions, the project shall not result in increases in the base flood elevation of more than one foot, consistent with the City's adopted performance standard. Final design measures shall be developed in consultation with Valley Water, subject to review and approval by the City Department of Public Works and Department of Planning, Building and Code Enforcement. Measures could include any of the following: • Use in-stream and associated floodplain restoration strategies in the riparian corridor to expand a greenway along Los Gatos Creek and conduct associated floodplain restoration. • Remove existing obstructions to flood conveyance, such as channel debris or existing structures within the floodway. • Upgrade the City's storm drain network. • Install protective infrastructure for subsurface structures to reduce the risk of inundation. • Raise the level of the project's structures to minimize risks to occupants and the surrounding community. • Flood-proof project structures with, including but not limited to, permanent or removable standing barriers, garage flood gates, or automated flip-up barriers. **Mitigation Measure HY-3b: Plan for Ongoing Creek Maintenance** In the event that the project includes channel rehabilitation, ~~within 30 days of completion~~ prior to commencement of the initial restoration program within Los Gatos Creek, the project applicant shall submit a plan for ongoing maintenance of the affected reach of Los Gatos Creek to Valley Water and to the Director of Planning, Building, and Code Enforcement, or the Director's designee, for review and approval ~~a plan for ongoing maintenance of the affected reach of Los Gatos Creek~~. The ~~Plan~~ plan shall be consistent with the conditions in the existing permits for Valley Water's ongoing stream maintenance program and/or shall be subject to its own project-specific permitting regime, subject to jurisdictional agency review and approval.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.10 Noise and Vibration			
		Mitigation Measure NO-1b: Traffic Noise Impact Reduction Prior to the issuance of any building permits, the project applicant shall implement the following measures to reduce roadside noise impacts at the following roadway segments: • *West San Fernando Street from South Montgomery Street to Delmas Avenue*. Prior to the issuance of any building permits for ~~Phase 1~~ construction on this block, the project applicant for the construction work proposed shall prepare and submit to the Director of Planning, Building and Code Enforcement, or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact property owners of single-family residences to implement, with the owners' consent, reasonable sound insulation treatments, such as replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, that could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study. *Bird Avenue from West San Carlos Street to Auzerais Avenue*. Prior to the issuance of any building permits for ~~Phase 1~~ construction on this block, the project applicant for the construction work proposed shall prepare and submit to the Director of Planning, Building and Code Enforcement, or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact the property owners of single-family homes on Auzerais Avenue, within 200 feet of Bird Avenue, to implement, with the owners' consent, reasonable sound insulation treatments, such as replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, that could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study. **Mitigation Measure NO-1c: Master Construction Noise Reduction Plan** Prior to the issuance of the first <u>demolition, grading, or</u> building permit for new construction within the project site <u>or for any of the project's new public and private infrastructure</u>, the project applicant shall prepare a Master Construction Noise Reduction Plan, to be implemented as development occurs throughout the project site to address demolition and construction ~~of buildings~~ within 500 feet of residential uses, or within 200 feet of commercial or office uses<u>, or areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor</u>. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval, and implementation of the identified measures shall be required as a condition of each permit. This Master Construction Noise Reduction Plan shall include, at a minimum, the following noise reduction measures:	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		1. **Noise Monitoring:** The Master Construction Noise Reduction Plan shall include a requirement for noise monitoring of construction activity throughout the duration of project construction, at times and locations determined appropriate by the qualified consultant and approved by the Director of Planning, Building and Code Enforcement, or the Director's designee. 2. **Schedule:** Loud activities such as rock breaking and pile driving shall occur only between 8 a.m. and 4 p.m., every day (with pile driving and rock breaking to start no earlier than 9 a.m. on weekends). Similarly, other activities with the potential to create extreme noise levels exceeding 90 dBA shall be avoided where possible. (Extreme noise-generating activities consist of those activities that independently generate noise in excess of 90 dBA. These activities include impact pile driving, vibratory pile driving, deep dynamic compaction, rapid impact compaction, and the breaking of concrete using a hoe ram.) Where such activities cannot be avoided, they shall also occur only between 8 a.m. and 4 p.m. Any proposed nighttime (defined as 10 p.m. to 7 a.m.) construction activities, such as nighttime concrete pours or other nighttime work necessary to achieve satisfactory results or to avoid traffic impacts, shall undergo review, permitting, and approval by the Director of Planning, Building and Code Enforcement, or the Director's designee. 3. **Site Perimeter Barrier:** To reduce noise levels for work occurring adjacent to residences, schools, or other noise-sensitive land uses, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor, a noise barrier(s) shall be constructed on the edge of the work site facing the receptor(s). Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater. 4. **Stationary-Source Equipment Placement:** Stationary noise sources, such as generators and air compressors, shall be located as far from adjacent properties as possible, and no closer than 50 feet from the Los Gatos Creek riparian corridor. These noise sources shall be muffled and enclosed within temporary sheds, shall incorporate insulation barriers, or shall use other measures as determined by the Director of Planning, Building, and Code Enforcement, or the Director's designee, to provide equivalent noise reduction. 5. **Stationary-Source Equipment Local Barriers:** For stationary equipment, such as generators and air compressors, that will operate for more than one week within 500 feet of a noise-sensitive land use, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor, the project contractor shall provide additional localized barriers around such stationary equipment that break the line of sight[footnote omitted] to neighboring properties. 6. **Temporary Power:** The project applicant shall use temporary power poles instead of generators, where feasible. 7. **Construction Equipment:** Exhaust mufflers shall be provided on pneumatic tools when in operation for more than one week within 500 feet of a noise-sensitive land	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		use, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor. All equipment shall be properly maintained. 8. **Truck Traffic:** The project applicant shall restrict individual truck idling to no more than two consecutive minutes per trip end. Trucks shall load and unload materials in the construction areas, rather than idling on local streets. If truck staging is required, the staging area shall be located along major roadways with higher traffic noise levels or away from the noise-sensitive receivers, where such locations are available. 9. **Methods:** The construction contractor(s) shall consider means to reduce the use of heavy impact tools, such as pile driving, and shall locate these activities away from the property line, as practicable. Alternative methods of pile installation, including drilling, could be employed if noise levels are found to be excessive. Piles could be pre-drilled, as practicable, and a wood block placed between the hammer and pile to reduce metal-to-metal contact noise and "ringing" of the pile. 10. **Noise Complaint Liaison:** A noise complaint liaison shall be identified to field complaints regarding construction noise and interface with the project construction team. Contact information including a telephone number (including for text messages, if feasible) and e-mail address shall be distributed to nearby noise-sensitive receivers. Signs that include contact information shall be posted at the construction site. 11. **Notification and Confirmation:** Businesses and residents within 500 feet shall be notified by certified mail at least one month before the start of extreme noise-generating activities (to be defined in the Construction Noise Reduction Plan). The notification shall include, at a minimum, the estimated duration of the activity, construction hours, and contact information. 12. **Nighttime Construction:** If monitoring confirms that nighttime construction activities substantially exceed the ambient noise level (to be defined for receptors near each nighttime construction area in the site-wide Master Construction Noise Reduction Plan) and complaints occur regularly (generally considered to be two or more per week), additional methods shall be implemented, such as installing additional storm windows in specific residences and/or constructing additional local barriers. The specific approach shall be refined as the construction activities and noise levels are refined. 13. **Complaint Protocol:** Protocols shall be implemented for receiving, responding to, and tracking received complaints. A noise complaint liaison shall be designated by the applicant and shall be responsible for responding to any local complaints about construction noise. The community liaison shall determine the cause of the noise complaint and require that measures to correct the problem be implemented. Signage that includes the community liaison's telephone number shall be posted at the construction site and the liaison's contact information shall be included in the notice sent to neighbors regarding the construction schedule.	

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		Mitigation Measure NO-3: Exposure to Airport Noise Prior to approval of construction-related permits for residential and hotel structures on the easternmost blocks of the project site, which are located within the year 2027 65 dBA CNEL noise contour—including Blocks ~~E2,~~ E3~~, C1,~~ and C3—each project applicant for a residential or hotel structure shall submit a noise reduction plan prepared by a qualified acoustical engineer for review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee. The noise reduction plan shall contain noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the General Plan's Noise Element for any and all proposed residential land uses within the 65 dBA CNEL noise contour for operations at Norman Y. Mineta San José International Airport. Exterior-to-interior noise reductions of 36 dBA have been demonstrated in modern urban residential uses,[footnote omitted] while attenuation of up to 45 dBA CNEL has been achieved at Airport hotels. Noise-reduction specifications shall be included on all building plans, and the construction contractor shall implement the approved plans during construction such that interior noise levels shall not exceed 45 dBA CNEL at these residential land uses. **Mitigation Measure C-NO-2: Cumulative Traffic Noise Impact Reduction** Prior to the issuance of any building permits, the project applicant shall implement the following measures to reduce roadside noise impacts at the following roadway segment: *North Montgomery Street from West Julian Street to St. John Street.* Prior to the issuance of any building permits for ~~Phase 1~~ construction on this block, the project applicant shall prepare and submit to the Director of Planning, Building and Code Enforcement, or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact property owners of single-family homes on this stretch of North Montgomery Street to implement, with the owners' consent, reasonable sound insulation treatments. Treatments may include replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, which could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study.	
Impact C-NO-4: The proposed project would make a less-than-significant considerable contribution to exposure of people to potential future increases in rail noise.	LTS	None required.	NA

4.3 Draft EIR Figure Revisions

The following four Draft EIR figures have been revised:

Page 2-6 Figure 2-1, *Project Location Map*, has been revised to reflect the revised site boundary and is provided following this section.

Page 2-16 Figure 2-3, *Proposed Land Use Plan*, has been revised to reflect the revised site plan and is provided following this section.

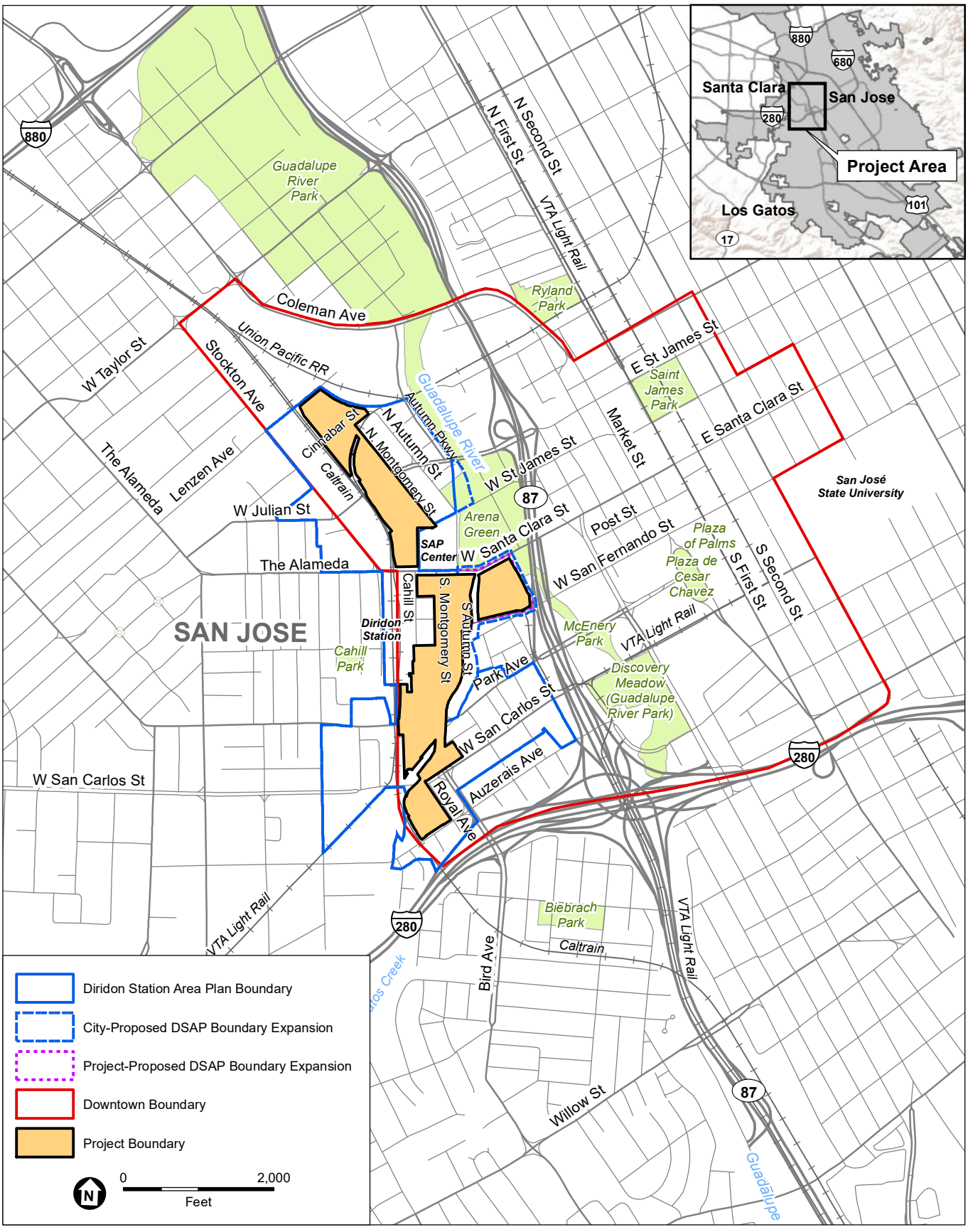
Note to the Reader: Figures 2-4 through 2-7 and Figure 2-9 will be revised in the Integrated Final EIR to reflect the same minor revisions to the configurations of Blocks A1, E3, and H3, H5, and H6, as well as the elimination from the project site of Cahill Street between West Santa Clara and West San Fernando Streets and the Union Pacific Railroad right-of-way between Blocks A1 and B1.

Page 2-39 Figure 2-8, *Proposed Street Network Changes*, has been revised to reflect the revised site plan and is provided following this section.

Page 2-68 Figure 2-10, *Proposed Project Development Phasing*, has been revised to reflect the revised site plan and is provided following this section.

Page 3.10-7 Figure 3.10-2, *Noise Monitoring Locations*, has been revised to reflect the correct location of measurement location LT-2 and is provided following this section.

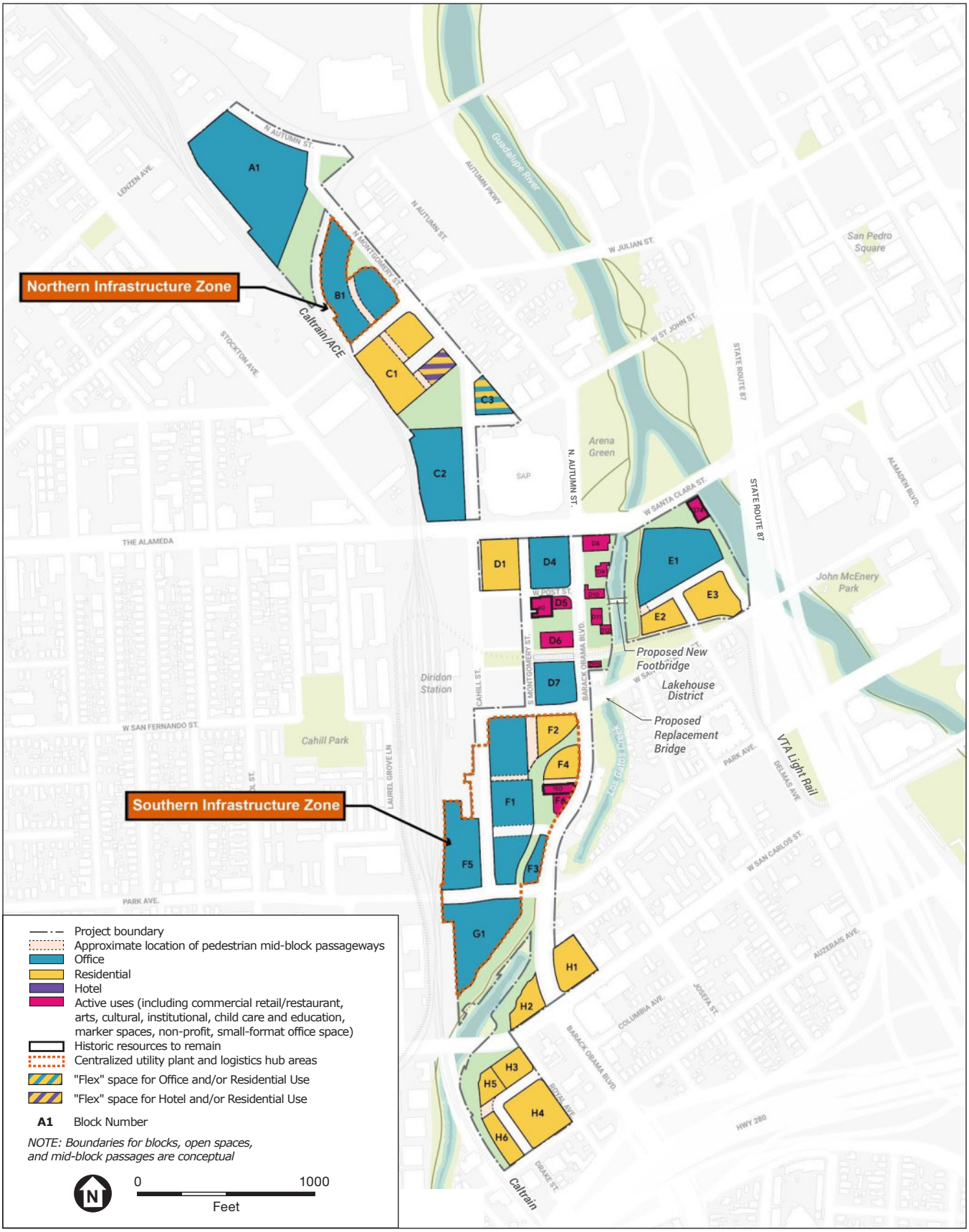
These revised figures are provided on the following pages.



SOURCES: ESRI, 2019; City of San José, 2020; ESA, 2020

Downtown West Mixed-Use Plan

Figure 2-1
Project Location Map

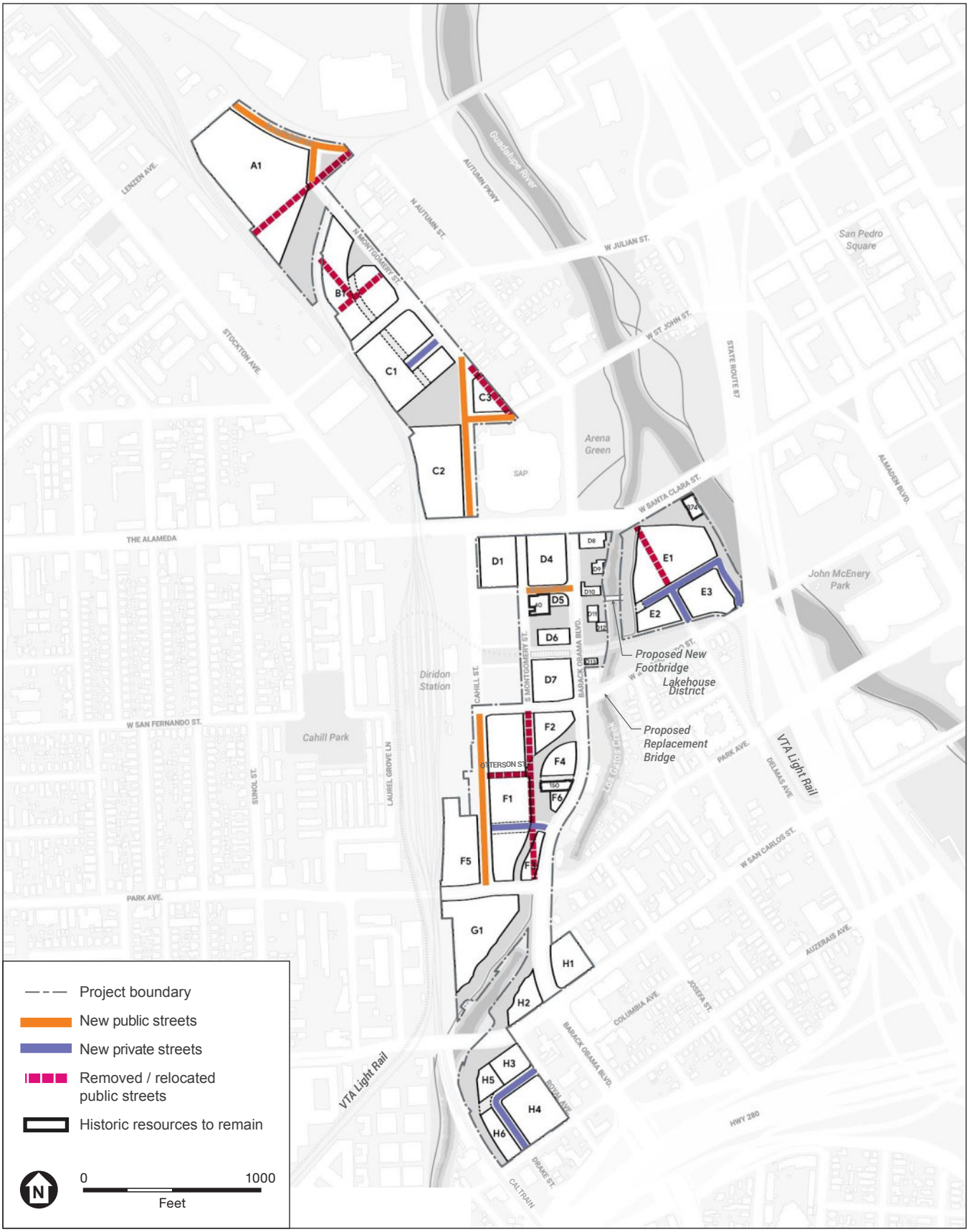


SOURCES: Google LLC and SITELAB urban studio, 2021

NOTE: This figure indicates primary land uses but some residential and office buildings may also include active uses and/or limited term corporate accommodations.

Downtown West Mixed-Use Plan

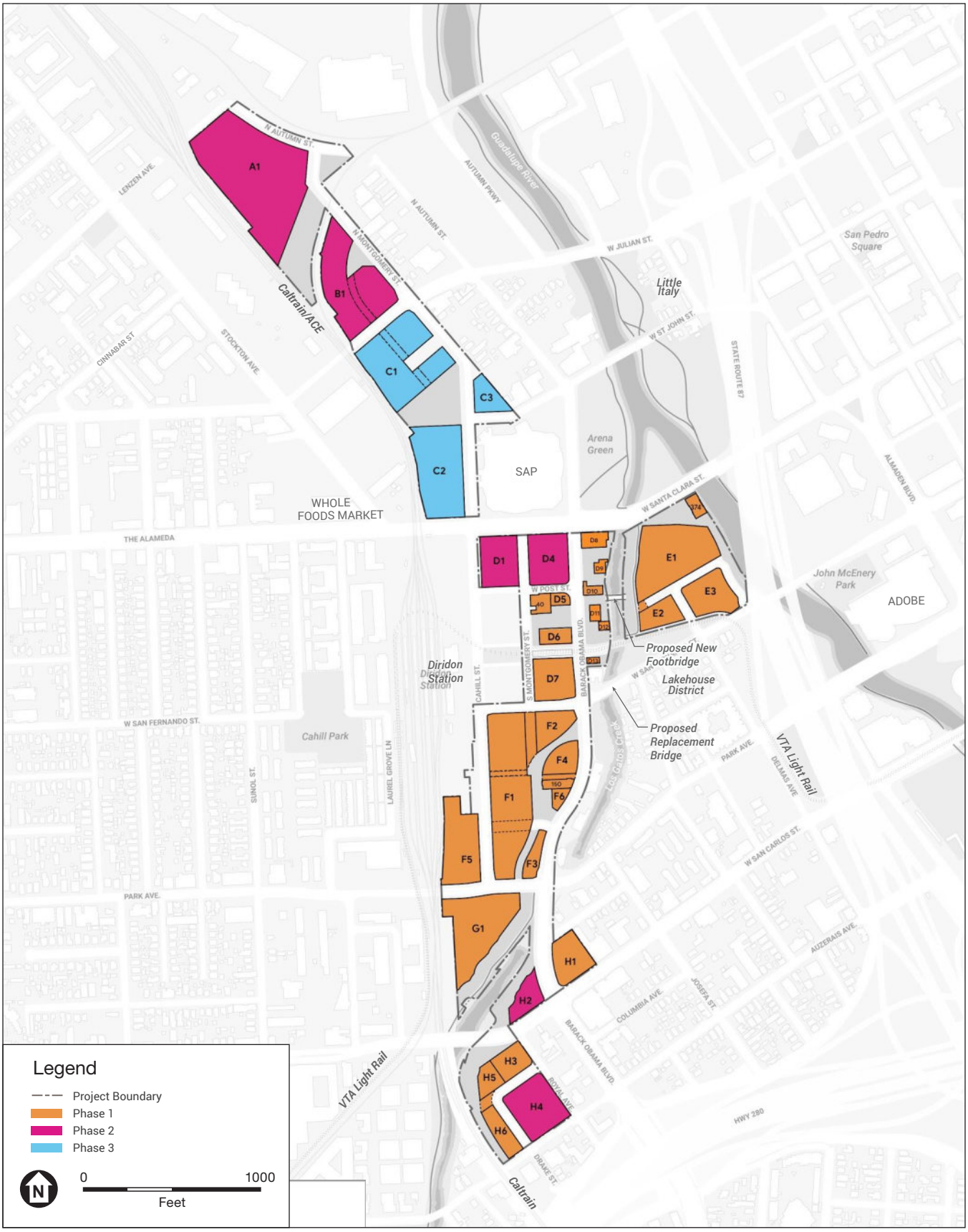
Figure 2-3
Proposed Land Use Plan



SOURCES: Google LLC and SITELAB urban studio, 2021

Downtown West Mixed-Use Plan

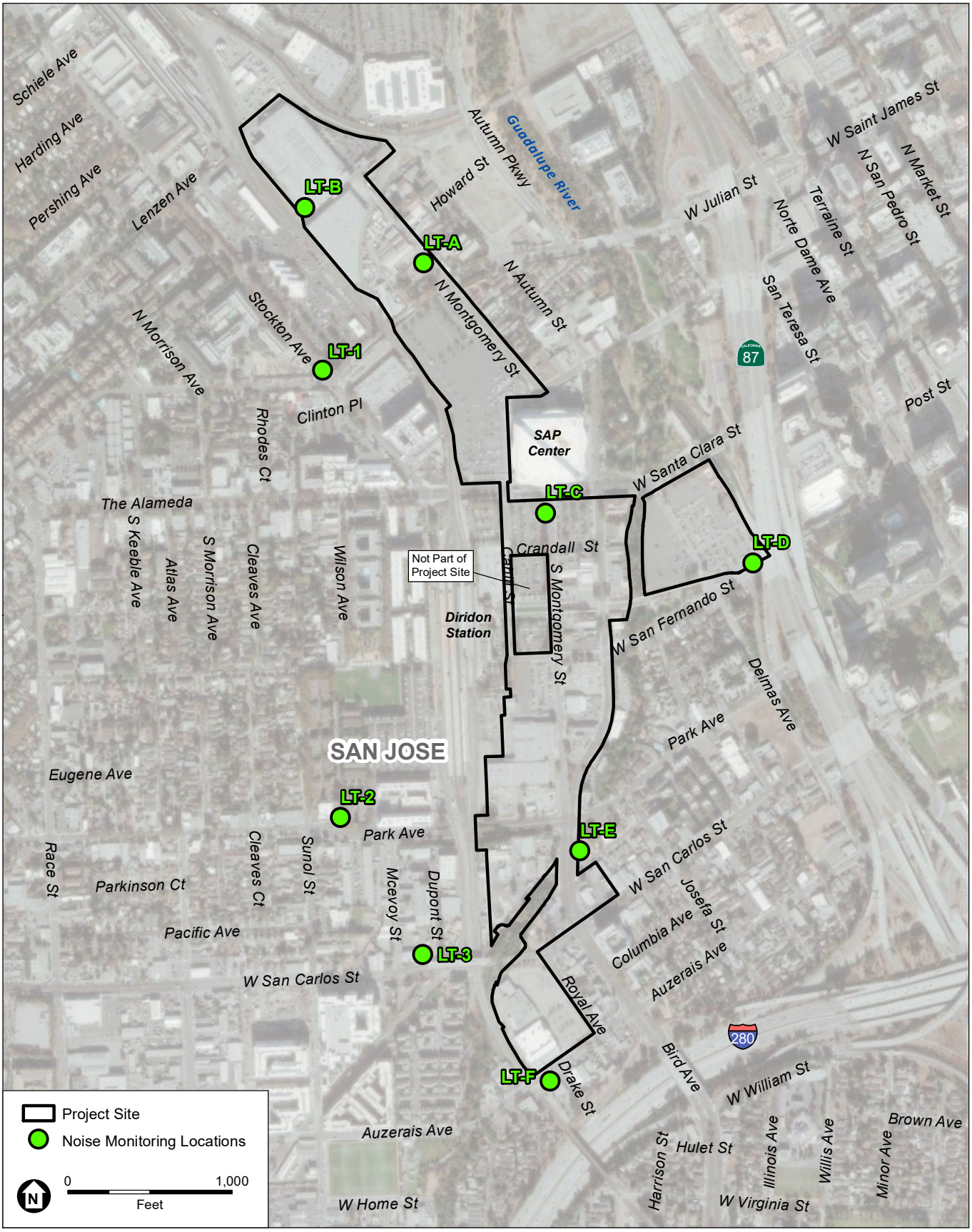
Figure 2-8
Proposed Street Network Changes



SOURCES: Google LLC and SITELAB urban studio, 2021

Downtown West Mixed-Use Plan

Figure 2-10
Proposed Project Development Phasing



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

Downtown West Mixed-Use Plan

Figure 3.10-2
Noise Monitoring Locations

4.4 Draft EIR Appendix Revisions

Of the following four appendices, three from the Draft EIR have been revised, and one is new:

Appendix C4 [Revised]	Attached in full to the end of this Section 4, this revised appendix updates the Draft EIR's TDM Effectiveness Memorandum.
Appendix C5 [New]	Attached in full to the end of this Section 4, this new appendix provides the Cooling Tower Memorandum to evaluate the potential for changes in cooling tower emissions.
Appendix J1 [Revised]	Text revisions to this appendix, provided below, update the Draft EIR's Transportation Analysis.
Appendix J2 [Revised]	Text revisions to this appendix, provided below, update the Draft EIR's Local Transportation Analysis.

4.4.1 Appendix J1, *Transportation Analysis*

Page 17, add to end of second paragraph under "2040 Land Uses and Network Assumptions"

The improvements include several new roadways that will provide enhanced connectivity and circulation to and within the Downtown area and throughout the City of San José.

For the purposes of this analysis the 2040 model was used to develop Cumulative No Project volumes. Specifically, the volume differences between the City's current 2040 model and the 2015 base year model were added to the existing counts to develop Cumulative No Project volumes. The 2040 model was modified to include changes in Project land uses—including the growth reallocation as part of the DASP and Project proposed GPA—and roadway network to develop initial trip generation estimates for the Goal-Based Project Buildout scenario. The DSAP and proposed Project land reallocation included in the 2040 model are discussed below.

Page 29, first full paragraph under "VTA Bart Silicon Valley Extension," second sentence

… As of spring 2020, service is expected to begin in 2030 and is projected to serve ~~9,600~~ 11,500 daily passengers at Diridon Station by 2035. …

Page 40, first paragraph below Table 3. Add to end as fourth sentence.

… These values were then compared to the model's direct estimations of vehicle trips for each period. The model derived average vehicle occupancy rates to develop the total vehicle trips range between 2.2 and 2.4 depending on the scenario evaluated.

Page 61, third paragraph under "Transit"

The Concept Layout includes a primary concourse in the north, oriented toward West Santa Clara Street, and a southern concourse, oriented toward West San Fernando Street. …

Page 76, Mitigation Measure AQ-2h

See revisions to Mitigation Measure AQ-2h in Section 4.1.7, *Section 3.1, Air Quality*.

4.4.2 Appendix J2, *Local Transportation Analysis*

Page 5, TDM Mitigation Measure

See revisions to Mitigation Measure AQ-2h in Section 4.1.7, *Section 3.1, Air Quality*.

Page 22, second sentence under "2.1 Scope of Study"

… The City of San José Transportation Analysis Policy (Council Policy 5-1) requires projects to perform a LTA to demonstrate conformance with multimodal ~~trasnportation~~ transportation strategies, goals and policies in the General Plan, and address adverse effects to the ~~transportaiton~~ transportation system. …

Page 42, first full paragraph, second sentence

… Specifically, the General Plan amendment proposed for the project would reallocate 5,575 housing units and 6,306,000 gross square feet of commercial/office uses ~~469,000 gross square feet of retail uses, and 1,100 hotel rooms~~ from other General Plan growth areas outside of Downtown to the DSAP. …

Page 50, Table 5, Land Use Summary under Phase 1 (Scenario 2b).

Table 5: Phase 1 and Buildout Land Use Summary

Land Use	Unit[1]	Project Phase	
		Phase 1 (Scenario 2b)	Buildout (Scenarios 2c, 2d, 3b)
Commercial Office	1,000 sq. ft.	~~4,300~~ 4,170	7,300
Residential	du	~~2,870~~ 3,130	5,900
Commercial Retail	1,000 sq. ft.	~~315~~ 370	500
Hotel	rooms	0	300
Limited-Term Corporate Accommodations	rooms	~~570~~ 530	800
Event Space	1,000 sq. ft.	100	100

Notes:
1. 1,000 sq. ft. = 1,000 square feet; du = dwelling units
Source: Google, Inc., November 2019.

Page 63, second sentence following "3.2.2.4.1 VTA Bart Silicon Valley Extension"

… As of spring 2020, service is expected to begin in 2030 and is projected to serve ~~9,600~~ 11,500 daily passengers at Diridon Station by 2035.

Page 96, Table 10, footnote 1

1. ~~The LTA analysis phases differ from the Project phases.~~ LTA Phase 1 includes Project ~~phases~~ phase 1 ~~and 2~~, and the LTA Buildout phase includes all three Project phases.

Page 98, Table 11, Quantity column

Table 11: Phase 1 Project Land Uses and Gross Person Trip Generation without TDM

ITE Land Use	Units	Quantity	Daily	AM Total	AM In	AM Out	PM Total	PM In	PM Out
Office	1,000 sq. ft.	~~4,300~~ 4,170	70,100	6,400	5,400	950	7,500	1,550	6,150
Residential	Units	~~2,870~~ 3,130	24,000	2,650	900	1,750	2,700	1,500	1,050
Limited-Term Corporate Accommodations	Units	~~570~~ 530	4,800	500	150	350	550	300	200
Retail and Cultural	1,000 sq. ft.	~~315~~ 370	20,200	250	50	200	1,100	900	150
Hotel	Rooms	0	0	0	0	0	0	0	0
Total Phase 1 Gross Person Trips			**119,100**	**9,800**	6,450	3,300	**11,850**	4,300	7,600

Rounded to nearest 100 or 50 trips. Rows may not sum to total due to rounding.
Source: CSJ Model; Fehr & Peers, 2020.

Page 142, second sentence following "5.2.6.5, Altamont Corridor Express"

… At buildout, the Project is expected to generate around ~~350~~ 250 new trips in the peak hour and peak direction, representing around ~~half~~ 40 percent of peak hour capacity. …

Page 192, first paragraph following bullets

Consistent with the City's multimodal goals and the Project's TDM goals, the vehicle capacity enhancing improvements are not recommended. The project applicant would contribute to the Bird Avenue/~~I-80~~ I-280 Bicycle-Pedestrian multimodal connection from Diridon Station area to the Gardner community.

Page 200, add fifth paragraph under "9.1.1.2.1 Project Buildout CMP Adverse Effects and Improvements"

However, to support the Project's multimodal and TDM goals, the Project applicant will contribute to the Class IV protected bike lanes along Alma Street and Monterey Road corridors consistent with the City's *Better Bike Plan 2025*.

Page 223, replace second paragraph

~~During BART construction at Diridon Station, some parking lots will be reserved for storage of construction vehicles and equipment. This will cause a temporary shortage of local parking supply for the Project area and neighboring uses. When construction is complete, some, but not all, of the reserved parking lots will be reopened. BART service will increase transit accessibility for the Project area, reducing the need for parking and private vehicle ownership. It is anticipated that the decrease in parking demand will offset the removal of parking lots due to BART construction.~~

During BART construction at Diridon Station, portions of the parking lots within their construction staging area (CSA) will be reserved for storage of construction vehicles and equipment. The Phase II Project's environmental mitigation requires the temporary replacement of 450 parking spaces during construction, which is not included as part of the Downtown West Project. When construction is complete of VTA's BART Silicon Valley Phase II Extension Project, the property within the construction staging areas will be returned to the property owner. As such, some, but not all the reserved parking lots may be reopened, at the property owner's discretion.

Page 259, Table 66, Intersection (CMP) row, Description column, add second sentence

Contribute to Class IV protected bike lanes along Alma Street and Monterey Road corridors consistent with Better Bike Plan 2025.

Appendix C4

Fehr & Peers TDM Effectiveness Memorandum [Revised]

FEHR PEERS

Memorandum

Date: April 6, 2021

To: Hillary Gitelman and Karl Heisler, ESA

From: Franziska Church and Teresa Whinery, Fehr & Peers

Subject: Downtown West Mixed-Use Plan – Transportation Demand Management (TDM) Plan Assessment

SJ19-1951

As part of Environmental Impact Report (EIR) mitigation measure AQ-2h, the Downtown West Mixed-Use project ("Project") is required to develop a robust transportation demand management (TDM) program that maximizes reductions for vehicle trips and vehicle miles of travel (VMT). This memorandum assesses the maximum VMT reduction a robust TDM program could achieve by evaluating all reasonably available and quantifiable TDM measures, regardless of what measures are proposed by the Project.

Fehr & Peers prepared maximum TDM reduction estimates using the California Air Pollution Control Officers Association (CAPCOA), August 2010 report *Quantifying Greenhouse Gas Mitigation Measures* ("CAPCOA report"). Based on the project description included in the Draft EIR and our evaluation of all reasonably available and quantifiable TDM measures, a robust TDM program would be expected to achieve up to a 27 percent reduction in vehicle trips and total VMT from the City of San Jose travel demand model outputs.

The Project's proposed TDM mitigation measure includes most of the TDM measures identified by CAPCOA, including the most effective TDM measures (i.e. those that have the greatest trip/VMT reductions) as required measures. The Project includes an additional list of supplemental TDM measures that the Project applicant can tailor to meet the Project's VMT reduction requirements. Based on the required and supplemental measures, it is reasonable to anticipate that the Project will be able to achieve the maximum feasible trip and VMT reduction of 27 percent. Additionally, as part of the EIR's TDM mitigation measure, the Project will be required to attain this maximum achievable TDM reduction through annual monitoring and enforcement as specified in the EIR.

Transportation Demand Management

For large area plans, vehicle trip and VMT reduction will typically focus on physical design elements related to the ultimate built environment, such as the density and mix of land uses as well as the availability and quality of the transportation network related to transit, walking, and bicycling. However, for most individual development projects, the primary method of reducing vehicle trips and VMT is to implement a TDM program focused on building-level or employer-level actions.

The available research indicates that the effectiveness of TDM measures varies substantially depending on the context in which they are applied. TDM is most effective in urban areas where urban character (land use and built environment) and land use mix are most supportive of vehicle trip reduction. TDM programs are less effective in rural and suburban areas where the built environment and transportation network are more dispersed and where modes are typically limited to personal vehicles.

The current industry standard for calculating vehicle trip and VMT reduction efficacy from TDM strategies is *Mitigating Greenhouse Gas Emissions*, a report developed by CAPCOA, which evaluates the literature behind a number of TDM program elements and provides methods for calculating a vehicle trip and VMT reduction associated with each. There are several limitations in the available vehicle trip and VMT reduction data for urban application that are worth noting here:

- **Effectiveness of vehicle trip and VMT reduction may diminish with each additional TDM strategy implemented.** Each of the CAPCOA TDM strategies can be combined with others to increase the effectiveness of vehicle trip and VMT mitigation; however, the interaction between the various strategies is complex. Generally, with each additional measure implemented, a vehicle trip and VMT reduction is achieved, but the incremental benefit of vehicle trip and VMT reduction may be less than the benefit that measure would have if it was considered on its own.[1]
- **Some level of TDM effectiveness is likely included in model-based trip generation.** For projects such as the Downtown West Mixed-Use Project, location-specific travel demand forecasting models are used to estimate vehicle trips, rather than standard rates provided in the ITE *Trip Generation* manual. These models partially account (directly and indirectly) for measures such as parking pricing, limited parking supply, bicycle and pedestrian facilities, as well as transit accessibility.

[1] For example, a theoretical TDM Measure A and B may have an effectiveness of 10 percent each when they are considered on their own. However, if the two measures are combined, the reduction may only be 15 percent and not the 20 percent expected by adding the two measures together.

- **TDM program effectiveness is highly dependent on individual tenants.** For office or retail TDM programs, the level of commitment by individual tenants determines the level of success. While the Project's office tenant is known at the time of the EIR preparation, tenants can change frequently over the life of a building; this makes it more difficult to forecast TDM reductions.
- **TDM program implementation requires ongoing monitoring.** If used as a mitigation measure, TDM programs will require ongoing monitoring for compliance. This may require additional staff time on the part of the lead agency.

Due to the above considerations, it may be prudent to indicate that TDM programs may be used as project mitigation, but that they cannot on their own reduce a transportation impact to a less-than-significant level, unless stringent monitoring requirements are adopted as part of the mitigation.

Transportation Demand Management Strategies with Defensible Vehicle Trip and VMT Reduction Estimates

The Project includes a robust TDM program, described in the EIR Project Description and mitigation measure AQ-2h. Several factors have already been directly accounted for in the City of San Jose Travel Demand Forecasting Model ("CSJ Model"), including increased density, improved design of development, increased destination accessibility, increased diversity of development, increased transit accessibility, expanded transit network, and added bus rapid transit system[2], and were not accounted for in the TDM program estimates below. However, these measures are supportive of vehicle trip reduction, since TDM is most effective in urban areas with access to high-quality transit. In addition, the model may indirectly account for some aspects of site design and parking management.

Using the CAPCOA report methodology, all reasonably available and quantifiable TDM measures, would be expected to result in up to a 27 percent reduction[3] in vehicle trips and VMT from the initial estimates from the CSJ Model due to the proposed TDM program. Because the TDM Program is an integrated part of the Project, the effects of a TDM program that incorporates all reasonable TDM measures is presented here to provide estimates in vehicle trip and VMT reductions that are expected from the Project. It should be noted that the most effective TDM measures (i.e. those that have the greatest trip/VMT reductions) are included as part of the Project's required TDM measures and that the Project includes an additional list of supplemental

[2] CSJ Model may, or may not, accurately capture Santa Clara Valley Transportation Authority (VTA) Rapid Bus Route 522 along Santa Clara Street in the plan area.

[3] It should be noted that the total maximum TDM effectiveness based on CAPCOA is about 32-34%, however, some of the elements are already accounted for in the CSJ Model and are excluded in these calculations to avoid double counting.

TDM measures that the Project applicant can tailor to meet the Project's TDM mitigation requirements.

The CAPCOA report presents 50 transportation measures, of which 41 are applicable at a building and site level. The remaining nine are functions of, or depend on, site location and/or actions by local and regional agencies or funders. **Table 1** summarizes the strategies according to the scope of implementation and the agents who would implement them.

Table 1: Summary of Transportation-Related CAPCOA Measures

Scope	Agents	CAPCOA Strategies[1]
Building Operations	Employer, Manager	**26 total** from five CAPCOA strategy groups: 3 from 3.2 Site Enhancements group 3 from 3.3 Parking Pricing Availability group 15 from 3.4 Commute Trip Reduction group 2 from 3.5 Transit Access group 3 from 3.7 Vehicle Operations group
Site Design	Owner, Architect	**15 total** from three strategy groups: 6 from 3.1 Land Use group 6 from 3.2 Site Enhancements group 1 from 3.3 Parking group 2 from 3.6 Road Access group
Location Efficiency	Developer, Local Agency	**3 shared** with Regional and Local Policies
Alignment with Regional and Local Policies	Regional and local agencies	**3 shared** with Location Efficiency
Regional Infrastructure and Services	Regional and local agencies	**6 total**

Notes:
1. See full list of strategies in the CAPCOA report.

Source: CAPCOA, 2010; Fehr & Peers, 2020.

Overall, the Project has included most feasible TDM measures presented in the CAPCOA report in order to reduce the effect of vehicle trips and impact on air quality. As noted earlier, the Project would be required to achieve the maximum feasible effectiveness of a TDM program, rather than committing to providing every reasonably available TDM measure.

Pedestrian Network

The Project would have a vehicle trip and VMT reduction due to the proposed pedestrian, as well as bicycle, facility improvements on site and connecting the site to surrounding areas, including the construction/completion of the Los Gatos Creek Trail between West San Carlos Street and West Santa Clara Street. This reduction would apply to trips to and from all land uses, with individuals shifting primarily to walking and biking, with some additional transit activity.

Because Downtown San José has a robust pedestrian network and high levels of walkability, the TDM quantification conservatively assumed that the City of San José Travel Demand Forecasting Model adequately reflected the expected shift in pedestrian activity. No additional calculations were performed. CAPCOA indicates that these improvements in a downtown setting could result in up to a 2 percent reduction in VMT, for which the project takes no credit.

Bike Share Program

The Project could contribute to or implement a bikeshare program to increase use of biking and access to transit and surrounding land uses. This may include providing space for bikeshare providers to locate bikeshare stations or docks, providing subsidies for bikeshare memberships or fare, and allowing for dockless bikeshare at the Project site. This measure is not included in CAPCOA, and as such the project takes no credit or reduction from its implementation.

Car Share Program

The Project could have a vehicle trip and VMT reduction due to provision of car share subsidies to residents. This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for trips where vehicle use is essential. Examples include programs like ZipCar, Car2Go, and Gig. This reduction would apply to trips related to residential land uses with individuals shifting primarily to transit, with some additional walking activity.

Vehicle trip reductions due to car sharing are a function of adoption rates, and the typical driving pattern of carshare members compared to non-members. Per CAPCOA:

> *% Reduction in VMT = % reduction in car-share member annual VMT * number of carshare members per shared car / deployment level based on urban or suburban context*

CAPCOA indicates that Carshare members drive 37 percent less per year[4] compared to non-carshare members, a single carshare vehicle supports 20 members, and one vehicle is deployed for every 1,000 people. As such, the car-sharing program is expected to result in a 0.7 percent reduction in VMT and vehicle trips associated with the project.

Transit Service Frequency/Speed

The Project could have a vehicle trip and VMT reduction due to provision of public/private partnerships with transit providers to improve transit service convenience and travel time competitiveness with driving for residents, employees, and visitors. This reduction could apply primarily to trips to and from all land uses, with individuals shifting primarily to transit, with some

[4] For purposes of quantifying the Project's TDM reduction, we have used the lower VMT reduction for suburban uses, as opposed to the 50% reduction in VMT for urban uses to reduce potential for double-counting.

additional walking activity. This reduction is generally already included in model outputs as part of the cumulative transit improvements.

Transit Fare Subsidy

The Project would have a vehicle trip and VMT reduction due to provision of transit passes to residents and employees, and first/last-mile subsidies to employees. This reduction would apply to commute trips, which total around 35 percent of total project trips.

Per CAPCOA, the VMT reduction expected from implementing subsidized and discounted transit passes is as follows:

*% Reduction in commute VMT = % reduction in commute vehicle trips * % of employees eligible*

Expected Percent Reduction in Commute Vehicle Trips based on Daily Transit Subsidy

	Subsidy Amount (per employee per day)			
Worksite Setting	**$0.75**	**$1.49**	**$2.98**	**$5.96**
Urban	6.2%	12.9%	20.0%	20.0%
Suburban Center	3.4%	7.3%	16.4%	20.0%
Suburban	1.5%	3.3%	7.9%	20.0%

Source: *Quantifying Greenhouse Gas Mitigation Measures,* p. 231, California Air Pollution Control Officers Association (CAPCOA), 2010.

Per CAPCOA, at a reimbursement rate of $2.98 per day or more in an urban center, commute trips are reduced by 20 percent. In the case of the proposed project, all employees at the project site would be eligible for subsidies, resulting in a 20 percent expected reduction. This program would apply to the 35 percent of trips associated with commuting purposes, resulting in a total reduction of 7 percent.

Parking Pricing Policies for Employees

The project would have vehicle trip and VMT reduction due to the project's parking pricing policies, including market-rate parking pricing for all on-site employees. Individuals changing their behavior are expected to shift fairly evenly to carpooling, transit, biking, and walking.

Per CAPCOA:

> *% Reduction in commute VMT = % reduction in commute VMT * % of employees subject to priced parking*

At a cost to park of $6 per day or more, and with 100 percent of employees subject to priced parking, due to the urban context of the area, we expect a 19.7 percent reduction in vehicle trips, applied to the 35 percent of vehicle trips associated with commute purposes. This results in a total reduction of 6.9 percent. This is quantified separately from overall parking pricing due to the

prevalence of free parking as an employee benefit; see *market-rate on-street parking* and *unbundled parking* for the effects of parking pricing on residents and visitors.

Expected Reduction in Commuter Vehicle Trips with Paid Employee Parking, by Urban Context and Parking Charge

	Daily Parking Charge			
Worksite Setting	**$1**	**$2**	**$3**	**$6**
Urban	6.9%	12.5%	16.8%	19.7%
Suburban Center	1.8%	3.7%	5.4%	6.8%
Suburban	0.5%	1.2%	1.9%	2.8%

Source: *Quantifying Greenhouse Gas Mitigation Measures,* p. 262, California Air Pollution Control Officers Association (CAPCOA), 2010.

Alternative Work Schedules & Telecommute

The Project could have vehicle trip and VMT reduction due to provision of alternative work schedules and flexibility of telecommuting. This reduction would apply to commuter trips related to office land uses (approximately 35 percent of all daily trips), with individuals reducing the need to travel altogether. This strategy is often included as part of a commute trip reduction (CTR) program.

Per CAPCOA:

> *% Reduction in commute VMT = reduction based on employee participation and strategy implemented*

Roughly 25 percent of all employees and residents are expected to work from home one day per week. This results in a 3.75 percent reduction in commute VMT. Based on changes in travel behavior due to the COVID-19 pandemic, a higher level of telecommuting/working from home may occur in the future, and as such this reduction estimate is conservative. In addition, it is applied only to the 35 percent of trips that are commute related.

Expected Reduction in Commute VMT due to Alternative Work Schedules and Telecommuting Programs, by Level of Participation

	Frequency of Telecommuting		
Employee Participation	**9-day/80-hour work week**	**4-day/40-hour work week**	**1.5 days of telecommuting**
1%	0.07%	0.15%	0.22%
3%	0.21%	0.45%	0.66%
5%	0.35%	0.75%	1.10%
10%	0.70%	1.50%	2.20%
25%	1.75%	3.75%	5.50%

Source: *Quantifying Greenhouse Gas Mitigation Measures,* p. 237, California Air Pollution Control Officers Association (CAPCOA), 2010.

Commute Trip Reduction Marketing

The Project could have a vehicle trip and VMT reduction due to implementation of a CTR marking strategy (encouragement and incentives), as well as onsite transportation coordinator(s), technology-based services, building-specific TDM plans and a non-profit transportation management agency (TMA). This reduction could apply to commuter trips related to office and residential land uses (approximately 35 percent of all daily trips). Individuals changing their behavior are expected to shift fairly evenly to carpooling, transit, biking, and walking. This strategy is often included as part of a CTR program.

CAPCOA estimates a flat reduction of 4 percent for implementing a robust commute trip marketing program. Case studies have shown that marketing effectiveness does vary substantially, and that some locations may achieve a higher reduction. This reduction applies only to the 35 percent of trips that are commute related, resulting in a total vehicle trip reduction of 1.4 percent.

Residential TDM Marketing

The residential component of the project has committed to providing marketing materials similar to those used in the Commute Trip Reduction Marketing strategy; however, these reductions would also apply to non-commute trips. An example of successful implementation of residential TDM marketing programs is the SmartTrips program, launched in several cities throughout the United States. In Portland, Oregon, new residents who were contacted through the SmartTrips program reduced their drive alone mode share by 10 percent. To maintain conservatism, this measure is quantified using the flat 4 percent reduction presented in CAPCOA, applied to the remaining 75 percent of residential trips that are not commute-based.

Employer-Sponsored Vanpool/Shuttle

The project could have a vehicle trip and VMT reduction due to provision of employer-sponsored vanpools and employer-operated express buses to complement existing, high-quality, high frequency public transit. This reduction would apply only to office-based commuter trips; all commute trips represent around 35 percent of total project trips. Individuals are expected to shift primarily to transit (which includes private shuttles), although there may be some additional shift to walking during the day. This strategy is often included as part of a CTR program.

Per CAPCOA:

> *% Reduction in commute trips = % shift in vanpool/shuttle mode share of commute trips * % employees eligible * adjustment from vanpool mode share to commute vehicle trips*

Expected Shift in Vanpool/Shuttle Mode Share of Commute Trips by Employer Size and Level of Implementation

	Level of Implementation		
Employer Size	**low**	**medium**	**high**
small	2%	5%	10%
medium	5%	11%	15%
large	10%	15%	20%

Source: *Quantifying Greenhouse Gas Mitigation Measures,* p. 253-255, California Air Pollution Control Officers Association (CAPCOA), 2010.

In addition, the program would apply to 100% of employees, with an additional VMT adjustment of 0.69 (to account for the VMT of shuttle vehicles themselves, deadheading, etc). Based on these inputs, the site expects to achieve a 13.8 percent reduction in vehicle trips, which applies only to the 35 percent of trips that are commute related, resulting in a total vehicle trip reduction of 4.8 percent.

Ride Share Program

A ride share program consists of providing resources for residents and employees to coordinate carpools. Typically, these programs consist of allowing individuals to register with basic details of their commute (start and end locations, and work hours), and matches them to others with similar commute details. This is often provided through a company mobility portal, or through a property management portal. Regional ride share matching is provided as well through 511.org.

CAPCOA estimates VMT reductions from ride share programs based on the urban context. The project is located in an urban center and can expect a 15 percent reduction in vehicle trips due to

implementing a robust carpooling/ridematching program.[5] This reduction applies to the 35 percent of trips that are commute related, resulting in a total vehicle trip reduction of 5.3 percent.

Parking Supply Limits

The project would have a vehicle trip and VMT reduction due to the project's reduced parking supply[6] and parking maximums for new uses. This reduction would apply to trips to and from all land uses, as the constrained parking supply would apply to nearly all site visitors. Individuals changing their behavior are expected to shift fairly evenly to carpooling, transit, biking, and walking.

Per CAPCOA:

> *% Reduction in VMT = (ITE parking provision - actual parking provision) / ITE parking provision * 0.5*

The project currently proposes to provide less than 25 percent of the number of parking stalls recommended by ITE's *Parking Generation* manual. This reduction has a powerful TDM effect, with an expected raw percentage reduction in trips of 37.5 percent. However, this analysis has capped the total reduction from all parking measures at 20 percent, and as such the TDM analysis is somewhat conservative.

Unbundled Parking Costs

The project would have a vehicle trip and VMT reduction due to provision of unbundling parking costs from property costs, for instance by not including a parking space in a residential unit's rent. This reduction would apply to trips related to residential land uses (approximately 28 percent of all daily trips). Individuals changing their behavior are expected to shift fairly evenly to carpooling, transit, biking, and walking.

---

[5] *Quantifying Greenhouse Gas Mitigation Measures,* p. 228, California Air Pollution Control Officers Association (CAPCOA), 2010.

[6] The Project's AB900 application assigned a 19% reduction in vehicle trips due to the project's parking policies. However, because the CSJ Model includes some information on parking availability and cost in each TAZ, we have dampened the effectiveness somewhat to present a conservative analysis.

Per CAPCOA:

> *% Reduction in VMT = % Change in annual vehicle cost due to parking * elasticity * adjustment from vehicle ownership to VMT*
>
> 1) Change in vehicle cost = monthly parking cost * 12 / annual vehicle cost
>   a) $250 Monthly parking cost
>   b) $9,000 Average annual vehicle cost
> 2) -0.4 elasticity of vehicle ownership with respect to total vehicle costs
> 3) 1.00 adjustment from vehicle ownership to VMT

Source: *Quantifying Greenhouse Gas Mitigation Measures,* p. 211, California Air Pollution Control Officers Association (CAPCOA), 2010.

At a monthly parking rate of $250 per month, compared to an average annual vehicle cost of $9,000 annually, at an elasticity of -0.4%, unbundled parking pricing is expected to result in a 13.3 percent reduction in VMT. However, this analysis has capped the total reduction from all parking measures at 20 percent, and as such the TDM analysis is somewhat conservative.

On-Street Market Priced Parking

The project would have a vehicle trip and VMT reduction due to implementation of a pricing strategy for parking by pricing all on-street parking in the plan area. Priced parking would encourage "park once" behavior and may also result in area-wide mode shifts. This reduction would apply to trips related to retail land uses and all other visitor trips. Individuals changing their behavior are expected to shift fairly evenly to carpooling, transit, biking, and walking.

Per CAPCOA:

> *% Reduction in VMT = % increase in on-street parking prices * elasticity of VMT with respect to parking price*[7]

By pricing on-street parking at a competitive rate (50 to 100% above current on-street parking prices in the area), the project is expected to see a 5.5 percent reduction in VMT and vehicle trips. However, this analysis has capped the total reduction from all parking measures at 20 percent, and as such the TDM analysis is somewhat conservative.

[7] Source: *Quantifying Greenhouse Gas Mitigation Measures,* p. 214, California Air Pollution Control Officers Association (CAPCOA), 2010.

Summary of TDM Efficiency

Table 2 summarizes the TDM strategies and their individual maximum reductions[8] in CAPCOA and presents the actual effectives for the Project after taking into account elements of the Project already accounted for in the CSJ model outputs, the maximum efficiency within TDM groupings, and applicability to specific land uses.

Based on CAPCOA, combining the measures listed above could further reduce vehicle trip making and VMT from the CSJ Model by up to 27 percent through monitoring and enforcement. The Project's TDM Program includes required measures, as well as a list of supplemental TDM options to respond to the Project's evolving needs and changes in transportation trends and technologies. The Project would be required to achieve the 27 percent effectiveness of a TDM program that incorporates all reasonably available CAPCOA TDM measures.

[8] Individual maximum reduction, noted as raw reduction in Table 2, represent the reduction that would be expected if that measures were the only measure adopted. CAPCOA accounts for the maximum effectiveness for reductions categories/group of TDM measures.

Table 2: Maximum Vehicle Trip and VMT Reduction Estimates of Transportation Demand Management Strategies

TDM Strategy	Relevant Trip Purposes	Raw Percent Reduction[1,2]	Already Captured in CSJ Model?	Required or Optional in Project TDM Program?[3]	CAPCOA Strategy[4]	Total Project Reduction[5]
Pedestrian Network	All	2%	Yes	Required	SDT-1 Provide Pedestrian Network Improvements	0% (included in model outputs)
Facilitate Bike Share	All	0%	No	Optional	N/A	
Car Share Program	All	0.7%	No	Optional (Required for Residential)	TRT-9 Implement Car-Sharing Program	0.7%
Transit Service Frequency/ Speed	All	2.5%	Yes	Optional	TST-4 Increase Transit Service Frequency/Speed	0% (included in model outputs)
Transit Fare Subsidy	Office Commute Trips	20%	No	Optional	TRT-4 Implement Subsidized or Discounted Transit Program	8.6% (25% maximum x 35% of total project trips as commute trips)
Workplace Parking Pricing	Office and Retail Commute Trips	19.7%	No	Required	TRT-14 Price Workplace Parking	
Alternative Work Schedules & Telecommute	Office and Residential Commute Trips	5.5%	No	Optional (Required for Residential)	TRT-6 Encourage Telecommuting and Alternative Work Schedules	
Commute Trip Reduction (CTR) Marketing	Office Commute Trips	4%	No	Required	TRT-7 Implement CTR Marketing	
Employer-Sponsored Vanpool/ Shuttle	Office Commute Trips	13.4%	No	Optional	TRT-11 Provide Employer-Sponsored Vanpool/Shuttle	

TDM Strategy	Relevant Trip Purposes	Raw Percent Reduction[1,2]	Already Captured in CSJ Model?	Required or Optional in Project TDM Program?[3]	CAPCOA Strategy[4]	Total Project Reduction[5]
Ride Share Program	Office and Residential Commute Trips	15%	No	Optional (Required for Residential)	TRT-3 Provide Ride-Sharing Programs	
Residential Targeted Marketing / TDM Coordination	Residential non-Commute Trips	4%	No	Required for Residential	TRT-7 Implement CTR Marketing + Portland SmartTrips Case Study	<1%
Parking Supply Limits	All	35%	Partially	Required	PDT-1 Limit Parking Supply	20% (CAPCOA category maximum)
Unbundled Parking Costs	All Residential	13.3%	No	Required	PDT-2 Unbundle Parking Costs from Property Cost	
On-Street Market Priced Parking	All	5.5%	Partially	Required	PDT-3 Implement Market Price Public Parking	
Total TDM Program Reduction						**27%**

Notes:

1. Raw calculations for reductions from the CAPCOA Guide and does not include adjustments for category maximums or applications to only certain land uses.
2. Please note that disruptive trends, including but not limited to, transportation network companies (TNCs), autonomous vehicles (AVs), further migration of retail from brick and mortar to the internet, and micro-transit may affect the future effectiveness of these strategies.
3. Whether the evaluated TDM measure is a required or optional element as specified in the Project's EIR mitigation measure AQ-2h.
4. CAPCOA TDM measure identifier.
5. CAPCOA provides an estimated maximum effectiveness for each of its reduction categories. Reductions beyond those maximums are not supported by evidence.

Source: CAPCOA, 2010; Fehr & Peers, 2020.

City of San José VMT Evaluation Tool

The effectiveness of the TDM measures outlined above were evaluated using CAPCOA methods and not the City of San José's VMT Evaluation Tool (City VMT Tool). The City's VMT Tool only allows for the analysis of individual parcels and not an entire project area.

The City's VMT Tool includes four tiers of trip/VMT reduction measures:

- Tier 1: Project Characteristics – development density and integration of affordable and below market rate housing.
- Tier 2: Multimodal Infrastructure – investment in bike access, improving network connectivity, increased transit accessibility, providing bike share stations in partnership with other organizations, and pedestrian network improvements.
- Tier 3: Parking – limited parking supply and providing end of trip bike facilities.
- Tier 4: TDM Programs – car sharing, CTR marketing, commute trip reduction programs, employee cashout, subsidized transit programs, telecommuting/alternative work schedules, free long-distance shuttle service, workplace parking pricing, and ride share programs, transit service expansions, unbundled parking, and vanpool incentives,

Tier 1 and Tier 2 VMT reduction measures are generally already assumed to be accounted for in the CSJ model outputs. The maximum reduction for the Tier 3 measures is 20% and the maximum reduction for the Tier 4 measures is 25% per the City's VMT Tool. However, the cross-category maximum, which accounts for multiplicative dampening to ensure reductions are not over counted, is 40 percent for all four tiers combined.

To compare results between the two methods, representative parcels were selected for analysis through the City's VMT Tool in the southern, central, and northern areas of the project site. Though the results from individual TDM measures vary between the City VMT Tool and CAPCOA results, the maximum global effectiveness from the City's VMT Tool ranged between 15 and 20 percent for residential uses and 25 and 35 percent for employment uses. Thus, the total percent reductions outlined above are generally consistent with the City's established methodologies.

Transportation Demand Management and Mode Split

Envision San José 2040 General Plan sets a commute trip mode share target to support the City's overall multimodal access and connectivity goals. More specifically, the goal is linked to non-single occupancy vehicle (non-SOV) targets; thus, it is the Project's ultimate goal to achieve non-SOV percentages through the TDM Program's vehicle and VMT reductions. Translating vehicle trip reductions to mode share, the maximum efficiency of the TDM Program's 27 percent trip/VMT

trip reductions was converted to non-SOV rates. The 27 percent TDM Program efficiency translates to a non-SOV rate of 65 percent for the total Project, including all proposed land uses.[9]

Mode Split Target Phasing

Recognizing that transit access is an essential aspect of the success of the site's non-SOV rate an analysis of available transit and the likely effectiveness of TDM programs was used to develop project-specific performance measures. Thus, to mitigate Project impacts, the TDM Program has the following phased non-SOV requirements (also summarized in **Table 3**):

- Assuming currently available public transit service levels (pre-COVID 19), achieve a non-SOV rate of 50%, which is estimated to be equivalent to a 24% reduction in daily vehicle trips from the City model's travel demand outputs;
- Following completion of service enhancements related to Caltrain Electrification, achieve a non-SOV rate of 60%, which is estimated to be equivalent to a 26% reduction in daily vehicle trips from the City model's travel demand outputs; and
- Following completion of service enhancements related to the commencement of BART service to Diridon Station, achieve a non-SOV rate of 65%, which is estimated to be equivalent to a 27% reduction in daily vehicle trips from the City model's travel demand outputs.

The phased non-SOV rates were developed by assessing the share of trips anticipated to shift to transit, and the total percentage of transit improvements expected in each phase of development. Specifically, the non-SOV rates from the raw model outputs were compared for the Existing plus Project and Cumulative plus Project scenarios to assess the total mode shift effect of transit, and TDM reduction goals were interpolated accordingly based on whether Caltrain Electrification and/or BART to downtown San Jose would be operational.

[9] At build-out, the project is estimated to have a 50% drive alone mode share. To reach the target non-SOV rate, the following calculation was made: Target Non-SOV rate = 100% - (50% * (100% - 27%)) = 63%. Target was rounded to nearest 5 percent, resulting in the target value of 65 percent.

Table 3: Interim Non-SOV Goals

Scenario	Non-SOV Mode Share, without TDM Adjustment	Estimated TDM Trip Reduction	Final Non-SOV Goal[1]
Full Buildout, no Caltrain Electrification and no BART	41%	24%	50%
Full Buildout, no BART	47%	26%	60%
Full Buildout, with all transit infrastructure	50%	27%	65%

Note:
1. Targets were rounded to nearest 5 percentage point.
Source: Fehr & Peers, 2020

Appendix C5

Cooling Tower Memorandum [New]

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memorandum

date	January 19, 2021
to	Anton Walker, Lendlease Bhavesh Parikh, Google Andy Wang, Lendlease
cc	Hillary Gitelman ESA Karl Heisler, ESA
from	Heidi Rous, ESA Sarah Patterson, ESA
subject	GSJ Downtown Mixed Use Project – Block H3 Cooling Tower Analysis

Executive Summary

The Downtown West Mixed-Use Plan project (proposed project) as analyzed in the Draft EIR (File Nos.: GP19-009, PDC19-039, and PD19-029) intends to include on-site "district" utility systems, which includes thermal heating and cooling, for most on-site buildings, but includes the possibility of installing and operating smaller business-as-usual systems to provide conditioned air service to a limited number of buildings. Where business-as-usual systems are installed for heating and cooling, they would include water-cooled or refrigerant-based HVAC systems for cooling, and air-source heat pumps or refrigerant-based systems within the specific buildings for heating.

All cooling towers emit particulate matter (PM) when the total dissolved solids in the circulating water that are carried out with the water are entrained in the air discharged from the tower. As evaluated in the Draft EIR, to control the PM emissions, drift eliminators would be installed at all cooling towers. These drift eliminators reduce drift loss to 0.005 percent, far below the uncontrolled drift loss value. Section 3.2 Air Quality of the Draft EIR evaluated the regional air pollutant annual totals of particulate matter 10 microns or less in diameter (PM_{10}) and particulate matter 2.5 microns or less in diameter ($PM_{2.5}$) as well as the localized health risk impacts, as annual average $PM_{2.5}$ concentration, of the operational PM emissions from the cooling towers.

Analyzed in the Draft EIR as part of the proposed project were four cooling tower scenarios. Of the four scenarios, two would require cooling towers to provide utility service to buildings that were not attached to the on-site district central utility plant(s). For the Draft EIR, all four scenarios were examined in Section 3.1, Air Quality; specifically, the potential for cooling towers to be located at the Southern and Northern Infrastructure Zones as well as on Blocks C1, D1, E1, E3 and H1. Since the four scenarios studied in the draft EIR differed primarily in the location of the emissions (i.e., PM from two centralized plants or a roughly equivalent amount of

PM from a combination of central plants and smaller units located on the roofs of five specified buildings), the potential difference in impacts are limited to localized exposure, namely to the TAC $PM_{2.5}$. The results of the dispersion modeling showed that the highest impacts from each individual cooling tower occurred in the predominate downwind direction from its location; i.e., southeast of the cooling tower. The primary contributors to the cooling tower $PM_{2.5}$ impacts were from the two centralized plants, as they had the highest potential to emitted due to their maximum HVAC capacity.

Subsequent to completion of the Draft EIR analysis, ESA was requested to evaluate a hypothetical scenario in which a cooling tower would be located at Block H3. The findings of this evaluation are that locating a cooling tower on Block H3 to service the residential buildings in the southern zone of the project would not, as compared to the Downtown West Mixed-Use Plan, result in a new significant impact or impacts that are substantially more severe than impacts previously disclosed in the EIR.

Introduction

This memorandum was prepared upon request of Google and Lendlease team to evaluate a fifth potential cooling tower scenario (scenario H3) under which a business-as-usual cooling tower would be located on Block H3 to service the residential buildings in the southern zone of the project. The Downtown West Mixed-Use Plan project (proposed project) as analyzed in the Draft EIR (File Nos.: GP19-009, PDC19-039, and PD19-029) would require cooling towers to provide utility service to buildings that were not attached to the on-site central utility plant(s). In the Draft EIR analysis, the cooling tower capacity was determined from four potential central utility plant scenarios:

- One central utility plant in the Southern Infrastructure Zone
- Two central utility plants, one in the Northern Infrastructure Zone and one in the Southern Infrastructure Zone
- The business-as-usual setback with one central utility plants
- The business-as-usual setback with two central utility plants[1]

In the most conservative scenario—the business-as-usual setback with one central utility plant—a total of 18,920 HVAC tons be required to service the project.

In order to facilitate an analysis of the potential cooling tower at block H3, Google and Lendlease team provided ESA with a cooling tower distribution figure on December 17, 2020, that details the locations and capacities of all cooling towers under all scenarios with the addition of scenario H3. The figure in presented in Attachment A.

Under scenario H3, the total proposed project cooling tower capacity would not exceed the 18,920 HVAC tons analyzed in the Draft EIR. Because the total proposed project maximum cooling tower HVAC tons would be unchanged with the addition of scenario H3, there would be no effect on the criteria air pollutant impacts evaluated in the Draft EIR. The proposed project's resulting emissions of criteria air pollutants are generally regional in nature. However, TAC emissions can result in a localized health impact, i.e. health risk impacts are dependent on the location of the sources. Therefore, ESA has analyzed health risk impacts, expressed as $PM_{2.5}$ annual average concentrations, for scenario H3.

[1] In the business-as-usual setback scenarios, a number of buildings would have independent district systems because of physical or phasing considerations

Calculation Methodology

In the Draft EIR, particulate emissions were calculated based on the total full load flow of 30,272 gallons per minute (representing a cooling tower load of 18,920 HVAC tons) for all cooling towers at the project site. Cooling towers emit particulate matter 2.5 microns or less in diameter ($PM_{2.5}$), when the total dissolved solids in the circulating water that are carried out with the water are entrained in the air discharged from the tower. Cooling tower criteria air pollutant calculation details are presented in Draft EIR Appendix C1- Air Quality and Greenhouse Gas Emissions Calculations. Because health risk is a localized impact, each proposed project cooling tower was evaluated at its individual maximum capacity in the Draft EIR. As shown by Equation 1, the emissions for each individual cooling tower were proportioned off of the total proposed project maximum capacity emissions in order to capture the localized worst-case impacts.

$$\dot{m}_{CT_i} = \frac{C_{CT_i}}{C_{CT_T}} \times \dot{m}_{CT_T} \qquad \textbf{(Equation 1)}$$

Where,

$\dot{m}_{CT}$	=	Annual mass emissions of cooling tower(s) at maximum capacity, tpy
C_{CT}	=	Maximum cooling tower(s) capacity, HVAC tons
i	=	Individual cooling tower
T	=	Total of cooling towers on site

Table 1: Cooling Tower Scenarios and Capacities presents the cooling tower capacities for each scenario as well as the individual cooling tower percentages (CT_{CTi}/C_{CTT}) used in Equation 1. As shown in Table 1, as an immensely conservative approach to analysis, the total $PM_{2.5}$ emissions included in the health risk assessment was 1.5 times the regional mass emissions disclosed in the draft EIR. Because health risk is a localized impact, in order to capture all potential impacts from each of the cooling tower scenarios, it was necessary to model each cooling tower with its highest potential to emit. Even though the site-wide particulate emissions total used in the health risk assessment was greater than the project total from the criteria air pollutant analysis, it would not likely have a substantial impact on the annual average $PM_{2.5}$ concentrations due to the spatial positions of the cooling towers.

Dispersion Modeling

The methodology of the dispersion modeling is documented in the Draft EIR and the modeling input files are contained in the Draft EIR Appendix C2 – Health Risk Assessment. The scenario H3 cooling tower was not included in the original Draft EIR file runs, therefore an additional run was required to complete the analysis. Following the methodology from the Draft EIR, the methods for the annual average $PM_{2.5}$ concentration analysis were based on the most recent BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards, which recommends the use of EPA's American Meteorological Society/EPA Regulatory Air Dispersion (AERMOD) model.[2] **Table 2 - AERMOD Modeling Parameters** presents the general modeling inputs and source configuration for the scenario H3 cooling tower.

[2] Bay Area Air Quality Management District, *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2012. Available at http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf?la=en. Accessed January 14, 2020.

TABLE 1
COOLING TOWER SCENARIOS AND CAPACITIES

Cooling Tower	Scenario Capacities (HVAC Tons)							Percent of Max (CT_{CTi}/C_{CTT})
	1-CUP	2-CUP	BAU Setback 1-CUP	BAU Setback 2-CUP	Temporary CT [a]	Scenario H3 [b]	Maximum Capacity	
Southern Utility Zone	15,000	10,000	13,500	8,500	--	--	15,000	79.3%
Northern Utility Zone	0	6,000	0	4,600	--	--	6,000	31.7%
C1 Block	0	0	1,400	1,400	--	--	1,400	7.4%
D1 Block	0	0	600	600	--	--	600	3.2%
E1 Block	0	0	1,800	1,800	2,900	--	2,900	15.3%
E3 Block	0	0	1,100	1,100	--	--	1,100	5.8%
H1 Block	0	0	520	520	--	--	520	2.7%
H3 Block [c]	0	0	0	0	--	1,100	1,100	5.8%
Site Total / % Total	15,000	16,000	18,920	18,520	--	--	18,920	151.3%

NOTES:
a. Temporary cooling tower scenario would only impact the cooling tower on block E1, therefore only E1 is considered for the maximum scenario analysis.
b. Scenario H3 would only impact the cooling tower on block H3, therefore only H3 is considered for the maximum scenario analysis.
c. H3 Block cooling tower was not evaluated in the Draft EIR. Cooling Tower on H3 included to analyze Scenario H3 as part of this memo.

TABLE 2
AERMOD MODELING PARAMETERS

Pathway	Description	Parameter
Control [a]	Rural/Urban	Urban
	Terrain	Elevated
	Model Version	AERMOD v 19091
Receptor [a]	Receptor Height	1.8 m
Meteorology [a]	Surface Station	N.Y. MINETA SN JO INTL APT (23293)
	Upper Air Station	OAKLAND/WSO AP (23230)
	MET Years	2014-2018
Source [b]	Source Type	Volume
	Release Height	86.9 m
	Side Length	20.0 m
	ILD	4.65 m
	IVD	1.40 m

NOTES:
a. Unchanged from the Draft EIR.
b. Consistent with the Draft EIR.

ABBREVIATIONS: m = meters, ILD = initial lateral dimension, IVD = initial vertical dimension

The receptor placements and domain were unchanged from the Draft EIR. Consistent with the Draft EIR, the cooling tower source was modeled with a release height corresponding to the building height. The supporting AERMOD input files are provided in Attachment A.

Summary of Results

The scenario in which a cooling tower would be located on Block H3 to service the residential buildings in the southern zone of the project resulted in minimal increases in annual average $PM_{2.5}$ concentrations to its surrounding sensitive receptors. Presented in **Table 3 – Scenario H3 Results**, are the maximum impacts for both existing off-site sensitive receptors and new on-site proposed project sensitive receptors. All results and calculations are presented in Attachment A.

TABLE 3
SCENARIO H3 RESULTS

Receptor Type	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)	UTM X	UTM Y
Existing Off-Site	0.0010	597642.1	4131043
New On-Site [a]	0.0005	597342.1	4131423

NOTES:
a. On-Site MERV13 filtration reductions not included

ABBREVIATION: $\mu g/m^3$ = micro grams per meter cubed

Although the proposed project would site new on-site sensitive receptors on the same project block as the scenario H3 cooling tower, the release height of the cooling tower disperses the emissions further down wind. **Figure 1 – Cooling Tower H3 Results** presents the annual average $PM_{2.5}$ concentrations at the nearest sensitive receptors from only the scenario H3 cooling tower.

The Draft EIR exposure assessment considers $PM_{2.5}$ exhaust emissions from construction and $PM_{2.5}$ exhaust and fugitive emissions from operations. Operational emissions were estimated starting when the first buildings are anticipated to be complete, occupied, and fully operational. The HRA analysis of annual average $PM_{2.5}$ concentrations represents the annual average concentration from all sources each year of project construction and operation at each sensitive receptor location. The highest $PM_{2.5}$ impact year occurred after full build out, which was defined as the sensitive receptor Scenario 3 in the Draft EIR. **Table 4 – Unmitigated Draft EIR Findings and Cooling Tower H3 Contributions** and **Table 5 – Mitigated Draft EIR Findings and Cooling Tower H3 Contributions** incorporate the scenario H3 results into the Draft EIR findings.

FIGURE 1
COOLING TOWER H3 RESULTS

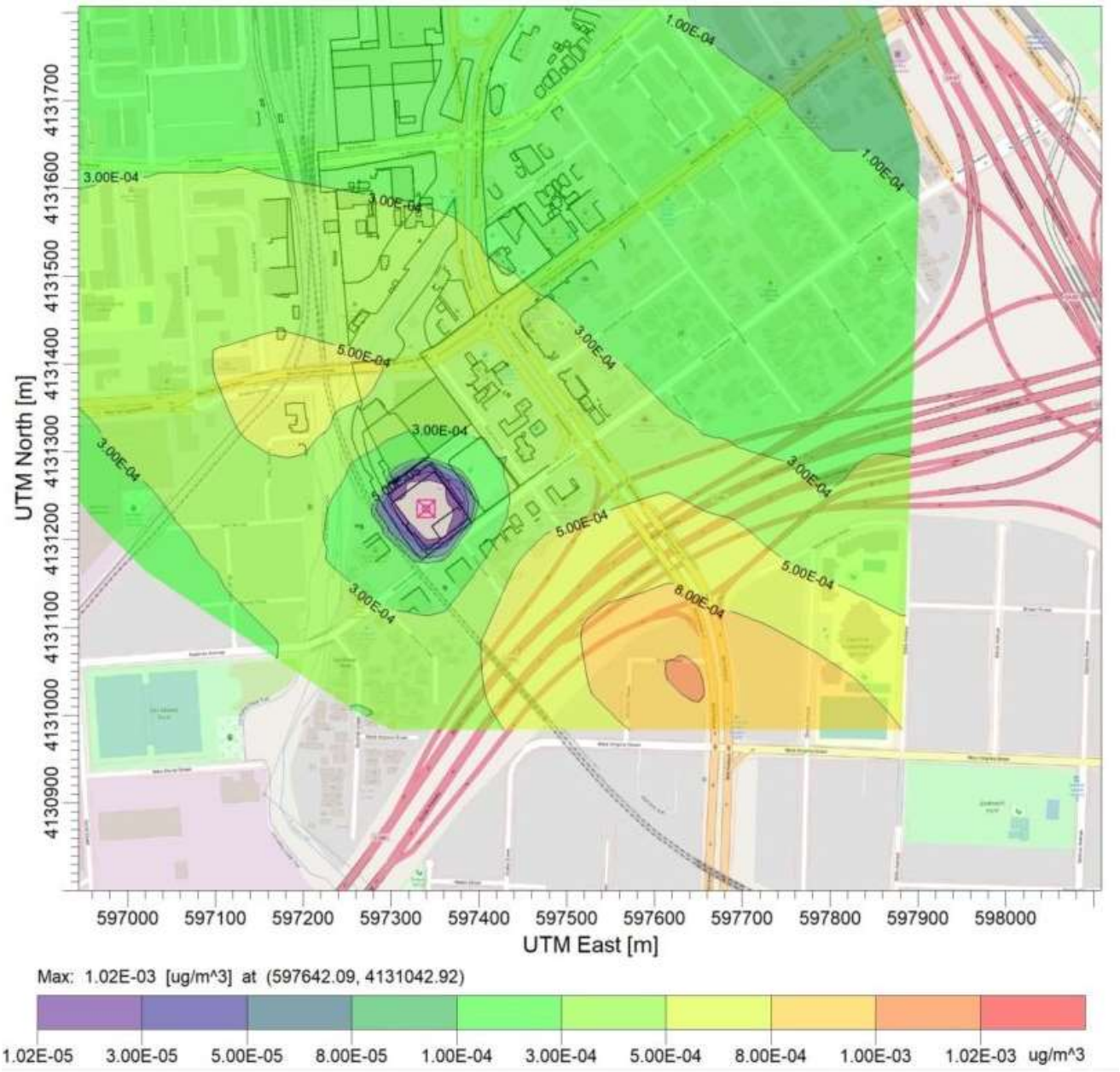


TABLE 4
UNMITIGATED DRAFT EIR FINDINGS AND COOLING TOWER H3 CONTRIBUTIONS

Receptor Type [a]	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)		
	Draft EIR Scenario 3	Scenario H3	Total with H3
Existing Off-Site	0.87	8.95E-05	0.87
New On-Site	0.64	9.13E-05	0.64
School Off-Site	0.13	1.44E-04	0.13
Childcare On-Site	0.43	3.61E-04	0.43

NOTES:
a. Receptor locations in Draft EIR. The only receptor in the H-blocks is the on-site childcare facility, which is located at Block H2.

ABBREVIATION: $\mu g/m^3$ = micro grams per meter cubed

TABLE 5
MITIGATED DRAFT EIR FINDINGS AND COOLING TOWER H3 CONTRIBUTIONS

Receptor Type [a]	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)		
	Draft EIR Scenario 3	Scenario H3	Total with H3
Existing Off-Site	0.74	8.95E-05	0.74
New On-Site	0.27	1.02E-04	0.27
School Off-Site	0.11	1.44E-04	0.11
Childcare On-Site	0.14	3.61E-04	0.14

NOTES:
a. Receptor locations in Draft EIR. The only receptor in the H-blocks is the on-site childcare facility, which is located at Block H2.

ABBREVIATION: $\mu g/m^3$ = micro grams per meter cubed

As presented in Table 4 and Table 5, the addition of a cooling tower with a1,100 HVAC ton capacity, located on Block H3 to service the residential buildings in the southern zone of the project would not, as compared to the Downtown West Mixed-Use Plan, result in a new significant impact or significant impacts that are substantially more severe than significant impacts previously disclosed.

Attachment A

GSJ Cooling Tower Memo

ESA

A-1 Cooling Tower Distribution Figure (As Received from Google and Le

Northern Utility Zone

Cooling towers would be needed in the Northern Utility Zone in a 2-CUP variant. Assume 6,000 tons if all buildings served by CUPs.

In BAU Setback, assume this is reduced to 4,600 tons

1,400 tons

600 tons

Temporary utilities including cooling towers may be installed at E1
Assume up to 2,900 tons

Cooling towers would be needed in the Southern Utility Zone in both 1-CUP and 2-CUP variants Assume 10,000 tons in 2-CUP variant, and 15,000 tons in 1-CUP variant, assuming all buildings are served by the CUP.

For the BAU Setback, assume this is reduced to 8,500 tons for 2-CUP variant, and 13,500 tons in the 1-CUP variant.

Southern Utility Zone

520 tons

1,100 tons

Legend

- Cooling towers or VRF
- Cooling towers
- Air Cooled Chillers

Note: No office buildings are provided with a fallback position of cooling towers

Legend

- Project boundary
- Approximate location of pedestrian mid-block passageways
- Private loading & service drives
- Office
- Residential
- Hotel
- Active uses (including commercial retail/restaurant, arts, cultural, institutional, child care and education, maker spaces, non-profit, small-format office space)
- Historic resources to remain
- Centralized utility plant and logistics hub areas

A-2 AERMOD Input – Cooling Tower H3

```
**
**************************************
**
** AERMOD Input Produced by:
** AERMOD View Ver. 9.8.3
** Lakes Environmental Software Inc.
** Date: 12/28/2020
** File: C:\Model\Confidential-San
Jose\SanJoseMU_Ops_1216_COOL\SanJoseMU_Ops_1216_COOL.ADI
**
**************************************
**
**
**************************************
** AERMOD Control Pathway
**************************************
**
**
CO STARTING
   TITLEONE C:\Model\Confidential-San Jose\SanJoseMU_Construction\SanJoseMU_Cons
   MODELOPT CONC
   AVERTIME 1 PERIOD
   URBANOPT 1836911 San_Jose-Sunnyvale-Santa_Clara,_CA_MSA
   POLLUTID TAC
   FLAGPOLE 1.80
   RUNORNOT RUN
   ERRORFIL SanJoseMU_Ops_1216_COOL.err
CO FINISHED
**
**************************************
** AERMOD Source Pathway
**************************************
**
**
SO STARTING
** Source Location **
** Source ID - Type - X Coord. - Y Coord. **
   LOCATION CT_H3        VOLUME     597340.000  4131235.000       30.980
** DESCRSRC Cooling tower H1
** Source Parameters **
   SRCPARAM CT_H3              1.0    86.870     4.651     1.395
**
** No Building Downwash **
**
   URBANSRC ALL
   SRCGROUP CT_H3    CT_H3
SO FINISHED
**
```

```
**************************************
** AERMOD Receptor Pathway
**************************************
**
**
RE STARTING
   INCLUDED SanJoseMU_Ops_1216_COOL.rou
RE FINISHED
**
**************************************
** AERMOD Meteorology Pathway
**************************************
**
**
ME STARTING
   SURFFILE MET2015796_2014_2018.SFC
   PROFFILE MET2015796_2014_2018.PFL
   SURFDATA 23293 2014
   UAIRDATA 23230 2014 OAKLAND/WSO_AP
   PROFBASE 7.92 METERS
ME FINISHED
**
**************************************
** AERMOD Output Pathway
**************************************
**
**
OU STARTING
   RECTABLE ALLAVE 1ST
   RECTABLE 1 1ST
** Auto-Generated Plotfiles
   PLOTFILE 1 CT_H3 1ST SANJOSEMU_OPS_1216_COOL.AD\01H1G001.PLT 31
   PLOTFILE PERIOD CT_H3 SANJOSEMU_OPS_1216_COOL.AD\PE00G000.PLT 32
   SUMMFILE SanJoseMU_Ops_1216_COOL.sum
OU FINISHED
**
**************************************
** Project Parameters
**************************************
** PROJCTN  CoordinateSystemUTM
** DESCPTN  UTM: Universal Transverse Mercator
** DATUM    World Geodetic System 1984
** DTMRGN   Global Definition
** UNITS    m
** ZONE     10
** ZONEINX  0
**
```

A-3 $PM_{2.5}$ Annual Average Concentration Calculation – Mitigated Operational, Full Buildout

lookup	X	Y	EG_A1A (59)	EG_A1B (60)	EG_A1C (61)	EG_B1A (62)	EG_B1B (63)	EG_C1A (64)	EG_C1B (65)	EG_C2A (66)	EG_C2B (67)	EG_C3 (68)	EG_D10 (69)	EG_D11 (70)	EG_D12 (71)	EG_D13 (72)	EG_D1A (73)	EG_D1B (74)	EG_D4A (75)
597302.09_4130982.9	597302	4130982.92	1.3925E-06	1.37812E-06	1.3E-06	1.5E-06	1.7E-06	1.2E-06	1.2E-06	1.5E-06	1.4E-06	1.2E-06	9.6E-07	9.20471E-07	8.09E-07	9.61E-07	1.07E-06	9.6955E-07	1.0171E-06
597322.09_4130982.9	597322	4130982.92	1.39978E-06	1.38502E-06	1.3E-06	1.6E-06	1.7E-06	1.3E-06	1.3E-06	1.6E-06	1.4E-06	1.2E-06	9.9E-07	9.71278E-07	8.41E-07	9.76E-07	1.11E-06	9.985E-07	1.05084E-06
597482.09_4130982.9	597482	4130982.92	1.66091E-06	1.6728E-06	1.6E-06	2E-06	2E-06	1.4E-06	1.5E-06	1.8E-06	1.6E-06	1.4E-06	1.3E-06	1.31427E-06	1.24E-06	1.08E-06	1.47E-06	1.3959E-06	1.36853E-06
597502.09_4130982.9	597502	4130982.92	1.72284E-06	1.6914E-06	1.6E-06	2.1E-06	2E-06	1.5E-06	1.6E-06	1.8E-06	1.6E-06	1.4E-06	1.3E-06	1.36086E-06	1.31E-06	1.07E-06	1.53E-06	1.456E-06	1.41301E-06
597522.09_4130982.9	597522	4130982.92	1.7539E-06	1.76521E-06	1.7E-06	2.2E-06	2.1E-06	1.5E-06	1.6E-06	1.9E-06	1.6E-06	1.4E-06	1.4E-06	1.41704E-06	1.38E-06	1.08E-06	1.59E-06	1.516E-06	1.45558E-06
597542.09_4130982.9	597542	4130982.92	1.81889E-06	1.78649E-06	1.7E-06	2.2E-06	2.1E-06	1.5E-06	1.7E-06	1.9E-06	1.6E-06	1.5E-06	1.4E-06	1.4759E-06	1.46E-06	1.11E-06	1.65E-06	1.5911E-06	1.51309E-06
597562.09_4130982.9	597562	4130982.92	1.84938E-06	1.80931E-06	1.8E-06	2.3E-06	2.2E-06	1.6E-06	1.7E-06	2E-06	1.6E-06	1.5E-06	1.5E-06	1.52747E-06	1.53E-06	1.15E-06	1.72E-06	1.6745E-06	1.5685E-06
597582.09_4130982.9	597582	4130982.92	1.91303E-06	1.88178E-06	1.8E-06	2.4E-06	2.2E-06	1.6E-06	1.8E-06	2E-06	1.6E-06	1.5E-06	1.5E-06	1.58096E-06	1.6E-06	1.19E-06	1.78E-06	1.7328E-06	1.61586E-06
597602.09_4130982.9	597602	4130982.92	1.9322E-06	1.90268E-06	1.9E-06	2.5E-06	2.3E-06	1.6E-06	1.8E-06	2.1E-06	1.6E-06	1.5E-06	1.6E-06	1.6519E-06	1.67E-06	1.24E-06	1.84E-06	1.7884E-06	1.66532E-06
597262.09_4131002.9	597262	4131002.92	1.37563E-06	1.36431E-06	1.3E-06	1.4E-06	1.7E-06	1.2E-06	1.2E-06	1.5E-06	1.3E-06	1.1E-06	9E-07	8.59694E-07	7.56E-07	9.36E-07	1.01E-06	9.5096E-07	9.68019E-07
597282.09_4131002.9	597282	4131002.92	1.37428E-06	1.36163E-06	1.3E-06	1.5E-06	1.7E-06	1.2E-06	1.2E-06	1.5E-06	1.4E-06	1.1E-06	9.3E-07	8.98614E-07	7.9E-07	9.42E-07	1.05E-06	9.661E-07	1.00004E-06
597302.09_4131002.9	597302	4131002.92	1.41263E-06	1.39902E-06	1.3E-06	1.5E-06	1.7E-06	1.2E-06	1.3E-06	1.6E-06	1.4E-06	1.2E-06	9.7E-07	9.41369E-07	8.29E-07	9.77E-07	1.09E-06	9.9026E-07	1.03666E-06
597322.09_4131002.9	597322	4131002.92	1.41953E-06	1.40573E-06	1.3E-06	1.6E-06	1.8E-06	1.3E-06	1.3E-06	1.6E-06	1.5E-06	1.2E-06	1E-06	9.85274E-07	8.66E-07	9.93E-07	1.13E-06	1.0165E-06	1.06887E-06
597342.09_4131002.9	597342	4131002.92	1.47034E-06	1.45404E-06	1.4E-06	1.7E-06	1.8E-06	1.3E-06	1.3E-06	1.7E-06	1.5E-06	1.2E-06	1E-06	1.02899E-06	9E-07	1.01E-06	1.16E-06	1.0464E-06	1.09973E-06

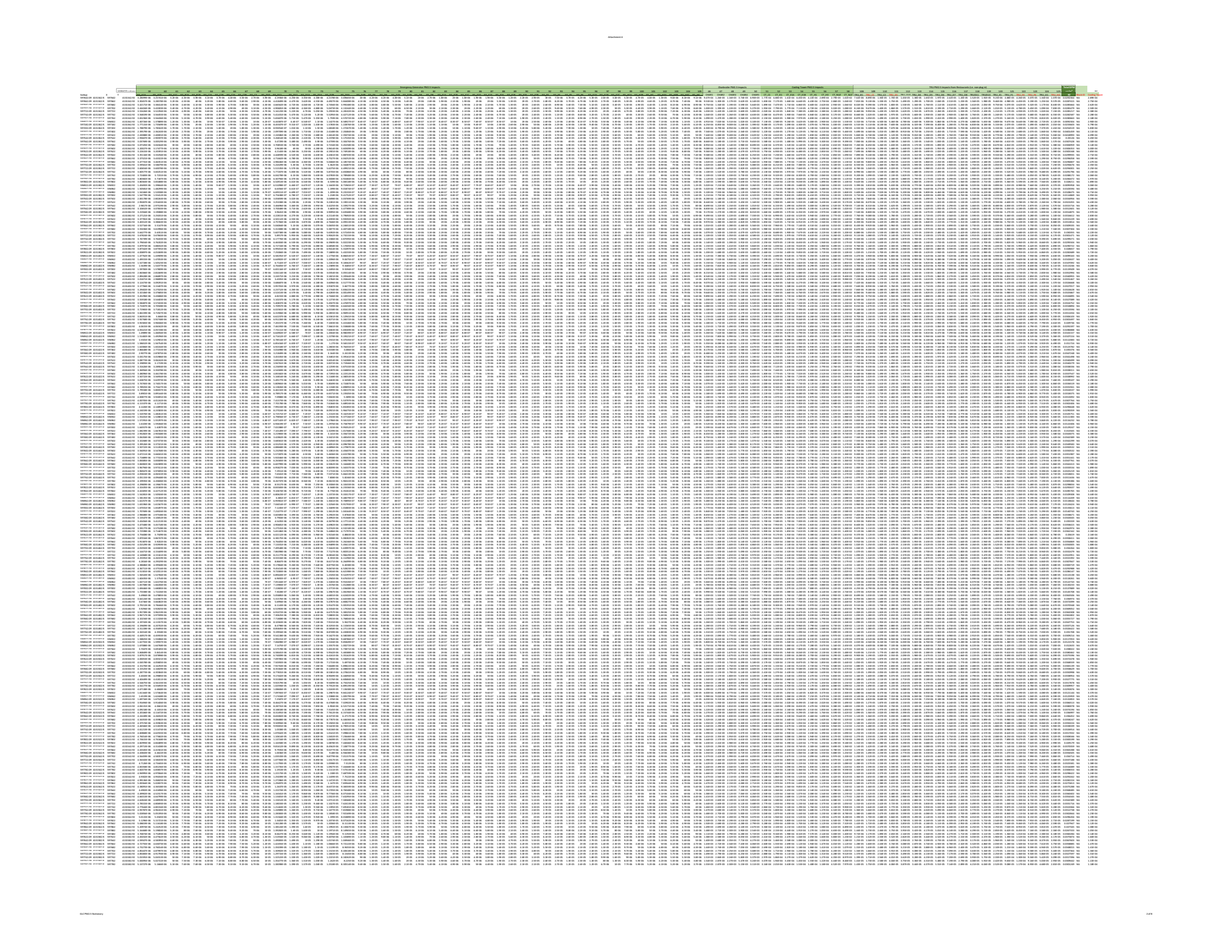
Emergency Generator PM2.5 Impacts (continued)

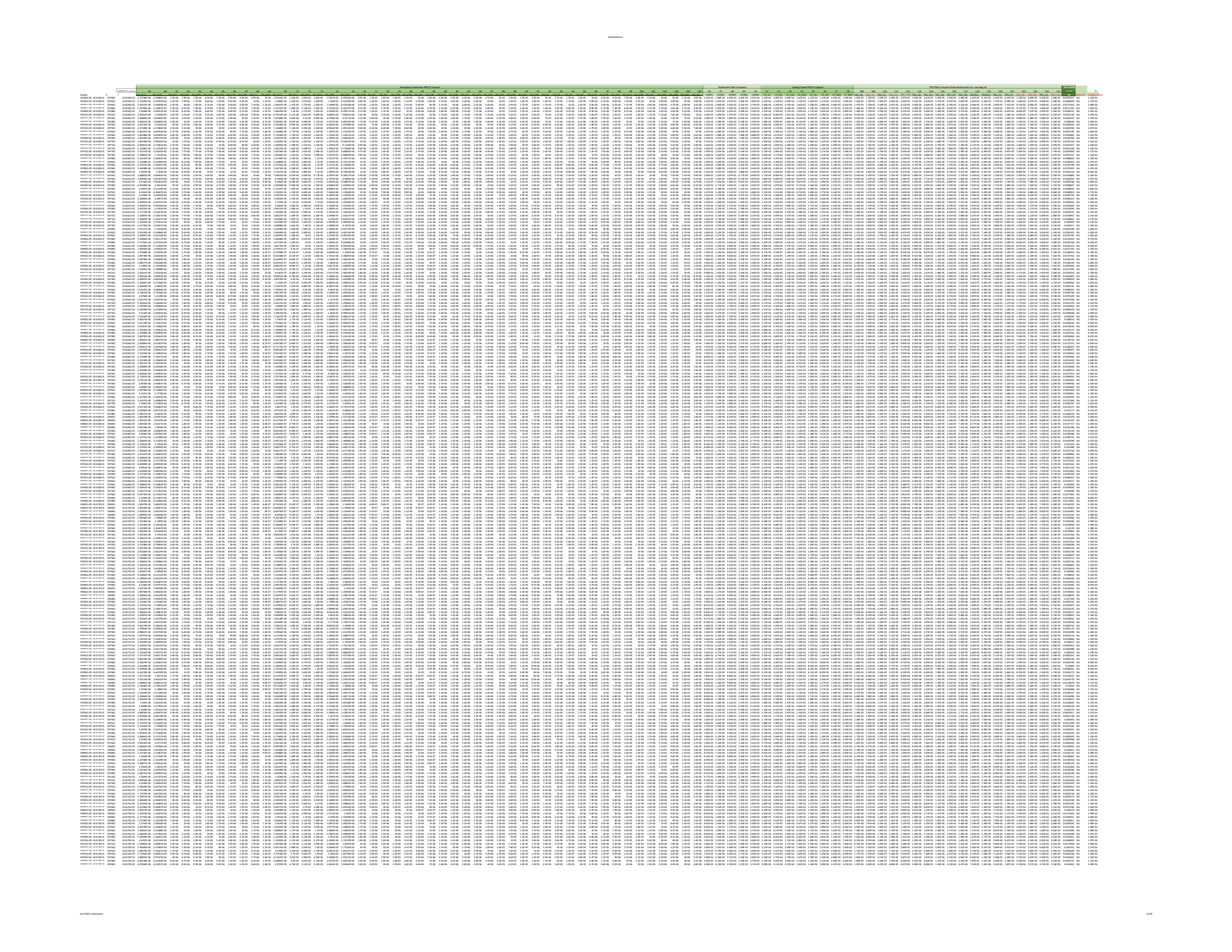
lookup	EG_D4B (76)	EG_D5 (77)	EG_D6 (78)	EG_D7A (79)	EG_D7B (80)	EG_D8 (81)	EG_D9 (82)	EG_E1A (83)	EG_E1B (84)	EG_E1C (85)	EG_E1D (86)	EG_E1E (87)	EG_F1A (88)	EG_F1B (89)	EG_F2A (90)	EG_F2B (91)	EG_F3 (92)	EG_F4 (93)	EG_F5 (94)	EG_F6 (95)	EG_G1A (96)	EG_G1B (97)	EG_G1C (98)	EG_H1A (99)	EG_H1B (100)	EG_H2 (101)
597302.09_4130982.9	1E-06	9.9E-07	1.1E-06	1.4E-06	1.3E-06	9E-07	9.2E-07	8.4E-07	8.4E-07	8.3E-07	7.9E-07	8.3E-07	1.9E-06	1.7E-06	2.6E-06	2.9E-06	2.7E-06	1.3E-06	3E-06	1.1E-06	2.6E-06	3.1E-06	3.1E-06	2.6E-06	2.4E-06	2.6E-06
597322.09_4130982.9	1E-06	1E-06	1.1E-06	1.4E-06	1.3E-06	9.2E-07	9.5E-07	8.5E-07	8.5E-07	8.4E-07	8E-07	8.5E-07	2E-06	1.8E-06	2.8E-06	3.1E-06	2.9E-06	1.4E-06	3.3E-06	1.2E-06	2.8E-06	3.3E-06	3.3E-06	2.9E-06	2.7E-06	2.9E-06
597482.09_4130982.9	1.4E-06	1.4E-06	1.5E-06	2E-06	1.9E-06	1.1E-06	1.2E-06	9.6E-07	1E-06	9.4E-07	9.6E-07	9.7E-07	2.6E-06	2.9E-06	3.3E-06	4.8E-06	4.1E-06	1.6E-06	5.7E-06	1.7E-06	6E-06	8.3E-06	6.8E-06	5.5E-06	5.9E-06	7.9E-06
597502.09_4130982.9	1.4E-06	1.4E-06	1.6E-06	2E-06	1.9E-06	1.2E-06	1.2E-06	9.9E-07	1E-06	9.7E-07	9.9E-07	1E-06	2.7E-06	3E-06	3.3E-06	4.8E-06	4.1E-06	1.6E-06	5.8E-06	1.7E-06	6.4E-06	9E-06	7.4E-06	5.9E-06	6.4E-06	8.7E-06
597522.09_4130982.9	1.5E-06	1.4E-06	1.6E-06	2.1E-06	2E-06	1.2E-06	1.2E-06	1E-06	1.1E-06	1E-06	1E-06	1E-06	2.7E-06	3.1E-06	3.4E-06	5E-06	4.2E-06	1.6E-06	6E-06	1.8E-06	6.7E-06	9.5E-06	7.8E-06	6.3E-06	7E-06	9.8E-06
597542.09_4130982.9	1.5E-06	1.5E-06	1.7E-06	2.1E-06	2E-06	1.2E-06	1.3E-06	1.1E-06	1.1E-06	1E-06	1.1E-06	1.1E-06	2.8E-06	3.2E-06	3.5E-06	5.2E-06	4.4E-06	1.7E-06	6.3E-06	1.9E-06	7.2E-06	1E-05	8.3E-06	6.8E-06	7.7E-06	1.1E-05
597562.09_4130982.9	1.6E-06	1.5E-06	1.7E-06	2.2E-06	2.1E-06	1.3E-06	1.3E-06	1.1E-06	1.2E-06	1.1E-06	1.1E-06	1.1E-06	2.8E-06	3.3E-06	3.7E-06	5.4E-06	4.5E-06	1.7E-06	6.6E-06	1.9E-06	7.5E-06	1.1E-05	8.7E-06	7.4E-06	8.3E-06	1.1E-05
597582.09_4130982.9	1.6E-06	1.6E-06	1.8E-06	2.2E-06	2.1E-06	1.3E-06	1.4E-06	1.1E-06	1.2E-06	1.1E-06	1.2E-06	1.2E-06	2.8E-06	3.4E-06	3.8E-06	5.6E-06	4.7E-06	1.9E-06	6.9E-06	2E-06	7.9E-06	1.1E-05	9E-06	7.9E-06	8.9E-06	1.2E-05
597602.09_4130982.9	1.7E-06	1.6E-06	1.9E-06	2.3E-06	2.2E-06	1.3E-06	1.4E-06	1.2E-06	1.3E-06	1.2E-06	1.2E-06	1.2E-06	2.9E-06	3.5E-06	4E-06	5.8E-06	4.9E-06	2E-06	7.2E-06	2.1E-06	8.2E-06	1.1E-05	9.3E-06	8.4E-06	9.5E-06	1.3E-05
597262.09_4131002.9	9.5E-07	9.4E-07	1E-06	1.3E-06	1.2E-06	8.7E-07	8.8E-07	8.3E-07	8.3E-07	8.2E-07	7.8E-07	8.3E-07	1.7E-06	1.5E-06	2.5E-06	2.8E-06	2.8E-06	1.2E-06	2.9E-06	1.1E-06	2.6E-06	3.1E-06	3.1E-06	2.3E-06	2.2E-06	2.5E-06
597282.09_4131002.9	9.8E-07	9.7E-07	1.1E-06	1.3E-06	1.2E-06	8.9E-07	9.1E-07	8.4E-07	8.4E-07	8.3E-07	7.9E-07	8.4E-07	1.8E-06	1.6E-06	2.8E-06	3.1E-06	3.1E-06	1.3E-06	3.2E-06	1.1E-06	2.7E-06	3.4E-06	3.2E-06	2.6E-06	2.7E-06	2.8E-06
597302.09_4131002.9	1E-06	1E-06	1.1E-06	1.4E-06	1.3E-06	9.2E-07	9.4E-07	8.5E-07	8.5E-07	8.4E-07	8E-07	8.4E-07	1.9E-06	1.8E-06	3.1E-06	3.4E-06	3.3E-06	1.4E-06	3.5E-06	1.2E-06	2.9E-06	3.7E-06	3.5E-06	3E-06	3.1E-06	3.3E-06
597322.09_4131002.9	1.1E-06	1E-06	1.1E-06	1.4E-06	1.4E-06	9.4E-07	9.7E-07	8.6E-07	8.7E-07	8.5E-07	8.1E-07	8.6E-07	2E-06	1.9E-06	3.4E-06	3.8E-06	3.6E-06	1.4E-06	4E-06	1.2E-06	3.1E-06	4E-06	3.8E-06	3.5E-06	3.6E-06	3.5E-06
597342.09_4131002.9	1.1E-06	1.1E-06	1.2E-06	1.5E-06	1.4E-06	9.6E-07	9.9E-07	8.8E-07	8.8E-07	8.6E-07	8.3E-07	8.7E-07	2.1E-06	2.2E-06	3.7E-06	4.3E-06	4E-06	1.5E-06	4.5E-06	1.3E-06	3.4E-06	4.3E-06	4E-06	4.1E-06	4.1E-06	3.8E-06

lookup	EG_H3A (102)	EG_H3B (103)	EG_H3C (104)	EG_H4 (105)	Charbroiler PM2.5 Impacts: CHAR1 (46)	CHAR2 (47)	CHAR3 (48)	CHAR4 (49)	CHAR5 (50)	Cooling Tower PM2.5 Impacts: CT_C1 (51)	CT_D1 (52)	CT_E1A (53)	CT_E1B (54)	CT_H1 (55)	CT_H3 (56)	CT_NUZ (57)	CT_SUZ (58)
597302.09_4130982.9	4.5E-06	5.8E-06	3.6E-06	4E-06	4.69E-04	5.38E-04	4.65E-04	8.38E-04	3.23E-03	9.22E-05	2.51E-05	8.67E-05	3.37E-05	4.54E-05	2.98E-04	1.18E-03	1.18E-03
597322.09_4130982.9	5.1E-06	6.7E-06	4.2E-06	4.3E-06	4.79E-04	5.52E-04	4.68E-04	8.72E-04	3.38E-03	9.41E-05	2.56E-05	8.74E-05	3.40E-05	4.69E-05	3.13E-04	1.21E-03	1.24E-03
597482.09_4130982.9	1.8E-05	2.1E-05	2.1E-05	1.2E-05	5.01E-04	6.36E-04	5.09E-04	9.71E-04	4.99E-03	1.11E-04	3.07E-05	9.45E-05	3.66E-05	6.52E-05	5.76E-04	1.44E-03	1.78E-03
597502.09_4130982.9	1.9E-05	2.3E-05	2.3E-05	1.3E-05	5.07E-04	6.42E-04	5.16E-04	9.76E-04	5.25E-03	1.14E-04	3.15E-05	9.57E-05	3.71E-05	6.88E-05	6.26E-04	1.47E-03	1.87E-03
597522.09_4130982.9	2.2E-05	2.5E-05	2.6E-05	1.5E-05	5.16E-04	6.59E-04	5.32E-04	1.00E-03	5.52E-03	1.17E-04	3.23E-05	9.72E-05	3.76E-05	7.30E-05	6.76E-04	1.52E-03	1.96E-03
597542.09_4130982.9	2.4E-05	2.7E-05	2.9E-05	1.7E-05	5.23E-04	6.72E-04	5.41E-04	1.03E-03	5.87E-03	1.20E-04	3.31E-05	9.87E-05	3.81E-05	7.75E-05	7.27E-04	1.56E-03	2.06E-03
597562.09_4130982.9	2.5E-05	2.9E-05	3E-05	1.9E-05	5.35E-04	6.86E-04	5.51E-04	1.05E-03	6.05E-03	1.23E-04	3.40E-05	1.00E-04	3.87E-05	8.23E-05	7.76E-04	1.60E-03	2.16E-03
597582.09_4130982.9	2.6E-05	2.9E-05	3.1E-05	2.1E-05	5.41E-04	6.90E-04	5.57E-04	1.07E-03	6.16E-03	1.26E-04	3.49E-05	1.02E-04	3.94E-05	8.74E-05	8.22E-04	1.64E-03	2.26E-03
597602.09_4130982.9	2.8E-05	3E-05	3.2E-05	2.3E-05	5.45E-04	6.86E-04	5.63E-04	1.08E-03	6.14E-03	1.30E-04	3.58E-05	1.04E-04	4.00E-05	9.29E-05	8.65E-04	1.68E-03	2.37E-03
597262.09_4131002.9	4E-06	5.2E-06	2.9E-06	3.6E-06	4.61E-04	5.36E-04	4.86E-04	8.34E-04	3.22E-03	8.93E-05	2.44E-05	8.64E-05	3.36E-05	4.49E-05	2.90E-04	1.15E-03	1.14E-03
597282.09_4131002.9	4.7E-06	6.2E-06	3.3E-06	4E-06	4.69E-04	5.44E-04	4.81E-04	8.53E-04	3.40E-03	9.10E-05	2.49E-05	8.70E-05	3.39E-05	4.63E-05	3.04E-04	1.18E-03	1.19E-03
597302.09_4131002.9	5.4E-06	7.3E-06	3.7E-06	4.4E-06	4.78E-04	5.53E-04	4.78E-04	8.78E-04	3.54E-03	9.28E-05	2.54E-05	8.76E-05	3.41E-05	4.78E-05	3.18E-04	1.20E-03	1.24E-03
597322.09_4131002.9	6.2E-06	8.5E-06	4.4E-06	4.8E-06	4.87E-04	5.66E-04	4.79E-04	9.12E-04	3.74E-03	9.47E-05	2.60E-05	8.83E-05	3.44E-05	4.94E-05	3.34E-04	1.23E-03	1.29E-03
597342.09_4131002.9	7.2E-06	9.7E-06	5.4E-06	5.4E-06	4.94E-04	5.77E-04	4.82E-04	9.50E-04	3.92E-03	9.66E-05	2.65E-05	8.91E-05	3.47E-05	5.11E-05	3.53E-04	1.26E-03	1.35E-03

TRU PM2.5 Impacts from Restaurants (i.e. non-plug in)

lookup	TRU_B1 (108)	TRU_C1 (109)	TRU_C2 (110)	TRU_D1 (111)	TRU_D10 (112)	TRU_D4 (113)	TRU_D5 (114)	TRU_D6 (115)	TRU_D7 (116)	TRU_D8 (117)	TRUD11 (118)	TRUD13 (119)	TRU_E1 (120)	TRU_F1 (121)	TRU_F4 (122)	TRU_F6 (123)	TRU_G1 (124)	TRU_H4 (125)	Total DPM µg/m³ (82)	Block ID	Cooling Tower (84)
597302.09_4130982.9	3.07E-06	3.41E-06	4.36E-06	4.65E-06	4.04E-06	3.98E-06	4.47E-06	4.89E-06	5.42E-06	3.63E-06	4.12E-06	4.72E-06	3.29E-06	7.78E-06	6.97E-06	6.05E-06	1.95E-05	4.83E-05	0.0087095	NA	2.98E-04
597322.09_4130982.9	3.13E-06	3.48E-06	5.22E-06	4.79E-06	4.16E-06	4.10E-06	4.60E-06	5.05E-06	5.60E-06	3.74E-06	4.24E-06	4.86E-06	3.37E-06	8.08E-06	7.23E-06	6.26E-06	2.02E-05	5.11E-05	0.0090317	NA	3.13E-04
597482.09_4130982.9	3.55E-06	3.95E-06	5.12E-06	5.69E-06	4.99E-06	4.90E-06	5.53E-06	6.14E-06	6.88E-06	4.44E-06	5.11E-06	5.90E-06	3.90E-06	1.03E-05	9.16E-06	7.79E-06	2.70E-05	8.84E-05	0.0121233	NA	5.76E-04
597502.09_4130982.9	3.61E-06	4.02E-06	5.21E-06	5.81E-06	5.10E-06	5.00E-06	5.65E-06	6.27E-06	7.05E-06	4.53E-06	5.22E-06	6.05E-06	3.99E-06	1.06E-05	9.43E-06	7.99E-06	2.81E-05	9.58E-05	0.0126116	NA	6.26E-04
597522.09_4130982.9	3.71E-06	4.14E-06	6.02E-06	6.00E-06	5.28E-06	5.16E-06	5.84E-06	6.49E-06	7.31E-06	4.69E-06	5.41E-06	6.28E-06	4.14E-06	1.11E-05	9.84E-06	8.31E-06	2.94E-05	1.04E-04	0.0131789	NA	6.76E-04
597542.09_4130982.9	3.79E-06	4.23E-06	6.12E-06	6.15E-06	5.41E-06	5.28E-06	5.99E-06	6.67E-06	7.52E-06	4.80E-06	5.56E-06	6.46E-06	4.25E-06	1.15E-05	1.02E-05	8.57E-06	3.06E-05	1.12E-04	0.0138034	NA	7.27E-04
597562.09_4130982.9	3.88E-06	4.33E-06	6.22E-06	6.31E-06	5.56E-06	5.41E-06	6.14E-06	6.85E-06	7.75E-06	4.92E-06	5.71E-06	6.65E-06	4.38E-06	1.19E-05	1.05E-05	8.84E-06	3.19E-05	1.19E-04	0.0142799	NA	7.76E-04
597582.09_4130982.9	3.96E-06	4.42E-06	6.32E-06	6.47E-06	5.69E-06	5.53E-06	6.29E-06	7.03E-06	7.96E-06	5.02E-06	5.84E-06	6.82E-06	4.49E-06	1.24E-05	1.09E-05	9.10E-06	3.31E-05	1.25E-04	0.0146451	NA	8.22E-04
597602.09_4130982.9	4.05E-06	4.52E-06	6.43E-06	6.63E-06	5.81E-06	5.65E-06	6.43E-06	7.20E-06	8.17E-06	5.12E-06	5.97E-06	6.98E-06	4.59E-06	1.28E-05	1.12E-05	9.37E-06	3.43E-05	1.29E-04	0.0148677	NA	8.65E-04
597262.09_4131002.9	3.06E-06	3.39E-06	4.32E-06	4.57E-06	4.00E-06	3.91E-06	4.40E-06	4.82E-06	5.35E-06	3.60E-06	4.09E-06	4.68E-06	3.29E-06	7.62E-06	6.88E-06	5.96E-06	1.94E-05	4.73E-05	0.0086199	NA	2.90E-04
597282.09_4131002.9	3.10E-06	3.44E-06	4.40E-06	4.68E-06	4.08E-06	4.00E-06	4.50E-06	4.94E-06	5.48E-06	3.67E-06	4.17E-06	4.77E-06	3.34E-06	7.86E-06	7.06E-06	6.11E-06	2.00E-05	5.02E-05	0.0089249	NA	3.04E-04
597302.09_4131002.9	3.14E-06	3.50E-06	4.48E-06	4.79E-06	4.16E-06	4.09E-06	4.60E-06	5.05E-06	5.61E-06	3.73E-06	4.25E-06	4.87E-06	3.38E-06	8.10E-06	7.25E-06	6.26E-06	2.07E-05	5.33E-05	0.0092167	NA	3.18E-04
597322.09_4131002.9	3.20E-06	3.57E-06	5.35E-06	4.93E-06	4.27E-06	4.21E-06	4.74E-06	5.21E-06	5.79E-06	3.83E-06	4.36E-06	5.01E-06	3.46E-06	8.41E-06	7.50E-06	6.47E-06	2.14E-05	5.67E-05	0.0095913	NA	3.34E-04
597342.09_4131002.9	3.26E-06	3.63E-06	5.43E-06	5.07E-06	4.39E-06	4.33E-06	4.88E-06	5.37E-06	5.97E-06	3.93E-06	4.48E-06	5.15E-06	3.53E-06	8.71E-06	7.77E-06	6.69E-06	2.22E-05	6.03E-05	0.0099578	NA	3.53E-04





lookup	X	Y	59 EG_A1A	60 EG_A1B	61 EG_A1C	62 EG_B1A	63 EG_B1B	64 EG_C1A	65 EG_C1B	66 EG_C2A	67 EG_C2B	68 EG_C3	69 EG_D10	70 EG_D11	71 EG_D12
597642.09 4131782.9	597642	4131782.92	6.38118E-06	6.478E-06	6.5E-06	9.6E-06	1E-05	9E-06	1E-05	1.5E-05	1.6E-05	9.4E-06	2.9E-05	5.40741E-05	5.31E-05
597662.09 4131782.9	597662	4131782.92	6.36162E-06	6.59936E-06	6.6E-06	9.8E-06	1.1E-05	9.3E-06	1E-05	1.5E-05	1.6E-05	9.7E-06	3E-05	5.47066E-05	5.37E-05
596922.09 4131802.9	596922	4131802.92	2.12048E-06	2.08194E-06	1.8E-06	1.9E-06	2E-06	1.6E-06	1.5E-06	2.1E-06	1.7E-06	1.5E-06	1E-06	1.12466E-06	1.23E-06
596942.09 4131802.9	596942	4131802.92	2.18509E-06	2.14674E-06	1.9E-06	2E-06	2E-06	1.6E-06	1.6E-06	2.1E-06	1.8E-06	1.6E-06	1E-06	1.12619E-06	1.23E-06
596962.09 4131802.9	596962	4131802.92	2.24356E-06	2.22573E-06	1.9E-06	2E-06	2.1E-06	1.7E-06	1.6E-06	2.2E-06	1.8E-06	1.6E-06	1.1E-06	1.12485E-06	1.24E-06
596982.09 4131802.9	596982	4131802.92	2.2681E-06	2.26791E-06	2E-06	2E-06	2.2E-06	1.8E-06	1.7E-06	2.3E-06	1.9E-06	1.6E-06	1.1E-06	1.11948E-06	1.24E-06
597002.09 4131802.9	597002	4131802.92	2.3191E-06	2.32716E-06	2.1E-06	2E-06	2.3E-06	1.8E-06	1.7E-06	2.3E-06	2E-06	1.7E-06	1.1E-06	1.12121E-06	1.24E-06
597022.09 4131802.9	597022	4131802.92	2.38448E-06	2.3956E-06	2.1E-06	2E-06	2.4E-06	1.9E-06	1.8E-06	2.4E-06	2E-06	1.7E-06	1.1E-06	1.13386E-06	1.26E-06
597042.09 4131802.9	597042	4131802.92	2.45542E-06	2.47057E-06	2.2E-06	2.1E-06	2.5E-06	2E-06	1.9E-06	2.5E-06	2.1E-06	1.7E-06	1.1E-06	1.13808E-06	1.25E-06
597062.09 4131802.9	597062	4131802.92	2.52061E-06	2.53499E-06	2.3E-06	2.2E-06	2.6E-06	2.1E-06	2E-06	2.6E-06	2.2E-06	1.8E-06	1.2E-06	1.16454E-06	1.24E-06
597082.09 4131802.9	597082	4131802.92	2.59749E-06	2.59538E-06	2.4E-06	2.2E-06	2.8E-06	2.1E-06	2.1E-06	2.7E-06	2.3E-06	1.8E-06	1.2E-06	1.19387E-06	1.28E-06
597102.09 4131802.9	597102	4131802.92	2.69297E-06	2.68779E-06	2.5E-06	2.3E-06	2.9E-06	2.3E-06	2.3E-06	2.9E-06	2.5E-06	1.9E-06	1.2E-06	1.17623E-06	1.27E-06
597122.09 4131802.9	597122	4131802.92	2.77445E-06	2.76812E-06	2.6E-06	2.4E-06	3E-06	2.3E-06	2.4E-06	3E-06	2.6E-06	1.9E-06	1.2E-06	1.18294E-06	1.28E-06
597502.09 4131802.9	597502	4131802.92	5.78108E-06	5.71992E-06	5.8E-06	7.8E-06	8.6E-06	7.2E-06	8.5E-06	1.2E-05	1.8E-05	6.8E-06	2.3E-05	3.52385E-05	3.46E-05

Emergency Generator PM2.5 Impacts (continued)

lookup	72 EG_D13	73 EG_D1A	74 EG_D1B	75 EG_D4A	76 EG_D4B	77 EG_D5	78 EG_D6	79 EG_D7A	80 EG_D7B	81 EG_D8	82 EG_D9	83 EG_E1A	84 EG_E1B	85 EG_E1C	86 EG_E1D	87 EG_E1E	88 EG_F1A	89 EG_F1B
597642.09 4131782.9	3.29E-05	3.38E-05	2.857E-05	2.03213E-05	2.5E-05	5.5E-05	3.2E-05	2.9E-05	4.5E-05	5.7E-06	7.5E-06	4.5E-06	5.4E-06	4.2E-06	5.2E-06	4.8E-06	3.4E-05	5.7E-05
597662.09 4131782.9	3.34E-05	3.31E-05	2.8106E-05	2.02488E-05	2.5E-05	5.6E-05	3.3E-05	2.9E-05	4.3E-05	6.3E-06	8.1E-06	4.9E-06	6E-06	4.6E-06	5.9E-06	5.3E-06	3.3E-05	5.1E-05
596922.09 4131802.9	2.23E-06	1.73E-06	1.4958E-06	1.23969E-06	1.3E-06	1.1E-06	1.4E-06	2.3E-06	3.3E-06	9.6E-07	9.9E-07	1.5E-06	1.4E-06	1.5E-06	1.3E-06	1.5E-06	2.4E-06	4.4E-06
596942.09 4131802.9	2.26E-06	1.79E-06	1.5802E-06	1.28667E-06	1.4E-06	1.1E-06	1.4E-06	2.2E-06	3.3E-06	1E-06	1E-06	1.5E-06	1.4E-06	1.5E-06	1.3E-06	1.5E-06	2.5E-06	5.1E-06
596962.09 4131802.9	2.25E-06	1.86E-06	1.6797E-06	1.33881E-06	1.5E-06	1.1E-06	1.5E-06	2.3E-06	3.4E-06	1E-06	1E-06	1.5E-06	1.4E-06	1.5E-06	1.3E-06	1.5E-06	2.5E-06	5.6E-06
596982.09 4131802.9	2.28E-06	1.93E-06	1.7777E-06	1.38943E-06	1.6E-06	1.1E-06	1.5E-06	2.3E-06	3.5E-06	1.1E-06	1E-06	1.5E-06	1.4E-06	1.5E-06	1.3E-06	1.5E-06	2.6E-06	6.2E-06
597002.09 4131802.9	2.3E-06	2.01E-06	1.8914E-06	1.4364E-06	1.7E-06	1.2E-06	1.5E-06	2.3E-06	3.5E-06	1.1E-06	1E-06	1.5E-06	1.4E-06	1.5E-06	1.3E-06	1.5E-06	2.6E-06	7.3E-06
597022.09 4131802.9	2.3E-06	2.09E-06	2.0072E-06	1.49584E-06	1.7E-06	1.2E-06	1.6E-06	2.3E-06	3.5E-06	1.2E-06	1.1E-06	1.5E-06	1.4E-06	1.6E-06	1.4E-06	1.6E-06	2.6E-06	8.3E-06
597042.09 4131802.9	2.33E-06	2.17E-06	2.1287E-06	1.5593E-06	1.8E-06	1.2E-06	1.6E-06	2.3E-06	3.5E-06	1.3E-06	1.1E-06	1.6E-06	1.5E-06	1.6E-06	1.4E-06	1.6E-06	2.6E-06	9.2E-06
597062.09 4131802.9	2.35E-06	2.25E-06	2.265E-06	1.62947E-06	1.7E-06	1.3E-06	1.6E-06	2.3E-06	3.6E-06	1.3E-06	1.1E-06	1.6E-06	1.5E-06	1.6E-06	1.4E-06	1.6E-06	2.6E-06	1E-05
597082.09 4131802.9	2.34E-06	2.34E-06	2.3734E-06	1.71134E-06	1.8E-06	1.3E-06	1.7E-06	2.3E-06	3.5E-06	1.4E-06	1.1E-06	1.6E-06	1.5E-06	1.6E-06	1.4E-06	1.6E-06	2.6E-06	1.1E-05
597102.09 4131802.9	2.35E-06	2.46E-06	2.4825E-06	1.80662E-06	1.9E-06	1.3E-06	1.7E-06	2.3E-06	3.6E-06	1.5E-06	1.2E-06	1.6E-06	1.5E-06	1.6E-06	1.4E-06	1.6E-06	2.5E-06	1.3E-05
597122.09 4131802.9	2.35E-06	2.63E-06	2.5467E-06	1.9161E-06	2E-06	1.4E-06	1.8E-06	2.3E-06	3.5E-06	1.5E-06	1.2E-06	1.6E-06	1.5E-06	1.6E-06	1.4E-06	1.6E-06	2.5E-06	1.4E-05
597502.09 4131802.9	4.79E-05	2.83E-05	3.5458E-05	1.86008E-05	2.2E-05	3.9E-05	4.7E-05	3.7E-05	7.1E-05	3.8E-06	7.2E-06	2.9E-06	3.1E-06	2.8E-06	2.8E-06	2.9E-06	4.3E-05	7.1E-05

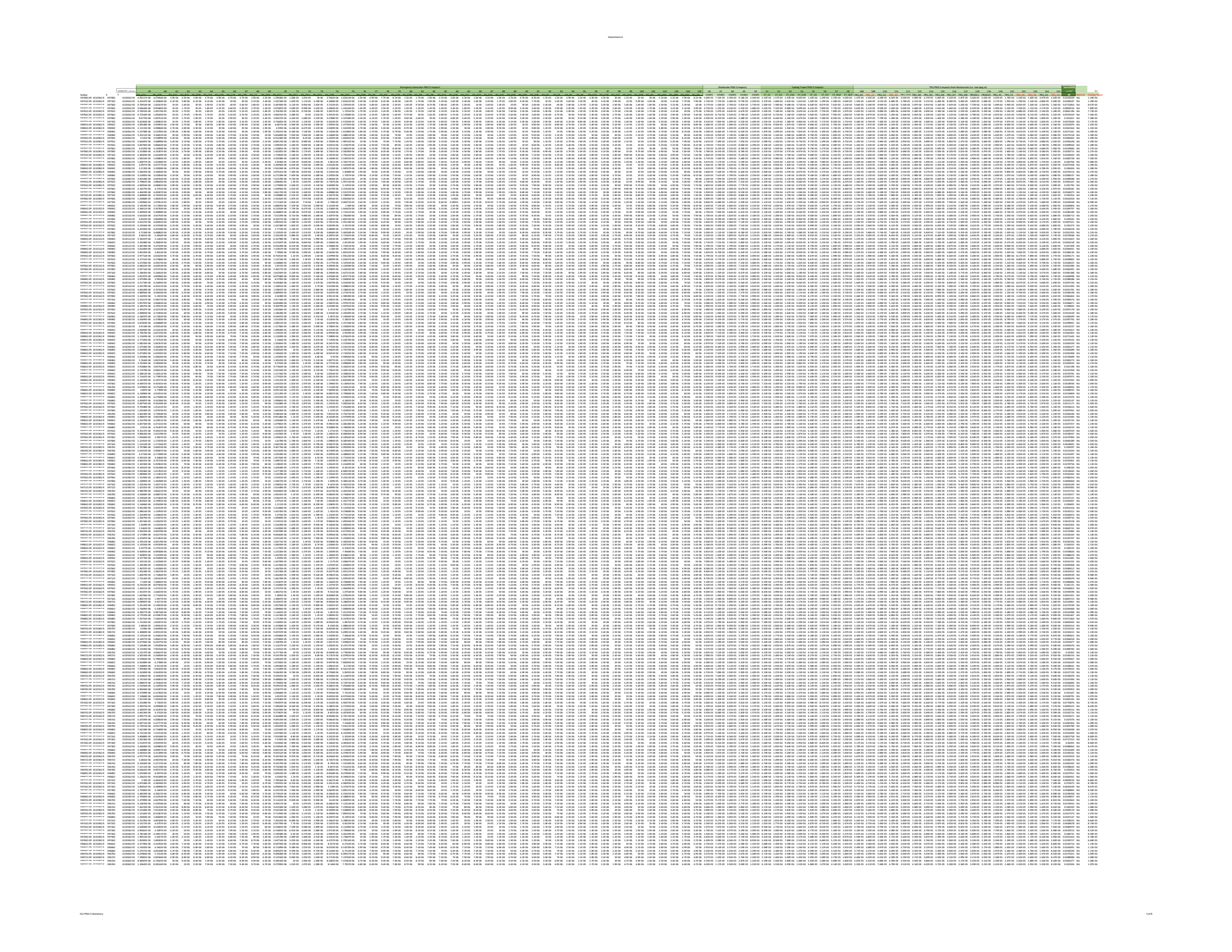
lookup	90 EG_F2A	91 EG_F2B	92 EG_F3	93 EG_F4	94 EG_F5	95 EG_F6	96 EG_G1A	97 EG_G1B	98 EG_G1C	99 EG_H1A	100 EG_H1B	101 EG_H2	102 EG_H3A	103 EG_H3B	104 EG_H3C	105 EG_H4
597642.09 4131782.9	1.6E-05	1.2E-05	8.6E-06	5.3E-05	1.2E-05	5.7E-05	6.1E-06	7.6E-06	6.9E-06	2.1E-06	2.1E-06	2.5E-06	3.4E-06	4.2E-06	3.1E-06	4.5E-06
597662.09 4131782.9	1.6E-05	1.1E-05	8.5E-06	4.9E-05	1E-05	5.4E-05	5.8E-06	6.8E-06	6.3E-06	2.2E-06	2.1E-06	2.5E-06	3.4E-06	4.1E-06	3.1E-06	4.4E-06
596922.09 4131802.9	6.7E-06	9.3E-06	1.3E-05	2.9E-06	7.5E-06	3.2E-06	8.7E-06	1.1E-05	8.3E-06	1.5E-05	1.4E-05	1.1E-05	1E-05	9E-06	1.4E-05	1.4E-05
596942.09 4131802.9	7.6E-06	9.7E-06	1.4E-05	3E-06	7.7E-06	3.2E-06	8.9E-06	1.1E-05	8.4E-06	1.6E-05	1.4E-05	1.1E-05	1E-05	8.9E-06	1.4E-05	1.4E-05
596962.09 4131802.9	8.5E-06	1E-05	1.5E-05	3.2E-06	7.9E-06	3.3E-06	9E-06	1E-05	8.5E-06	1.6E-05	1.5E-05	1.1E-05	1E-05	8.8E-06	1.4E-05	1.4E-05
596982.09 4131802.9	8.7E-06	1.1E-05	1.6E-05	3.1E-06	7.9E-06	3.4E-06	9E-06	9.3E-06	8.4E-06	1.7E-05	1.5E-05	1.1E-05	1E-05	8.6E-06	1.4E-05	1.4E-05
597002.09 4131802.9	1E-05	1.3E-05	2E-05	3.2E-06	7.8E-06	3.4E-06	9.1E-06	8.3E-06	8.2E-06	1.8E-05	1.6E-05	1.1E-05	9.9E-06	8.5E-06	1.4E-05	1.4E-05
597022.09 4131802.9	1.2E-05	1.5E-05	2.7E-05	3.3E-06	7.6E-06	3.5E-06	9.2E-06	7.3E-06	7.9E-06	1.9E-05	1.7E-05	1.1E-05	9.6E-06	8.3E-06	1.3E-05	1.4E-05
597042.09 4131802.9	1.3E-05	1.7E-05	3.1E-05	3.4E-06	7.1E-06	3.5E-06	9.4E-06	6.3E-06	7.3E-06	2.2E-05	1.8E-05	1E-05	9.3E-06	8.1E-06	1.3E-05	1.4E-05
597062.09 4131802.9	1.3E-05	1.9E-05	3.5E-05	3.5E-06	6.6E-06	3.6E-06	9.3E-06	5.4E-06	6.7E-06	2.5E-05	2.1E-05	9.8E-06	9E-06	7.9E-06	1.3E-05	1.4E-05
597082.09 4131802.9	1.3E-05	1.8E-05	3.6E-05	3.6E-06	5.8E-06	3.6E-06	9E-06	4.7E-06	5.9E-06	2.9E-05	2.5E-05	9.2E-06	8.8E-06	7.8E-06	1.3E-05	1.3E-05
597102.09 4131802.9	1.3E-05	1.7E-05	3.5E-05	3.8E-06	4.9E-06	3.6E-06	8.4E-06	4.2E-06	5E-06	3.1E-05	2.8E-05	8.6E-06	8.5E-06	7.7E-06	1.2E-05	1.3E-05
597122.09 4131802.9	1.3E-05	1.6E-05	3.4E-05	3.8E-06	4.1E-06	3.6E-06	7.5E-06	3.8E-06	4.2E-06	3.3E-05	3.1E-05	8E-06	8.2E-06	7.5E-06	1.2E-05	1.3E-05
597502.09 4131802.9	1.3E-05	7.1E-06	3.4E-06	8E-05	1.1E-05	8.3E-05	4.8E-06	1.1E-05	7.3E-06	2.8E-06	2.6E-06	2.5E-06	3.3E-06	4.5E-06	3.6E-06	5.7E-06

Charbroiler PM2.5 Impacts / Cooling Tower PM2.5 Impacts

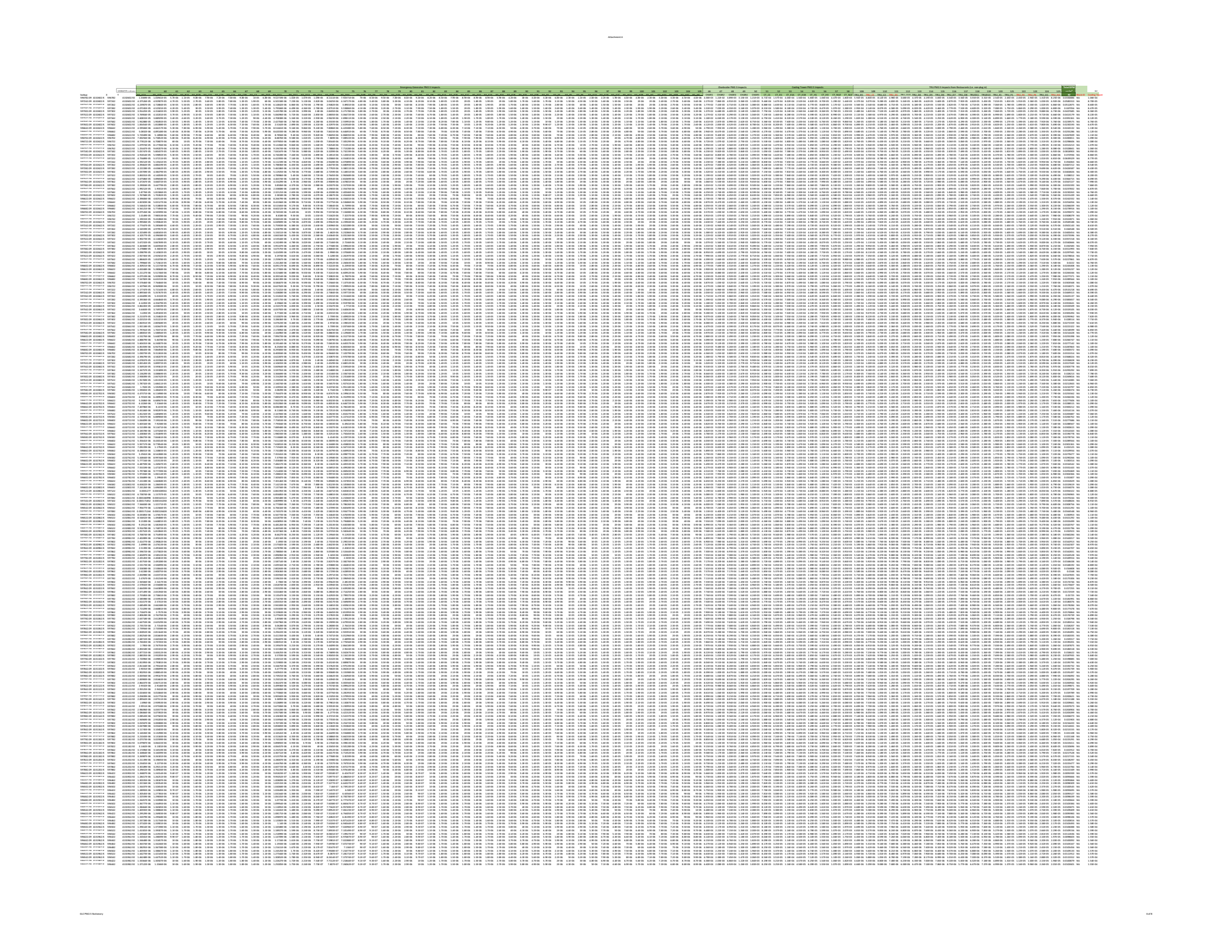
lookup	46 CHAR1	47 CHAR2	48 CHAR3	49 CHAR4	50 CHAR5	51 CT_C1	52 CT_D1	53 CT_E1A	54 CT_E1B	55 CT_H1	56 CT_H3	57 CT_NUZ	58 CT_SUZ
597642.09 4131782.9	2.10E-03	6.02E-03	3.98E-03	1.07E-02	2.65E-03	4.19E-04	3.46E-04	4.57E-04	1.99E-04	1.14E-04	1.03E-04	5.30E-03	3.84E-03
597662.09 4131782.9	2.10E-03	5.85E-03	4.04E-03	9.59E-03	2.61E-03	4.32E-04	3.61E-04	4.82E-04	2.10E-04	1.09E-04	1.00E-04	5.38E-03	3.66E-03
596922.09 4131802.9	8.78E-04	1.51E-03	1.01E-03	3.08E-03	3.34E-03	9.78E-05	5.18E-05	1.39E-04	5.43E-05	1.31E-04	1.92E-04	1.37E-03	4.83E-03
596942.09 4131802.9	8.84E-04	1.54E-03	1.03E-03	3.49E-03	3.35E-03	9.95E-05	5.38E-05	1.42E-04	5.56E-05	1.37E-04	1.91E-04	1.40E-03	5.19E-03
596962.09 4131802.9	9.25E-04	1.66E-03	1.09E-03	3.90E-03	3.43E-03	1.02E-04	5.60E-05	1.46E-04	5.71E-05	1.44E-04	1.91E-04	1.46E-03	5.58E-03
596982.09 4131802.9	8.92E-04	1.61E-03	1.07E-03	4.00E-03	3.40E-03	1.03E-04	5.79E-05	1.49E-04	5.84E-05	1.49E-04	1.90E-04	1.47E-03	5.97E-03
597002.09 4131802.9	9.07E-04	1.68E-03	1.10E-03	4.55E-03	3.45E-03	1.06E-04	6.02E-05	1.53E-04	6.00E-05	1.56E-04	1.90E-04	1.52E-03	6.38E-03
597022.09 4131802.9	9.43E-04	1.83E-03	1.19E-03	5.18E-03	3.54E-03	1.09E-04	6.28E-05	1.58E-04	6.20E-05	1.62E-04	1.90E-04	1.60E-03	6.80E-03
597042.09 4131802.9	9.79E-04	1.98E-03	1.26E-03	5.80E-03	3.55E-03	1.12E-04	6.56E-05	1.63E-04	6.40E-05	1.68E-04	1.90E-04	1.67E-03	7.20E-03
597062.09 4131802.9	9.91E-04	2.07E-03	1.32E-03	6.31E-03	3.54E-03	1.16E-04	6.82E-05	1.67E-04	6.60E-05	1.73E-04	1.89E-04	1.73E-03	7.55E-03
597082.09 4131802.9	9.55E-04	2.01E-03	1.28E-03	6.63E-03	3.46E-03	1.19E-04	7.05E-05	1.71E-04	6.78E-05	1.78E-04	1.88E-04	1.76E-03	7.83E-03
597102.09 4131802.9	1.05E-03	2.38E-03	1.50E-03	7.60E-03	3.69E-03	1.25E-04	7.41E-05	1.78E-04	7.07E-05	1.83E-04	1.88E-04	1.89E-03	7.97E-03
597122.09 4131802.9	1.01E-03	2.27E-03	1.35E-03	7.85E-03	3.51E-03	1.29E-04	7.64E-05	1.83E-04	7.27E-05	1.86E-04	1.87E-04	1.92E-03	7.97E-03
597502.09 4131802.9	2.09E-03	9.67E-03	4.16E-03	2.12E-02	2.85E-03	3.37E-04	2.45E-04	3.65E-04	1.61E-04	1.47E-04	1.22E-04	4.74E-03	4.97E-03

TRU PM2.5 Impacts from Restaurants (i.e. non-plug in)

lookup	108 TRU_B1	109 TRU_C1	110 TRU_C2	111 TRU_D1	112 TRU_D10	113 TRU_D4	114 TRU_D5	115 TRU_D6	116 TRU_D7	117 TRU_D8	118 TRUD11	119 TRUD13	120 TRU_E1	121 TRU_F1	122 TRU_F4	123 TRU_F6	124 TRU_G1	125 TRU_H4	Total DPM ug/m³ 82	Block ID	94 Cooling Tower
597642.09 4131782.9	1.98E-05	2.57E-05	4.28E-05	8.14E-05	7.48E-05	6.38E-05	9.19E-05	1.32E-04	2.00E-04	4.86E-05	8.52E-05	1.56E-04	3.98E-05	1.42E-04	2.59E-04	2.60E-04	4.14E-05	2.19E-05	0.0388693	NA	1.03E-04
597662.09 4131782.9	2.00E-05	2.60E-05	4.27E-05	8.08E-05	7.83E-05	6.55E-05	9.30E-05	1.31E-04	1.90E-04	5.10E-05	8.94E-05	1.60E-04	4.19E-05	1.26E-04	2.19E-04	2.33E-04	3.90E-05	2.11E-05	0.0374888	NA	1.00E-04
596922.09 4131802.9	6.27E-06	7.47E-06	1.46E-05	1.30E-05	1.04E-05	1.01E-05	1.22E-05	1.43E-05	2.03E-05	8.77E-06	1.07E-05	1.62E-05	7.45E-06	3.61E-05	2.72E-05	2.32E-05	9.54E-05	4.33E-05	0.0172778	NA	1.92E-04
596942.09 4131802.9	6.39E-06	7.59E-06	1.50E-05	1.34E-05	1.07E-05	1.03E-05	1.26E-05	1.48E-05	2.14E-05	8.96E-06	1.10E-05	1.37E-05	7.60E-06	3.90E-05	2.91E-05	2.46E-05	1.04E-04	4.36E-05	0.0181671	NA	1.91E-04
596962.09 4131802.9	6.71E-06	7.97E-06	1.55E-05	1.94E-05	1.13E-05	1.10E-05	1.77E-05	2.02E-05	2.27E-05	9.50E-06	1.17E-05	1.79E-05	8.00E-06	4.25E-05	3.12E-05	2.63E-05	1.15E-04	4.39E-05	0.0194138	NA	1.91E-04
596982.09 4131802.9	6.68E-06	7.87E-06	1.59E-05	1.42E-05	1.12E-05	1.09E-05	1.33E-05	1.58E-05	1.91E-05	9.37E-06	1.17E-05	1.47E-05	7.92E-06	4.03E-05	2.98E-05	2.33E-05	1.25E-04	4.39E-05	0.019774	NA	1.90E-04
597002.09 4131802.9	6.91E-06	8.12E-06	1.64E-05	1.49E-05	1.17E-05	1.13E-05	1.39E-05	1.66E-05	2.02E-05	9.71E-06	1.21E-05	1.54E-05	8.18E-06	4.40E-05	3.60E-05	2.48E-05	1.35E-04	4.38E-05	0.0210103	NA	1.90E-04
597022.09 4131802.9	7.29E-06	8.59E-06	1.69E-05	1.60E-05	1.25E-05	1.21E-05	1.50E-05	2.36E-05	2.72E-05	1.04E-05	1.30E-05	2.08E-05	8.67E-06	5.58E-05	3.91E-05	3.21E-05	1.47E-04	4.37E-05	0.0225757	NA	1.90E-04
597042.09 4131802.9	7.65E-06	9.04E-06	1.74E-05	2.31E-05	1.78E-05	1.29E-05	2.13E-05	2.50E-05	2.91E-05	1.10E-05	1.83E-05	2.20E-05	9.14E-06	6.20E-05	4.25E-05	3.47E-05	1.58E-04	4.34E-05	0.0240224	NA	1.90E-04
597062.09 4131802.9	7.92E-06	9.36E-06	1.79E-05	2.42E-05	1.86E-05	1.35E-05	2.24E-05	2.65E-05	3.11E-05	1.14E-05	1.92E-05	2.33E-05	9.46E-06	6.91E-05	4.64E-05	3.74E-05	1.67E-04	4.29E-05	0.0251587	NA	1.89E-04
597082.09 4131802.9	7.92E-06	9.31E-06	1.84E-05	1.78E-05	1.37E-05	1.33E-05	1.67E-05	2.03E-05	2.54E-05	1.12E-05	1.43E-05	1.86E-05	9.31E-06	6.56E-05	5.05E-05	3.26E-05	1.74E-04	4.22E-05	0.0255533	NA	1.88E-04
597102.09 4131802.9	8.61E-06	1.03E-05	1.90E-05	2.65E-05	2.04E-05	2.03E-05	2.47E-05	2.98E-05	3.58E-05	1.67E-05	2.11E-05	2.62E-05	1.39E-05	8.83E-05	5.62E-05	4.42E-05	1.82E-04	4.16E-05	0.0278767	NA	1.88E-04
597122.09 4131802.9	8.58E-06	1.02E-05	1.96E-05	2.01E-05	1.53E-05	1.48E-05	1.88E-05	2.32E-05	3.83E-05	1.24E-05	1.60E-05	2.77E-05	1.02E-05	9.99E-05	6.18E-05	4.79E-05	1.84E-04	4.08E-05	0.0276679	NA	1.87E-04
597502.09 4131802.9	1.82E-05	2.35E-05	4.07E-05	7.67E-05	5.45E-05	5.01E-05	7.36E-05	1.15E-04	2.11E-04	3.72E-05	6.06E-05	1.07E-04	3.14E-05	4.09E-04	1.18E-03	4.67E-04	5.93E-05	2.57E-05	0.0550046	NA	1.22E-04

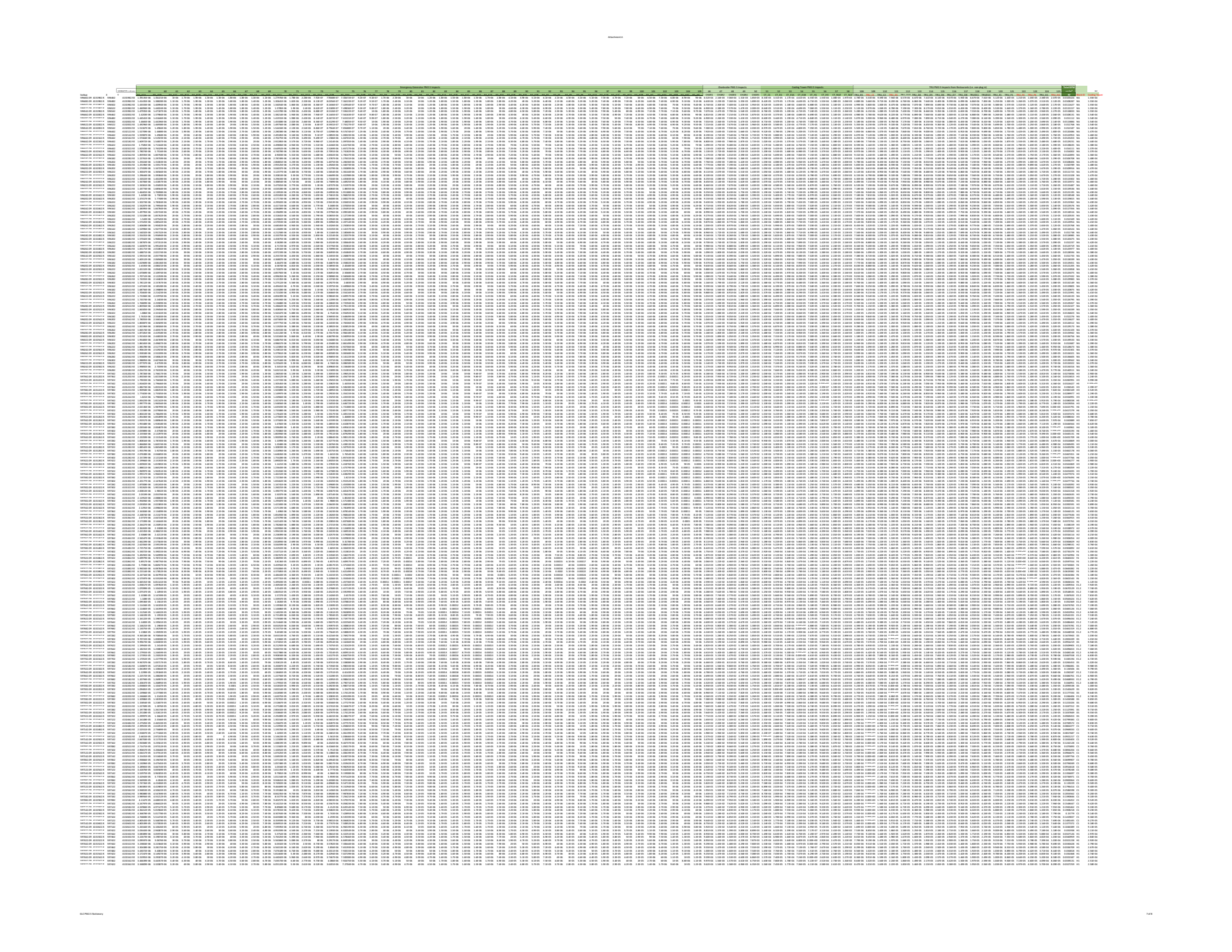


Attachment A



GLC PM2.5 Stationary

4 of 8



AERMOD column

Emergency Generator PM2.5 Impacts

lookup	X	Y	59	60	61	62	63	64	65	66	67	68	69
			EG_A1A	EG_A1B	EG_A1C	EG_B1A	EG_B1B	EG_C1A	EG_C1B	EG_C2A	EG_C2B	EG_C3	EG_D10
597442.09 4131562.9	597442	4131562.92	3.40446E-06	3.38337E-06	3.3E-06	4.2E-06	4E-06	3.1E-06	3.6E-06	4.4E-06	3.6E-06	2.8E-06	6.4E-06
597262.09 4132502.9	597262	4132502.92	3.10247E-05	3.4782E-05	3.7E-05	4.5E-05	4.9E-05	5.5E-05	4.3E-05	1.2E-05	3.3E-05	5.5E-05	7.5E-06
597262.09 4132482.9	597262	4132482.92	2.85722E-05	3.18286E-05	3.4E-05	4.5E-05	5.1E-05	5.5E-05	4E-05	1.4E-05	3.5E-05	6E-05	7.9E-06
597262.09 4132462.9	597262	4132462.92	2.62843E-05	2.90496E-05	3.1E-05	4.5E-05	5.3E-05	5.5E-05	3.7E-05	1.8E-05	3.9E-05	6.3E-05	8.3E-06
597282.09 4132482.9	597282	4132482.92	2.86259E-05	3.20838E-05	3.4E-05	4.2E-05	5.1E-05	5.6E-05	4.2E-05	1.4E-05	3.4E-05	6.1E-05	7.5E-06
597282.09 4132462.9	597282	4132462.92	2.65428E-05	2.91665E-05	3.1E-05	4.3E-05	5.2E-05	5.4E-05	3.8E-05	1.7E-05	3.7E-05	6.4E-05	7.8E-06
597302.09 4132462.9	597302	4132462.92	2.66375E-05	2.94528E-05	3.1E-05	4E-05	5.3E-05	5.6E-05	4.1E-05	1.7E-05	3.4E-05	6.6E-05	7.3E-06
597382.09 4131742.9	597382	4131742.92	4.25533E-06	4.2722E-06	4.2E-06	5.2E-06	5.1E-06	4.1E-06	4.9E-06	6.1E-06	5.1E-06	3.6E-06	8.6E-06
597382.09 4131722.9	597382	4131722.92	4.05364E-06	4.05268E-06	4.1E-06	5E-06	4.9E-06	3.9E-06	4.6E-06	5.7E-06	4.7E-06	3.5E-06	8E-06
597382.09 4131702.9	597382	4131702.92	3.94263E-06	3.93324E-06	3.9E-06	4.7E-06	4.6E-06	3.7E-06	4.3E-06	5.3E-06	4.5E-06	3.3E-06	7.5E-06
597362.09 4131702.9	597362	4131702.92	3.77621E-06	3.76375E-06	3.7E-06	4.4E-06	4.4E-06	3.5E-06	4E-06	4.9E-06	4.3E-06	3E-06	6.5E-06
597382.09 4131682.9	597382	4131682.92	3.83431E-06	3.81686E-06	3.7E-06	4.5E-06	4.5E-06	3.5E-06	4.1E-06	5E-06	4.3E-06	3.1E-06	7E-06
597362.09 4131682.9	597362	4131682.92	3.67268E-06	3.65313E-06	3.6E-06	4.3E-06	4.2E-06	3.3E-06	3.8E-06	4.7E-06	4.1E-06	2.9E-06	6.1E-06
597382.09 4131942.9	597382	4131942.92	6.32788E-06	6.47397E-06	6.5E-06	8.4E-06	1.1E-05	8.6E-06	1E-05	1.8E-05	2.4E-05	1E-05	1.8E-05
597382.09 4131922.9	597382	4131922.92	6.02955E-06	6.13654E-06	6.2E-06	7.9E-06	9.7E-06	7.9E-06	9.3E-06	1.6E-05	2.1E-05	8.1E-06	1.8E-05

lookup	70	71	72	73	74	75	76	77	78	79	80	81	82	83
	EG_D11	EG_D12	EG_D13	EG_D1A	EG_D1B	EG_D4A	EG_D4B	EG_D5	EG_D6	EG_D7A	EG_D7B	EG_D8	EG_D9	EG_E1A
597442.09 4131562.9	6.7236E-06	6.19E-06	2.79E-06	9.25E-06	3.9681E-06	7.69622E-06	5.3E-06	4E-06	3.7E-06	5.2E-06	5E-06	4E-06	4.9E-06	1.7E-06
597262.09 4132502.9	8.60058E-06	9.63E-06	6.83E-06	3.26E-06	3.4096E-06	5.1503E-06	5.8E-06	4.4E-06	4.5E-06	3.8E-06	5E-06	1.1E-05	1E-05	2.2E-05
597262.09 4132482.9	9.24363E-06	1.04E-05	7.44E-06	3.34E-06	3.4938E-06	5.3938E-06	6.1E-06	4.8E-06	4.7E-06	4.1E-06	5.4E-06	1.2E-05	1.1E-05	2.2E-05
597262.09 4132462.9	9.94573E-06	1.11E-05	8.09E-06	3.4E-06	3.5724E-06	5.53816E-06	6.4E-06	5.1E-06	5E-06	4.3E-06	5.7E-06	1.3E-05	1.1E-05	2.2E-05
597282.09 4132482.9	8.62378E-06	9.75E-06	6.69E-06	3.38E-06	3.5272E-06	4.58452E-06	5.4E-06	4.2E-06	4.3E-06	3.7E-06	4.7E-06	1.1E-05	1.1E-05	2.3E-05
597282.09 4132462.9	9.26625E-06	1.05E-05	7.3E-06	3.49E-06	3.7231E-06	4.73254E-06	5.7E-06	4.5E-06	4.5E-06	3.9E-06	4.9E-06	1.2E-05	1.1E-05	2.3E-05
597302.09 4132462.9	8.58544E-06	9.86E-06	6.56E-06	3.63E-06	3.9336E-06	4.05709E-06	5E-06	4E-06	4.1E-06	3.4E-06	4.2E-06	1E-05	1.1E-05	2.4E-05
597382.09 4131742.9	9.43497E-06	8.44E-06	3.66E-06	1.24E-05	5.3888E-06	9.82705E-06	8.2E-06	7.2E-06	4.5E-06	7.3E-06	6.4E-06	4.3E-06	5.7E-06	2E-06
597382.09 4131722.9	8.53885E-06	7.59E-06	3.44E-06	1.16E-05	4.8585E-06	9.43478E-06	7.5E-06	6.1E-06	4.3E-06	6.8E-06	6E-06	4.4E-06	5.5E-06	2E-06
597382.09 4131702.9	7.82065E-06	6.93E-06	3.26E-06	1.08E-05	4.3834E-06	9.03714E-06	6.8E-06	5.3E-06	4E-06	6.4E-06	5.7E-06	4.4E-06	5.4E-06	1.9E-06
597362.09 4131702.9	6.56006E-06	5.81E-06	2.94E-06	9.51E-06	3.873E-06	8.1021E-06	5.9E-06	4.5E-06	3.7E-06	5.7E-06	4.9E-06	4.3E-06	4.8E-06	1.8E-06
597382.09 4131682.9	7.21537E-06	6.39E-06	3.08E-06	1.01E-05	4.0684E-06	8.62493E-06	6.2E-06	4.7E-06	3.9E-06	5.9E-06	5.3E-06	4.4E-06	5.2E-06	1.8E-06
597362.09 4131682.9	6.098E-06	5.42E-06	2.84E-06	8.91E-06	3.6328E-06	7.77233E-06	5.4E-06	4E-06	3.5E-06	5.4E-06	4.6E-06	4.3E-06	4.7E-06	1.8E-06
597382.09 4131942.9	4.37961E-05	4.43E-05	8.95E-05	2.37E-05	4.2736E-05	1.2371E-05	2E-05	4.6E-05	7.4E-05	0.0001	0.00017	3.7E-06	7.5E-06	2.9E-06
597382.09 4131922.9	3.89713E-05	3.83E-05	7.84E-05	2.25E-05	4.0857E-05	1.24966E-05	2E-05	4.3E-05	7.3E-05	9.2E-05	0.00016	3.8E-06	8.1E-06	2.8E-06

lookup	84	85	86	87	88	89	90	91	92	93	94	95	96	97
	EG_E1B	EG_E1C	EG_E1D	EG_E1E	EG_F1A	EG_F1B	EG_F2A	EG_F2B	EG_F3	EG_F4	EG_F5	EG_F6	EG_G1A	EG_G1B
597442.09 4131562.9	1.7E-06	1.6E-06	1.6E-06	1.7E-06	7E-06	2.7E-05	5E-05	6E-05	7.4E-05	4.1E-06	2.9E-05	5E-06	3.9E-05	1.9E-05
597262.09 4132502.9	1.9E-05	2.3E-05	2.2E-05	2.3E-05	2.3E-06	1.9E-06	1.8E-06	1.7E-06	1.9E-06	3.4E-06	1.6E-06	5.5E-06	1.5E-06	1.6E-06
597262.09 4132482.9	1.9E-05	2.4E-05	2.3E-05	2.3E-05	2.3E-06	2E-06	1.9E-06	1.7E-06	2E-06	3.6E-06	1.6E-06	5.7E-06	1.6E-06	1.7E-06
597262.09 4132462.9	2E-05	2.4E-05	2.3E-05	2.3E-05	2.4E-06	2E-06	1.9E-06	1.8E-06	2E-06	3.8E-06	1.7E-06	6.2E-06	1.6E-06	1.7E-06
597282.09 4132482.9	2E-05	2.5E-05	2.3E-05	2.4E-05	2.2E-06	1.9E-06	1.8E-06	1.7E-06	1.8E-06	3.3E-06	1.6E-06	4.9E-06	1.5E-06	1.6E-06
597282.09 4132462.9	2E-05	2.5E-05	2.4E-05	2.4E-05	2.3E-06	1.9E-06	1.9E-06	1.7E-06	1.9E-06	3.4E-06	1.6E-06	5.3E-06	1.6E-06	1.7E-06
597302.09 4132462.9	2.1E-05	2.6E-05	2.5E-05	2.6E-05	2.2E-06	1.9E-06	1.8E-06	1.7E-06	1.8E-06	3.1E-06	1.6E-06	4.5E-06	1.5E-06	1.6E-06
597382.09 4131742.9	2.1E-06	2E-06	1.9E-06	2E-06	4E-06	7E-05	1.9E-05	2.1E-05	2.8E-05	1.8E-06	1E-05	4.6E-06	3.3E-06	9.2E-06
597382.09 4131722.9	2E-06	1.9E-06	1.8E-06	2E-06	4.4E-06	6.6E-05	2.3E-05	2.6E-05	3.5E-05	2.1E-06	1.1E-05	4.4E-06	3.8E-06	1E-05
597382.09 4131702.9	1.9E-06	1.9E-06	1.8E-06	1.9E-06	4.8E-06	6E-05	2.7E-05	3.1E-05	4.2E-05	2.5E-06	1.3E-05	4.3E-06	4.2E-06	1.2E-05
597362.09 4131702.9	1.9E-06	1.8E-06	1.7E-06	1.9E-06	5E-06	5.2E-05	2.6E-05	3.1E-05	4.4E-05	2.6E-06	1.1E-05	3.7E-06	3.7E-06	1E-05
597382.09 4131682.9	1.9E-06	1.8E-06	1.7E-06	1.9E-06	5.2E-06	5.3E-05	3.1E-05	3.7E-05	4.9E-05	2.8E-06	1.5E-05	4.3E-06	7.8E-06	1.3E-05
597362.09 4131682.9	1.8E-06	1.8E-06	1.6E-06	1.8E-06	5.5E-06	4.6E-05	3E-05	3.6E-05	5E-05	2.9E-06	1.4E-05	3.7E-06	8.2E-06	1.2E-05
597382.09 4131942.9	2.9E-06	3E-06	2.6E-06	3.1E-06	9.7E-05	2.6E-05	3.3E-06	2.6E-06	2.6E-06	1E-04	2.8E-06	0.00021	2.4E-06	3.3E-06
597382.09 4131922.9	2.8E-06	2.8E-06	2.5E-06	2.9E-06	9E-05	3.1E-05	3.5E-06	2.5E-06	2.6E-06	0.00012	2.9E-06	0.0002	2.4E-06	3.5E-06

Emergency Generator PM2.5 Impacts (continued) / Charbroiler PM2.5 Impacts

lookup	98	99	100	101	102	103	104	105	46	47	48	49	50
	EG_G1C	EG_H1A	EG_H1B	EG_H2	EG_H3A	EG_H3B	EG_H3C	EG_H4	CHAR1	CHAR2	CHAR3	CHAR4	CHAR5
597442.09 4131562.9	3E-05	3.8E-05	2E-05	1.7E-06	5.5E-06	8.6E-06	8.5E-06	1.1E-05	1.00E-03	1.59E-03	1.60E-03	4.98E-03	6.24E-03
597262.09 4132502.9	1.6E-06	2.8E-06	2.2E-06	2.1E-06	2.5E-06	2.8E-06	3.8E-06	3.8E-06	1.98E-02	1.02E-02	7.72E-03	4.01E-03	1.21E-03
597262.09 4132482.9	1.6E-06	2.9E-06	2.4E-06	2.2E-06	2.6E-06	2.9E-06	3.9E-06	3.9E-06	1.69E-02	1.12E-02	8.23E-03	4.29E-03	1.24E-03
597262.09 4132462.9	1.6E-06	3E-06	2.4E-06	2.2E-06	2.6E-06	3E-06	4E-06	4E-06	2.23E-02	1.23E-02	9.35E-03	4.51E-03	1.25E-03
597282.09 4132482.9	1.6E-06	2.7E-06	2.2E-06	2E-06	2.4E-06	2.8E-06	3.8E-06	3.8E-06	1.56E-02	1.01E-02	8.27E-03	4.04E-03	1.22E-03
597282.09 4132462.9	1.6E-06	2.8E-06	2.3E-06	2.1E-06	2.5E-06	2.9E-06	3.9E-06	3.9E-06	1.41E-02	1.10E-02	8.68E-03	4.30E-03	1.20E-03
597302.09 4132462.9	1.6E-06	2.7E-06	2.2E-06	2E-06	2.4E-06	2.8E-06	3.7E-06	3.7E-06	1.33E-02	1.00E-02	8.89E-03	4.11E-03	1.23E-03
597382.09 4131742.9	5.4E-06	1.1E-05	1.2E-05	3.3E-06	4.6E-06	6.1E-06	7.1E-06	8.3E-06	1.29E-03	2.25E-03	2.47E-03	6.25E-02	3.58E-03
597382.09 4131722.9	5.8E-06	1.2E-05	1.3E-05	3.2E-06	4.8E-06	6.3E-06	7.4E-06	8.6E-06	1.24E-03	2.04E-03	2.29E-03	4.58E-02	3.74E-03
597382.09 4131702.9	6.5E-06	1.2E-05	1.4E-05	3E-06	4.9E-06	6.5E-06	7.8E-06	9.1E-06	1.17E-03	1.89E-03	2.17E-03	2.77E-02	3.90E-03
597362.09 4131702.9	5.6E-06	1.7E-05	1.8E-05	3.2E-06	5.3E-06	6.8E-06	8.5E-06	9.6E-06	1.13E-03	1.78E-03	2.10E-03	2.68E-02	3.98E-03
597382.09 4131682.9	9.1E-06	1.8E-05	1.6E-05	2.8E-06	5.1E-06	6.8E-06	8.1E-06	9.4E-06	1.12E-03	1.78E-03	2.11E-03	2.25E-02	4.12E-03
597362.09 4131682.9	8.6E-06	2.2E-05	1.9E-05	3E-06	5.5E-06	7.1E-06	9E-06	1E-05	1.07E-03	1.69E-03	2.02E-03	1.97E-02	4.17E-03
597382.09 4131942.9	2.9E-06	6.1E-06	5.2E-06	3.1E-06	3.3E-06	4.4E-06	5.1E-06	5.7E-06	2.35E-03	1.13E-02	6.11E-03	2.25E-02	2.28E-03
597382.09 4131922.9	3E-06	6.5E-06	5.5E-06	3.2E-06	3.4E-06	4.5E-06	5.3E-06	5.9E-06	2.22E-03	1.07E-02	5.61E-03	2.79E-02	2.36E-03

Cooling Tower PM2.5 Impacts / TRU PM2.5 Impacts from Restaurants (i.e. non-plug in)

lookup	51	52	53	54	55	56	57	58	108	109	110	111
	CT_C1	CT_D1	CT_E1A	CT_E1B	CT_H1	CT_H3	CT_NUZ	CT_SUZ	TRU_B1	TRU_C1	TRU_C2	TRU_D1
597442.09 4131562.9	1.62E-04	7.86E-05	1.81E-04	7.55E-05	2.37E-06	2.47E-04	2.71E-03	1.31E-02	8.73E-06	1.04E-05	1.68E-05	2.30E-05
597262.09 4132502.9	1.35E-03	2.28E-04	1.00E-03	3.17E-04	5.06E-05	8.79E-05	3.04E-02	1.56E-03	2.99E-04	7.14E-04	1.74E-04	7.56E-05
597262.09 4132482.9	1.54E-03	2.43E-04	1.01E-03	3.25E-04	5.22E-05	9.13E-05	3.03E-02	1.61E-03	2.46E-04	7.23E-04	2.14E-04	8.35E-05
597262.09 4132462.9	1.78E-03	2.63E-04	1.03E-03	3.36E-04	5.29E-05	9.20E-05	2.88E-02	1.65E-03	2.13E-04	6.58E-04	2.59E-04	9.39E-05
597282.09 4132482.9	1.49E-03	2.38E-04	1.06E-03	3.36E-04	5.08E-05	8.72E-05	2.87E-02	1.56E-03	2.51E-04	5.94E-04	1.82E-04	8.15E-05
597282.09 4132462.9	1.76E-03	2.54E-04	1.07E-03	3.45E-04	5.22E-05	9.06E-05	2.76E-02	1.61E-03	2.05E-04	5.41E-04	2.21E-04	8.99E-05
597302.09 4132462.9	1.68E-03	2.48E-04	1.12E-03	3.58E-04	5.10E-05	8.64E-05	2.64E-02	1.56E-03	2.13E-04	4.90E-04	1.88E-04	8.79E-05
597382.09 4131742.9	2.05E-04	1.20E-04	2.47E-04	1.04E-04	2.25E-04	1.72E-04	3.14E-03	6.32E-03	1.19E-05	1.47E-05	2.59E-05	3.94E-05
597382.09 4131722.9	1.95E-04	1.11E-04	2.35E-04	9.94E-05	2.37E-04	1.80E-04	3.04E-03	6.61E-03	1.13E-05	1.39E-05	2.42E-05	3.62E-05
597382.09 4131702.9	1.86E-04	1.03E-04	2.25E-04	9.46E-05	2.45E-04	1.89E-04	2.95E-03	7.12E-03	1.08E-05	1.31E-05	2.27E-05	3.33E-05
597362.09 4131702.9	1.78E-04	9.71E-05	2.18E-04	9.15E-05	2.53E-04	1.96E-04	2.82E-03	6.04E-03	1.04E-05	1.26E-05	2.19E-05	3.19E-05
597382.09 4131682.9	1.78E-04	9.66E-05	2.15E-04	9.03E-05	2.48E-04	1.98E-04	2.86E-03	7.85E-03	1.03E-05	1.25E-05	2.13E-05	3.09E-05
597362.09 4131682.9	1.71E-04	9.07E-05	2.09E-04	8.73E-05	2.58E-04	2.06E-04	2.74E-03	6.73E-03	9.91E-06	1.20E-05	2.06E-05	2.95E-05
597382.09 4131942.9	4.06E-04	2.79E-04	4.30E-04	1.80E-04	1.19E-04	1.18E-04	4.47E-03	4.53E-03	2.38E-05	3.20E-05	6.48E-05	1.41E-04
597382.09 4131922.9	3.73E-04	2.55E-04	4.05E-04	1.70E-04	1.27E-04	1.22E-04	4.31E-03	4.80E-03	2.24E-05	2.97E-05	5.84E-05	1.19E-04

TRU PM2.5 Impacts from Restaurants (i.e. non-plug in) (continued)

lookup	112	113	114	115	116	117	118	119	120	121	122	123	124	125	Total DPM $\mu g/m^3$		84
	TRU_D10	TRU_D4	TRU_D5	TRU_D6	TRU_D7	TRU_D8	TRUD11	TRUD13	TRU_E1	TRU_F1	TRU_F4	TRU_F6	TRU_G1	TRU_H4	82	Block ID	Cooling Tower
597442.09 4131562.9	1.91E-05	1.52E-05	2.23E-05	2.75E-05	3.54E-05	1.54E-05	2.02E-05	2.66E-05	1.06E-05	1.02E-04	7.50E-05	4.79E-05	4.37E-04	7.66E-05	0.033499	H1	2.47E-04
597262.09 4132502.9	8.55E-05	1.09E-04	7.14E-05	5.20E-05	3.93E-05	1.40E-04	7.48E-05	4.94E-05	1.01E-04	2.29E-05	2.44E-05	3.12E-05	1.21E-05	7.86E-06	0.0807068	C3	8.79E-05
597262.09 4132482.9	9.46E-05	1.22E-04	7.88E-05	5.66E-05	4.23E-05	1.56E-04	8.22E-05	5.36E-05	1.06E-04	2.42E-05	2.58E-05	3.33E-05	1.27E-05	8.14E-06	0.0798196	C3	9.13E-05
597262.09 4132462.9	1.06E-04	1.41E-04	8.81E-05	6.20E-05	4.58E-05	1.77E-04	9.15E-05	5.86E-05	1.23E-04	2.56E-05	2.73E-05	3.56E-05	1.31E-05	8.38E-06	0.0865375	C3	9.20E-05
597282.09 4132482.9	9.34E-05	1.20E-04	7.72E-05	5.55E-05	4.16E-05	1.59E-04	8.12E-05	5.26E-05	1.13E-04	2.38E-05	2.54E-05	3.28E-05	1.24E-05	8.01E-06	0.0753608	C3	8.72E-05
597282.09 4132462.9	1.03E-04	1.42E-04	8.50E-05	6.02E-05	4.47E-05	1.78E-04	8.92E-05	5.70E-05	1.30E-04	2.50E-05	2.68E-05	3.49E-05	1.29E-05	8.30E-06	0.0748335	C3	9.06E-05
597302.09 4132462.9	1.03E-04	1.34E-04	8.37E-05	5.93E-05	4.40E-05	1.83E-04	8.84E-05	5.61E-05	1.27E-04	2.46E-05	2.64E-05	3.44E-05	1.26E-05	8.15E-06	0.0716547	C3	8.64E-05
597382.09 4131742.9	3.05E-05	2.86E-05	3.76E-05	5.05E-05	7.31E-05	2.31E-05	3.29E-05	4.82E-05	2.03E-05	5.46E-04	2.71E-04	1.18E-04	1.44E-04	3.85E-05	0.0846114	F3	1.72E-04
597382.09 4131722.9	2.84E-05	2.66E-05	3.46E-05	4.58E-05	6.48E-05	2.17E-05	3.05E-05	4.39E-05	1.92E-05	3.91E-04	2.12E-04	1.01E-04	1.68E-04	4.15E-05	0.0675863	F3	1.80E-04
597382.09 4131702.9	2.65E-05	2.49E-05	3.20E-05	4.18E-05	5.79E-05	2.04E-05	2.84E-05	4.01E-05	1.36E-05	2.93E-04	1.71E-04	8.74E-05	1.99E-04	4.49E-05	0.0495034	F3	1.89E-04
597362.09 4131702.9	2.55E-05	2.40E-05	3.06E-05	3.97E-05	5.44E-05	1.98E-05	2.73E-05	3.82E-05	1.31E-05	2.53E-04	1.53E-04	8.08E-05	2.28E-04	4.63E-05	0.0471537	F3	1.96E-04
597382.09 4131682.9	2.47E-05	2.33E-05	2.97E-05	3.83E-05	5.21E-05	1.93E-05	2.65E-05	3.68E-05	1.29E-05	2.28E-04	1.41E-04	7.66E-05	2.39E-04	4.88E-05	0.0448902	F3	1.98E-04
597362.09 4131682.9	2.38E-05	1.80E-05	2.84E-05	3.64E-05	4.92E-05	1.87E-05	2.55E-05	3.51E-05	1.24E-05	1.99E-04	1.27E-04	7.12E-05	2.79E-04	5.03E-05	0.0406115	F3	2.06E-04
597382.09 4131942.9	8.63E-05	7.73E-05	1.27E-04	2.39E-04	6.63E-04	5.41E-05	9.84E-05	2.02E-04	4.25E-05	3.83E-04	7.06E-04	0.00E+00	5.06E-05	2.20E-05	0.0594053	F6	1.18E-04
597382.09 4131922.9	7.60E-05	6.85E-05	1.09E-04	1.92E-04	4.59E-04	4.90E-05	8.60E-05	1.68E-04	3.93E-05	4.99E-04	1.05E-03	0.00E+00	5.50E-05	2.32E-05	0.0636576	F6	1.22E-04

Operational Annual Average PM2.5 Concentration
All Receptor Types
All Scenarios
Operations after full buildout

New - Onsite Google	
MERV Reduction %	
MERV13	60%

Cooling Tower H3 MEIR

Receptor Type	PM2.5 (ug/m³)		Location	
	CT H3	Total	UTM X	UTM Y
Existing - Offsite Residential	0.0010	0.2437	597642.09	4131042.9
New - Onsite Google	0.0005	0.0616	597342.09	4131422.9

Scenario 3	PM2.5 (ug/m³)	UTM X	UTM Y	Block
Child - Off	0.74	597182.09	4132622.9	NA
Child - On	0.27	597282.09	4132182.9	D1
Adult - Off	0.74	597182.09	4132622.9	NA
Adult - On	0.27	597282.09	4132182.9	D1
0.1082714 School	0.29	596202.09	4132422.9	Hester School
Daycare	0.14	597382.09	4131482.9	H2

11

Scenario 1	PM2.5 (ug/m³)	UTM X	UTM Y	Block
Child - Off	0.17	597462.09	4131242.9	NA
Adult - Off	0.17	597462.09	4131242.9	NA
0.1082714 School	0.24	596142.09	4132482.9	Hester School

Scenario 2	PM2.5 (ug/m³)	UTM X	UTM Y	Block
Child	0.11	597142.09	4132522.9	C1
Adult	0.11	597142.09	4132522.9	C1
Daycare	0.06	597362.09	4131322.9	H3

							PM2.5 Concentration (ug/m³)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
597302.09_4130982.92	597302.09	4130982.92	Road/Street	NA	N	0	0.009	0.001	0.067	0.076	0.0002976	0.0003
597322.09_4130982.92	597322.09	4130982.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.074	0.085	0.0003133	0.00031
597482.09_4130982.92	597482.09	4130982.92	Existing - Offsite Residential	NA	N	0	0.012	0.001	0.071	0.084	0.0005758	0.00058
597502.09_4130982.92	597502.09	4130982.92	Existing - Offsite Residential	NA	N	0	0.013	0.001	0.067	0.081	0.0006257	0.00063
597522.09_4130982.92	597522.09	4130982.92	Existing - Offsite Residential	NA	N	0	0.013	0.001	0.066	0.081	0.0006764	0.00068
597542.09_4130982.92	597542.09	4130982.92	Existing - Offsite Residential	NA	N	0	0.014	0.001	0.066	0.081	0.0007267	0.00073
597562.09_4130982.92	597562.09	4130982.92	Existing - Offsite Residential	NA	N	0	0.014	0.001	0.067	0.083	0.0007755	0.00078
597582.09_4130982.92	597582.09	4130982.92	Existing - Offsite Residential	NA	N	0	0.015	0.001	0.070	0.086	0.0008219	0.00082
597602.09_4130982.92	597602.09	4130982.92	Existing - Offsite Residential	NA	N	0	0.015	0.001	0.077	0.093	0.0008645	0.00086
597262.09_4131002.92	597262.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.057	0.067	0.0002902	0.00029
597282.09_4131002.92	597282.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.061	0.071	0.0003035	0.0003
597302.09_4131002.92	597302.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.065	0.075	0.0003179	0.00032
597322.09_4131002.92	597322.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.071	0.081	0.0003341	0.00033
597342.09_4131002.92	597342.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.079	0.090	0.0003528	0.00035
597502.09_4131002.92	597502.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.014	0.001	0.075	0.090	0.0006738	0.00067
597522.09_4131002.92	597522.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.015	0.001	0.073	0.089	0.0007277	0.00073
597542.09_4131002.92	597542.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.015	0.001	0.074	0.090	0.00078	0.00078
597562.09_4131002.92	597562.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.016	0.001	0.077	0.093	0.0008298	0.00083
597582.09_4131002.92	597582.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.016	0.002	0.082	0.100	0.0008758	0.00088
597602.09_4131002.92	597602.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.016	0.002	0.095	0.113	0.0009166	0.00092
597622.09_4131002.92	597622.09	4131002.92	Existing - Offsite Residential	NA	N	0	0.016	0.002	0.121	0.139	0.0009511	0.00095
597242.09_4131022.92	597242.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.054	0.064	0.0002964	0.0003
597262.09_4131022.92	597262.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.057	0.067	0.0003095	0.00031
597282.09_4131022.92	597282.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.059	0.070	0.0003229	0.00032
597302.09_4131022.92	597302.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.063	0.074	0.0003373	0.00034
597322.09_4131022.92	597322.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.068	0.079	0.0003538	0.00035
597342.09_4131022.92	597342.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.074	0.086	0.0003729	0.00037
597362.09_4131022.92	597362.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.085	0.097	0.0003963	0.0004
597522.09_4131022.92	597522.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.016	0.001	0.082	0.100	0.0007768	0.00078
597542.09_4131022.92	597542.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.016	0.001	0.084	0.102	0.0008303	0.00083
597562.09_4131022.92	597562.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.017	0.002	0.088	0.107	0.0008795	0.00088
597582.09_4131022.92	597582.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.017	0.002	0.097	0.116	0.0009232	0.00092
597602.09_4131022.92	597602.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.017	0.002	0.113	0.132	0.0009603	0.00096
597622.09_4131022.92	597622.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.017	0.003	0.142	0.162	0.0009892	0.00099
597642.09_4131022.92	597642.09	4131022.92	Existing - Offsite Residential	NA	N	0	0.017	0.004	0.200	0.222	0.0010095	0.00101
597222.09_4131042.92	597222.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.057	0.068	0.000301	0.0003
597242.09_4131042.92	597242.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.054	0.064	0.0003151	0.00032
597262.09_4131042.92	597262.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.057	0.067	0.0003281	0.00033
597282.09_4131042.92	597282.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.059	0.070	0.0003412	0.00034
597302.09_4131042.92	597302.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.062	0.074	0.0003551	0.00036
597322.09_4131042.92	597322.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.067	0.079	0.0003708	0.00037
597342.09_4131042.92	597342.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.012	0.001	0.072	0.085	0.0003898	0.00039
597362.09_4131042.92	597362.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.012	0.001	0.080	0.093	0.0004134	0.00041
597382.09_4131042.92	597382.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.014	0.001	0.095	0.110	0.0004439	0.00044
597542.09_4131042.92	597542.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.018	0.002	0.097	0.117	0.0008735	0.00087
597562.09_4131042.92	597562.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.018	0.002	0.103	0.123	0.0009204	0.00092
597582.09_4131042.92	597582.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.019	0.002	0.113	0.134	0.0009594	0.00096
597602.09_4131042.92	597602.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.018	0.002	0.130	0.151	0.0009903	0.00099
597622.09_4131042.92	597622.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.018	0.003	0.161	0.182	0.0010115	0.00101
597642.09_4131042.92	597642.09	4131042.92	Existing - Offsite Residential	NA	N	0	0.018	0.004	0.221	0.244	0.0010232	0.00102
597222.09_4131062.92	597222.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.056	0.068	0.0003198	0.00032
597242.09_4131062.92	597242.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.056	0.067	0.0003338	0.00033
597262.09_4131062.92	597262.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.057	0.068	0.0003444	0.00034
597282.09_4131062.92	597282.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.059	0.071	0.0003558	0.00036
597302.09_4131062.92	597302.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.062	0.074	0.000368	0.00037
597322.09_4131062.92	597322.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.012	0.001	0.066	0.079	0.0003821	0.00038
597342.09_4131062.92	597342.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.013	0.001	0.071	0.085	0.0003999	0.0004
597362.09_4131062.92	597362.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.014	0.001	0.077	0.092	0.0004235	0.00042
597382.09_4131062.92	597382.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.014	0.001	0.084	0.100	0.0004553	0.00046
597562.09_4131062.92	597562.09	4131062.92	Existing - Offsite Residential	NA	N	0	0.020	0.002	0.121	0.143	0.000946	0.00095
597142.09_4131082.92	597142.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.052	0.061	0.0002796	0.00028
597162.09_4131082.92	597162.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.051	0.061	0.000295	0.00029
597182.09_4131082.92	597182.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.052	0.062	0.00031	0.00031
597202.09_4131082.92	597202.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.052	0.063	0.0003238	0.00032
597242.09_4131082.92	597242.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.056	0.068	0.0003484	0.00035
597262.09_4131082.92	597262.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.057	0.068	0.0003563	0.00036
597282.09_4131082.92	597282.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.059	0.071	0.0003643	0.00036
597302.09_4131082.92	597302.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.012	0.001	0.062	0.075	0.0003727	0.00037
597322.09_4131082.92	597322.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.013	0.001	0.065	0.079	0.0003833	0.00038
597342.09_4131082.92	597342.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.014	0.001	0.070	0.084	0.0003987	0.0004
597362.09_4131082.92	597362.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.015	0.001	0.074	0.090	0.000422	0.00042
597382.09_4131082.92	597382.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.016	0.001	0.081	0.099	0.0004552	0.00046
597402.09_4131082.92	597402.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.018	0.001	0.091	0.111	0.0005001	0.0005
597582.09_4131082.92	597582.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.154	0.178	0.0009737	0.00097
597602.09_4131082.92	597602.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.021	0.003	0.165	0.189	0.0009877	0.00099
597622.09_4131082.92	597622.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.020	0.004	0.201	0.225	0.0009893	0.00099
597642.09_4131082.92	597642.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.020	0.005	0.284	0.310	0.0009816	0.00098
597702.09_4131082.92	597702.09	4131082.92	Existing - Offsite Residential	NA	N	0	0.020	0.005	0.281	0.306	0.0009149	0.00091
597122.09_4131102.92	597122.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.008	0.001	0.053	0.062	0.0002776	0.00028
597142.09_4131102.92	597142.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.052	0.062	0.0002943	0.00029
597162.09_4131102.92	597162.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.052	0.062	0.0003108	0.00031
597182.09_4131102.92	597182.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.052	0.063	0.0003268	0.00033
597202.09_4131102.92	597202.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.053	0.064	0.0003395	0.00034
597262.09_4131102.92	597262.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.057	0.069	0.000361	0.00036
597282.09_4131102.92	597282.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.012	0.001	0.059	0.072	0.0003626	0.00036
597302.09_4131102.92	597302.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.013	0.001	0.062	0.076	0.0003642	0.00036
597622.09_4131102.92	597622.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.235	0.261	0.0009403	0.00094
597682.09_4131102.92	597682.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.020	0.008	0.402	0.430	0.000875	0.00087
597702.09_4131102.92	597702.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.020	0.005	0.266	0.291	0.0008437	0.00084
597722.09_4131102.92	597722.09	4131102.92	Existing - Offsite Residential	NA	N	0	0.020	0.004	0.203	0.227	0.00081	0.00081
597082.09_4131122.92	597082.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.008	0.001	0.057	0.067	0.0002574	0.00026
597102.09_4131122.92	597102.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.008	0.001	0.055	0.065	0.0002748	0.00027
597122.09_4131122.92	597122.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.053	0.063	0.0002924	0.00029
597142.09_4131122.92	597142.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.053	0.063	0.00031	0.00031
597162.09_4131122.92	597162.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.052	0.063	0.0003266	0.00033
597182.09_4131122.92	597182.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.053	0.065	0.0003421	0.00034
597202.09_4131122.92	597202.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.053	0.065	0.0003529	0.00035
597682.09_4131122.92	597682.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.021	0.007	0.359	0.386	0.0007934	0.00079
597702.09_4131122.92	597702.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.021	0.005	0.249	0.274	0.000762	0.00076
597722.09_4131122.92	597722.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.194	0.218	0.0007288	0.00073
597742.09_4131122.92	597742.09	4131122.92	Existing - Offsite Residential	NA	N	0	0.021	0.003	0.162	0.185	0.0006946	0.00069
597062.09_4131142.92	597062.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.008	0.002	0.062	0.071	0.0002526	0.00025
597082.09_4131142.92	597082.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.008	0.001	0.058	0.068	0.0002703	0.00027
597102.09_4131142.92	597102.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.056	0.066	0.0002887	0.00029
597122.09_4131142.92	597122.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.054	0.065	0.0003071	0.00031
597142.09_4131142.92	597142.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.053	0.064	0.0003252	0.00033
597162.09_4131142.92	597162.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.053	0.064	0.0003416	0.00034
597182.09_4131142.92	597182.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.053	0.065	0.0003553	0.00036
597202.09_4131142.92	597202.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.054	0.066	0.0003632	0.00036
597442.09_4131142.92	597442.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.033	0.002	0.111	0.146	0.0005716	0.00057
597702.09_4131142.92	597702.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.022	0.004	0.229	0.255	0.0006765	0.00068
597722.09_4131142.92	597722.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.186	0.211	0.0006462	0.00065
597742.09_4131142.92	597742.09	4131142.92	Existing - Offsite Residential	NA	N	0	0.021	0.003	0.158	0.182	0.0006152	0.00062
597022.09_4131162.92	597022.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.008	0.002	0.076	0.086	0.0002308	0.00023
597042.09_4131162.92	597042.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.008	0.002	0.068	0.078	0.0002473	0.00025
597062.09_4131162.92	597062.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.008	0.002	0.063	0.073	0.0002649	0.00026
597082.09_4131162.92	597082.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.059	0.069	0.0002834	0.00028
597102.09_4131162.92	597102.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.009	0.001	0.056	0.067	0.0003024	0.0003
597122.09_4131162.92	597122.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.055	0.066	0.0003217	0.00032
597142.09_4131162.92	597142.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.054	0.065	0.00034	0.00034
597162.09_4131162.92	597162.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.054	0.065	0.0003558	0.00036
597182.09_4131162.92	597182.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.054	0.066	0.0003673	0.00037
597202.09_4131162.92	597202.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.054	0.067	0.0003706	0.00037
597422.09_4131162.92	597422.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.036	0.002	0.096	0.134	0.0004205	0.00042
597442.09_4131162.92	597442.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.037	0.002	0.108	0.147	0.0005183	0.00052
597742.09_4131162.92	597742.09	4131162.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.157	0.182	0.0005407	0.00054
597022.09_4131182.92	597022.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.008	0.002	0.077	0.087	0.0002422	0.00024
597042.09_4131182.92	597042.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.008	0.002	0.069	0.079	0.0002593	0.00026
597062.09_4131182.92	597062.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.063	0.074	0.0002777	0.00028

							PM2.5 Concentration (ug/m^3)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
597082.09_4131182.92	597082.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.060	0.070	0.0002971 0.0003
597102.09_4131182.92	597102.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.057	0.068	0.000317 0.00032
597122.09_4131182.92	597122.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.056	0.067	0.0003367 0.00034
597142.09_4131182.92	597142.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.010	0.001	0.054	0.066	0.0003546 0.00035
597162.09_4131182.92	597162.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.054	0.066	0.0003697 0.00037
597182.09_4131182.92	597182.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.054	0.067	0.0003782 0.00038
597202.09_4131182.92	597202.09	4131182.92	Existing - Offsite Residential	NA	N	0	0.012	0.001	0.055	0.069	0.0003761 0.00038
596982.09_4131202.92	596982.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.008	0.003	0.113	0.123	0.0002213 0.00022
597042.09_4131202.92	597042.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.070	0.080	0.0002732 0.00027
597062.09_4131202.92	597062.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.064	0.074	0.0002916 0.00029
597082.09_4131202.92	597082.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.060	0.071	0.0003118 0.00031
597102.09_4131202.92	597102.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.010	0.002	0.058	0.069	0.0003324 0.00033
597122.09_4131202.92	597122.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.010	0.002	0.056	0.068	0.0003527 0.00035
597142.09_4131202.92	597142.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.011	0.002	0.055	0.067	0.0003702 0.00037
597162.09_4131202.92	597162.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.011	0.001	0.054	0.067	0.000384 0.00038
597182.09_4131202.92	597182.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.012	0.001	0.055	0.069	0.0003898 0.00039
597202.09_4131202.92	597202.09	4131202.92	Existing - Offsite Residential	NA	N	0	0.014	0.001	0.056	0.071	0.0003819 0.00038
596962.09_4131222.92	596962.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.008	0.004	0.157	0.169	0.0002177 0.00022
596982.09_4131222.92	596982.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.008	0.003	0.111	0.122	0.0002331 0.00023
597002.09_4131222.92	597002.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.008	0.002	0.090	0.100	0.0002496 0.00025
597062.09_4131222.92	597062.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.010	0.002	0.065	0.077	0.0003083 0.00031
597082.09_4131222.92	597082.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.010	0.002	0.061	0.072	0.0003283 0.00033
597102.09_4131222.92	597102.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.010	0.002	0.059	0.071	0.0003497 0.00035
597122.09_4131222.92	597122.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.011	0.002	0.057	0.070	0.0003703 0.00037
597142.09_4131222.92	597142.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.011	0.002	0.056	0.069	0.000388 0.00039
597162.09_4131222.92	597162.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.012	0.002	0.055	0.069	0.0004008 0.0004
597182.09_4131222.92	597182.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.013	0.002	0.056	0.071	0.000404 0.0004
597202.09_4131222.92	597202.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.015	0.002	0.057	0.074	0.0003913 0.00039
597442.09_4131222.92	597442.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.047	0.002	0.105	0.155	0.0003585 0.00036
597462.09_4131222.92	597462.09	4131222.92	Existing - Offsite Residential	NA	N	0	0.047	0.002	0.117	0.166	0.0004436 0.00044
596962.09_4131242.92	596962.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.008	0.004	0.151	0.163	0.0002299 0.00023
596982.09_4131242.92	596982.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.008	0.003	0.110	0.121	0.0002462 0.00025
597002.09_4131242.92	597002.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.008	0.003	0.089	0.100	0.0002637 0.00026
597022.09_4131242.92	597022.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.077	0.089	0.0002828 0.00028
597082.09_4131242.92	597082.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.010	0.002	0.062	0.074	0.000347 0.00035
597102.09_4131242.92	597102.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.011	0.002	0.059	0.072	0.0003691 0.00037
597122.09_4131242.92	597122.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.012	0.002	0.058	0.071	0.0003903 0.00039
597142.09_4131242.92	597142.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.013	0.002	0.057	0.071	0.0004087 0.00041
597162.09_4131242.92	597162.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.013	0.002	0.057	0.071	0.0004212 0.00042
597182.09_4131242.92	597182.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.015	0.002	0.057	0.073	0.0004232 0.00042
597202.09_4131242.92	597202.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.017	0.002	0.058	0.076	0.0004081 0.00041
597462.09_4131242.92	597462.09	4131242.92	Existing - Offsite Residential	NA	N	0	0.051	0.002	0.121	0.174	0.0004178 0.00042
596942.09_4131262.92	596942.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.008	0.006	0.219	0.233	0.0002276 0.00023
596962.09_4131262.92	596962.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.008	0.004	0.147	0.159	0.0002436 0.00024
596982.09_4131262.92	596982.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.008	0.003	0.109	0.120	0.0002609 0.00026
597002.09_4131262.92	597002.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.009	0.003	0.089	0.100	0.0002795 0.00028
597022.09_4131262.92	597022.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.009	0.002	0.077	0.089	0.0002998 0.0003
597042.09_4131262.92	597042.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.010	0.002	0.070	0.082	0.0003214 0.00032
597102.09_4131262.92	597102.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.012	0.002	0.061	0.075	0.0003923 0.00039
597122.09_4131262.92	597122.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.013	0.002	0.059	0.074	0.000414 0.00041
597142.09_4131262.92	597142.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.014	0.002	0.058	0.073	0.000433 0.00043
597162.09_4131262.92	597162.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.014	0.002	0.057	0.074	0.0004463 0.00045
597182.09_4131262.92	597182.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.016	0.002	0.058	0.076	0.000449 0.00045
597202.09_4131262.92	597202.09	4131262.92	Existing - Offsite Residential	NA	N	0	0.018	0.002	0.059	0.078	0.0004354 0.00044
596942.09_4131282.92	596942.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.008	0.006	0.213	0.228	0.0002417 0.00024
596962.09_4131282.92	596962.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.009	0.004	0.145	0.157	0.000259 0.00026
596982.09_4131282.92	596982.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.009	0.003	0.107	0.120	0.0002774 0.00028
597002.09_4131282.92	597002.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.009	0.003	0.089	0.101	0.0002974 0.0003
597022.09_4131282.92	597022.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.010	0.003	0.078	0.090	0.000319 0.00032
597042.09_4131282.92	597042.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.010	0.002	0.071	0.083	0.0003421 0.00034
597102.09_4131282.92	597102.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.013	0.002	0.061	0.077	0.000417 0.00042
597122.09_4131282.92	597122.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.014	0.002	0.060	0.076	0.0004408 0.00044
597142.09_4131282.92	597142.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.015	0.002	0.059	0.076	0.000461 0.00046
597162.09_4131282.92	597162.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.016	0.002	0.059	0.077	0.0004758 0.00048
597182.09_4131282.92	597182.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.017	0.002	0.059	0.078	0.0004816 0.00048
597202.09_4131282.92	597202.09	4131282.92	Existing - Offsite Residential	NA	N	0	0.019	0.002	0.059	0.080	0.0004722 0.00047
596942.09_4131302.92	596942.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.009	0.006	0.209	0.224	0.0002574 0.00026
596962.09_4131302.92	596962.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.009	0.004	0.142	0.155	0.000276 0.00028
596982.09_4131302.92	596982.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.009	0.003	0.107	0.120	0.0002958 0.0003
597002.09_4131302.92	597002.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.010	0.003	0.089	0.102	0.0003172 0.00032
597022.09_4131302.92	597022.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.010	0.003	0.078	0.091	0.0003403 0.00034
597042.09_4131302.92	597042.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.011	0.003	0.071	0.085	0.0003647 0.00036
597122.09_4131302.92	597122.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.015	0.002	0.061	0.078	0.0004687 0.00047
597142.09_4131302.92	597142.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.016	0.002	0.060	0.079	0.0004906 0.00049
597162.09_4131302.92	597162.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.017	0.002	0.060	0.079	0.0005074 0.00051
597182.09_4131302.92	597182.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.019	0.002	0.060	0.081	0.0005157 0.00052
597202.09_4131302.92	597202.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.021	0.002	0.061	0.084	0.0005112 0.00051
597602.09_4131302.92	597602.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.224	0.258	0.0003618 0.00036
597622.09_4131302.92	597622.09	4131302.92	Existing - Offsite Residential	NA	N	0	0.029	0.004	0.199	0.232	0.0003454 0.00035
596942.09_4131322.92	596942.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.009	0.007	0.208	0.224	0.0002746 0.00027
596962.09_4131322.92	596962.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.009	0.005	0.140	0.154	0.0002943 0.00029
596982.09_4131322.92	596982.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.010	0.004	0.107	0.120	0.0003155 0.00032
597002.09_4131322.92	597002.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.010	0.004	0.089	0.103	0.0003383 0.00034
597022.09_4131322.92	597022.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.011	0.003	0.079	0.093	0.0003627 0.00036
597042.09_4131322.92	597042.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.011	0.003	0.072	0.087	0.0003883 0.00039
597142.09_4131322.92	597142.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.017	0.002	0.062	0.081	0.0005184 0.00052
597162.09_4131322.92	597162.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.018	0.002	0.061	0.082	0.0005364 0.00054
597182.09_4131322.92	597182.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.020	0.002	0.062	0.084	0.0005473 0.00055
597202.09_4131322.92	597202.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.022	0.002	0.063	0.087	0.0005473 0.00055
597602.09_4131322.92	597602.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.196	0.229	0.0003383 0.00034
597622.09_4131322.92	597622.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.178	0.211	0.000323 0.00032
597642.09_4131322.92	597642.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.167	0.199	0.0003076 0.00031
597662.09_4131322.92	597662.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.161	0.192	0.0002931 0.00029
597682.09_4131322.92	597682.09	4131322.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.156	0.186	0.0002786 0.00028
597162.09_4131342.92	597162.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.020	0.002	0.063	0.086	0.000558 0.00056
597182.09_4131342.92	597182.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.022	0.002	0.063	0.087	0.0005695 0.00057
597202.09_4131342.92	597202.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.024	0.002	0.064	0.090	0.0005726 0.00057
597542.09_4131342.92	597542.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.032	0.006	0.307	0.345	0.0003645 0.00036
597562.09_4131342.92	597562.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.235	0.271	0.000349 0.00035
597622.09_4131342.92	597622.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.162	0.195	0.000303 0.0003
597642.09_4131342.92	597642.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.153	0.186	0.0002886 0.00029
597662.09_4131342.92	597662.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.147	0.179	0.0002748 0.00027
597682.09_4131342.92	597682.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.143	0.175	0.0002619 0.00026
597702.09_4131342.92	597702.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.142	0.173	0.0002498 0.00025
597722.09_4131342.92	597722.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.142	0.173	0.0002384 0.00024
597742.09_4131342.92	597742.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.142	0.173	0.0002278 0.00023
597762.09_4131342.92	597762.09	4131342.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.144	0.174	0.0002179 0.00022
596922.09_4131362.92	596922.09	4131362.92	Road/Street	NA	N	0	0.009	0.010	0.258	0.277	0.0002899 0.00029
597182.09_4131362.92	597182.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.065	0.091	0.0005794 0.00058
597202.09_4131362.92	597202.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.025	0.003	0.066	0.094	0.0005831 0.00058
597402.09_4131362.92	597402.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.040	0.003	0.131	0.175	0.0004113 0.00041
597422.09_4131362.92	597422.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.159	0.205	0.000409 0.00041
597542.09_4131362.92	597542.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.246	0.283	0.0003454 0.00035
597562.09_4131362.92	597562.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.203	0.238	0.0003296 0.00033
597582.09_4131362.92	597582.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.178	0.212	0.0003144 0.00031
597602.09_4131362.92	597602.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.161	0.195	0.0002996 0.0003
597622.09_4131362.92	597622.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.150	0.184	0.0002852 0.00029
597642.09_4131362.92	597642.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.142	0.175	0.0002715 0.00027
597662.09_4131362.92	597662.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.137	0.169	0.0002586 0.00026
597682.09_4131362.92	597682.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.134	0.166	0.0002465 0.00025
597702.09_4131362.92	597702.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.131	0.163	0.0002352 0.00024
597722.09_4131362.92	597722.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.129	0.161	0.0002246 0.00022
597742.09_4131362.92	597742.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.129	0.160	0.0002147 0.00021
597762.09_4131362.92	597762.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.129	0.160	0.0002055 0.00021
597782.09_4131362.92	597782.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.130	0.160	0.0001969 0.0002
597802.09_4131362.92	597802.09	4131362.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.132	0.163	0.0001886 0.00019
596922.09_4131382.92	596922.09	4131382.92	Road/Street	NA	N	0	0.010	0.009	0.264	0.282	0.0003058 0.00031
596962.09_4131382.92	596962.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.010	0.005	0.133	0.148	0.000348 0.00035
596982.09_4131382.92	596982.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.011	0.004	0.105	0.120	0.0003711 0.00037
597002.09_4131382.92	597002.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.011	0.004	0.090	0.105	0.0003953 0.0004
597502.09_4131382.92	597502.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.033	0.008	0.378	0.420	0.0003588 0.00036
597522.09_4131382.92	597522.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.032	0.006	0.262	0.300	0.0003432 0.00034
597542.09_4131382.92	597542.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.032	0.005	0.211	0.247	0.0003275 0.00033
597562.09_4131382.92	597562.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.181	0.216	0.0003116 0.00031
597582.09_4131382.92	597582.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.163	0.198	0.0002968 0.0003
597602.09_4131382.92	597602.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.150	0.185	0.0002826 0.00028
597622.09_4131382.92	597622.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.141	0.176	0.000269 0.00027
597642.09_4131382.92	597642.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.134	0.169	0.0002561 0.00026
597662.09_4131382.92	597662.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.129	0.163	0.000244 0.00024
597682.09_4131382.92	597682.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.126	0.159	0.0002327 0.00023
597702.09_4131382.92	597702.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.123	0.156	0.0002221 0.00022
597722.09_4131382.92	597722.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.121	0.154	0.0002123 0.00021
597742.09_4131382.92	597742.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.120	0.152	0.000203 0.0002

							PM2.5 Concentration (ug/m^3)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
597762.09_4131382.92	597762.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.119	0.151	0.0001945	0.00019
597782.09_4131382.92	597782.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.119	0.150	0.0001865	0.00019
597802.09_4131382.92	597802.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.119	0.150	0.000179	0.00018
597822.09_4131382.92	597822.09	4131382.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.120	0.151	0.000172	0.00017
596922.09_4131402.92	596922.09	4131402.92	Road/Street	NA	N	0	0.010	0.008	0.265	0.283	0.0003199	0.00032
596942.09_4131402.92	596942.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.010	0.006	0.192	0.208	0.0003404	0.00034
596962.09_4131402.92	596962.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.011	0.004	0.131	0.146	0.0003617	0.00036
596982.09_4131402.92	596982.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.011	0.004	0.105	0.120	0.0003842	0.00038
597002.09_4131402.92	597002.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.012	0.003	0.090	0.105	0.0004071	0.00041
597482.09_4131402.92	597482.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.035	0.009	0.437	0.481	0.0003576	0.00036
597502.09_4131402.92	597502.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.034	0.006	0.284	0.324	0.0003417	0.00034
597522.09_4131402.92	597522.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.033	0.005	0.222	0.260	0.0003259	0.00033
597542.09_4131402.92	597542.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.188	0.225	0.0003103	0.00031
597562.09_4131402.92	597562.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.167	0.204	0.0002952	0.0003
597582.09_4131402.92	597582.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.153	0.189	0.0002807	0.00028
597602.09_4131402.92	597602.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.142	0.178	0.000267	0.00027
597622.09_4131402.92	597622.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.134	0.170	0.0002541	0.00025
597642.09_4131402.92	597642.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.129	0.164	0.0002419	0.00024
597662.09_4131402.92	597662.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.124	0.159	0.0002306	0.00023
597682.09_4131402.92	597682.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.120	0.155	0.0002201	0.00022
597702.09_4131402.92	597702.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.117	0.151	0.0002102	0.00021
597722.09_4131402.92	597722.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.115	0.149	0.000201	0.0002
597742.09_4131402.92	597742.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.113	0.146	0.0001925	0.00019
597762.09_4131402.92	597762.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.112	0.145	0.0001845	0.00018
597782.09_4131402.92	597782.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.112	0.144	0.000177	0.00018
597802.09_4131402.92	597802.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.111	0.143	0.0001701	0.00017
597822.09_4131402.92	597822.09	4131402.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.111	0.142	0.0001634	0.00016
596922.09_4131422.92	596922.09	4131422.92	Road/Street	NA	N	0	0.010	0.008	0.272	0.291	0.0003315	0.00033
596942.09_4131422.92	596942.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.011	0.005	0.188	0.204	0.0003514	0.00035
596962.09_4131422.92	596962.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.011	0.004	0.131	0.146	0.000372	0.00037
596982.09_4131422.92	596982.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.012	0.003	0.105	0.120	0.0003927	0.00039
597002.09_4131422.92	597002.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.012	0.003	0.090	0.106	0.0004136	0.00041
597462.09_4131422.92	597462.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.035	0.011	0.520	0.566	0.0003564	0.00036
597482.09_4131422.92	597482.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.035	0.007	0.310	0.352	0.0003404	0.00034
597502.09_4131422.92	597502.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.236	0.276	0.0003245	0.00032
597522.09_4131422.92	597522.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.198	0.237	0.0003088	0.00031
597542.09_4131422.92	597542.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.174	0.212	0.0002937	0.00029
597562.09_4131422.92	597562.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.158	0.195	0.0002792	0.00028
597582.09_4131422.92	597582.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.146	0.183	0.0002655	0.00027
597602.09_4131422.92	597602.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.136	0.173	0.0002525	0.00025
597622.09_4131422.92	597622.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.129	0.166	0.0002403	0.00024
597642.09_4131422.92	597642.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.124	0.161	0.0002289	0.00023
597662.09_4131422.92	597662.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.120	0.156	0.0002183	0.00022
597682.09_4131422.92	597682.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.116	0.152	0.0002085	0.00021
597702.09_4131422.92	597702.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.113	0.148	0.0001993	0.0002
597722.09_4131422.92	597722.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.032	0.002	0.111	0.145	0.0001907	0.00019
597742.09_4131422.92	597742.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.109	0.142	0.0001828	0.00018
597762.09_4131422.92	597762.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.107	0.140	0.0001753	0.00018
597782.09_4131422.92	597782.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.106	0.139	0.0001683	0.00017
597802.09_4131422.92	597802.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.106	0.137	0.0001617	0.00016
597822.09_4131422.92	597822.09	4131422.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.105	0.136	0.0001557	0.00016
596922.09_4131442.92	596922.09	4131442.92	Road/Street	NA	Y	6	0.011	0.008	0.260	0.279	0.0003398	0.00034
596942.09_4131442.92	596942.09	4131442.92	Sunol Community School	NA	Y	6	0.011	0.005	0.183	0.199	0.0003586	0.00036
596962.09_4131442.92	596962.09	4131442.92	Sunol Community School	NA	Y	6	0.012	0.004	0.130	0.146	0.0003775	0.00038
596982.09_4131442.92	596982.09	4131442.92	Sunol Community School	NA	Y	6	0.012	0.003	0.105	0.121	0.0003963	0.0004
597002.09_4131442.92	597002.09	4131442.92	Sunol Community School	NA	Y	6	0.013	0.003	0.091	0.107	0.0004148	0.00041
597022.09_4131442.92	597022.09	4131442.92	Sunol Community School	NA	Y	6	0.014	0.003	0.083	0.100	0.0004326	0.00043
597462.09_4131442.92	597462.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.034	0.008	0.351	0.393	0.0003385	0.00034
597482.09_4131442.92	597482.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.034	0.006	0.258	0.298	0.0003227	0.00032
597502.09_4131442.92	597502.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.212	0.251	0.0003073	0.00031
597562.09_4131442.92	597562.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.035	0.004	0.152	0.190	0.000264	0.00026
597582.09_4131442.92	597582.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.141	0.179	0.0002512	0.00025
597602.09_4131442.92	597602.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.133	0.171	0.000239	0.00024
597622.09_4131442.92	597622.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.126	0.164	0.0002275	0.00023
597642.09_4131442.92	597642.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.121	0.159	0.0002169	0.00022
597662.09_4131442.92	597662.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.116	0.154	0.000207	0.00021
597682.09_4131442.92	597682.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.113	0.150	0.0001976	0.0002
597702.09_4131442.92	597702.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.110	0.146	0.0001892	0.00019
597722.09_4131442.92	597722.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.033	0.002	0.107	0.142	0.0001812	0.00018
597742.09_4131442.92	597742.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.032	0.002	0.105	0.139	0.0001738	0.00017
597762.09_4131442.92	597762.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.103	0.137	0.0001669	0.00017
597782.09_4131442.92	597782.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.102	0.135	0.0001603	0.00016
597802.09_4131442.92	597802.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.101	0.133	0.0001542	0.00015
597822.09_4131442.92	597822.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.100	0.132	0.0001485	0.00015
597842.09_4131442.92	597842.09	4131442.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.100	0.131	0.0001432	0.00014
596922.09_4131462.92	596922.09	4131462.92	Road/Street	NA	Y	6	0.011	0.008	0.256	0.275	0.0003443	0.00034
596942.09_4131462.92	596942.09	4131462.92	Sunol Community School	NA	Y	6	0.011	0.005	0.176	0.192	0.0003612	0.00036
596962.09_4131462.92	596962.09	4131462.92	Sunol Community School	NA	Y	6	0.012	0.004	0.126	0.141	0.0003776	0.00038
596982.09_4131462.92	596982.09	4131462.92	Sunol Community School	NA	Y	6	0.012	0.003	0.104	0.119	0.000394	0.00039
597002.09_4131462.92	597002.09	4131462.92	Sunol Community School	NA	Y	6	0.013	0.003	0.092	0.109	0.0004106	0.00041
597022.09_4131462.92	597022.09	4131462.92	Sunol Community School	NA	Y	6	0.014	0.003	0.085	0.101	0.0004253	0.00043
597462.09_4131462.92	597462.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.034	0.007	0.298	0.339	0.0003201	0.00032
597482.09_4131462.92	597482.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.034	0.006	0.236	0.276	0.0003051	0.00031
597542.09_4131462.92	597542.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.036	0.004	0.161	0.200	0.0002628	0.00026
597562.09_4131462.92	597562.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.036	0.004	0.148	0.187	0.0002499	0.00025
597582.09_4131462.92	597582.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.138	0.178	0.0002376	0.00024
597602.09_4131462.92	597602.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.130	0.170	0.0002263	0.00023
597622.09_4131462.92	597622.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.124	0.163	0.0002156	0.00022
597642.09_4131462.92	597642.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.119	0.157	0.0002057	0.00021
597662.09_4131462.92	597662.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.114	0.153	0.0001964	0.0002
597682.09_4131462.92	597682.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.110	0.148	0.0001878	0.00019
597702.09_4131462.92	597702.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.107	0.144	0.0001798	0.00018
597722.09_4131462.92	597722.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.033	0.002	0.105	0.140	0.0001723	0.00017
597742.09_4131462.92	597742.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.032	0.002	0.102	0.137	0.0001655	0.00017
597762.09_4131462.92	597762.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.032	0.002	0.100	0.134	0.000159	0.00016
597782.09_4131462.92	597782.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.099	0.132	0.0001529	0.00015
597802.09_4131462.92	597802.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.098	0.130	0.0001473	0.00015
597822.09_4131462.92	597822.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.097	0.128	0.000142	0.00014
597842.09_4131462.92	597842.09	4131462.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.096	0.127	0.000137	0.00014
596922.09_4131482.92	596922.09	4131482.92	Road/Street	NA	Y	6	0.011	0.008	0.262	0.281	0.0003451	0.00035
596942.09_4131482.92	596942.09	4131482.92	Sunol Community School	NA	Y	6	0.012	0.005	0.173	0.189	0.00036	0.00036
596962.09_4131482.92	596962.09	4131482.92	Sunol Community School	NA	Y	6	0.012	0.004	0.126	0.142	0.0003743	0.00037
596982.09_4131482.92	596982.09	4131482.92	Sunol Community School	NA	Y	6	0.013	0.003	0.105	0.122	0.0003884	0.00039
597002.09_4131482.92	597002.09	4131482.92	Sunol Community School	NA	Y	6	0.014	0.003	0.093	0.110	0.0004016	0.0004
597022.09_4131482.92	597022.09	4131482.92	Sunol Community School	NA	Y	6	0.015	0.003	0.086	0.103	0.0004135	0.00041
597542.09_4131482.92	597542.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.036	0.004	0.160	0.200	0.0002486	0.00025
597562.09_4131482.92	597562.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.147	0.188	0.0002366	0.00024
597582.09_4131482.92	597582.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.137	0.178	0.0002252	0.00023
597602.09_4131482.92	597602.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.129	0.170	0.0002143	0.00021
597622.09_4131482.92	597622.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.123	0.163	0.0002045	0.0002
597642.09_4131482.92	597642.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.117	0.156	0.0001953	0.0002
597662.09_4131482.92	597662.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.113	0.152	0.0001865	0.00019
597682.09_4131482.92	597682.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.109	0.147	0.0001785	0.00018
597702.09_4131482.92	597702.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.105	0.143	0.0001711	0.00017
597722.09_4131482.92	597722.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.103	0.139	0.0001642	0.00016
597742.09_4131482.92	597742.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.033	0.002	0.100	0.135	0.0001577	0.00016
597762.09_4131482.92	597762.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.032	0.002	0.098	0.132	0.0001517	0.00015
597782.09_4131482.92	597782.09	4131482.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.096	0.130	0.0001461	0.00015
596922.09_4131502.92	596922.09	4131502.92	Road/Street	NA	Y	6	0.012	0.008	0.262	0.281	0.0003424	0.00034
596942.09_4131502.92	596942.09	4131502.92	Sunol Community School	NA	Y	6	0.012	0.005	0.169	0.186	0.0003549	0.00035
596962.09_4131502.92	596962.09	4131502.92	Sunol Community School	NA	Y	6	0.013	0.004	0.125	0.141	0.0003668	0.00037
597562.09_4131502.92	597562.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.148	0.190	0.000224	0.00022
597582.09_4131502.92	597582.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.138	0.179	0.0002133	0.00021
597602.09_4131502.92	597602.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.038	0.003	0.129	0.170	0.0002035	0.0002
597622.09_4131502.92	597622.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.122	0.163	0.0001942	0.00019
597642.09_4131502.92	597642.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.116	0.156	0.0001854	0.00019
597662.09_4131502.92	597662.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.112	0.151	0.0001774	0.00018
597682.09_4131502.92	597682.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.107	0.146	0.00017	0.00017
597702.09_4131502.92	597702.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.104	0.142	0.000163	0.00016
597722.09_4131502.92	597722.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.101	0.138	0.0001566	0.00016
597742.09_4131502.92	597742.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.099	0.134	0.0001506	0.00015
597762.09_4131502.92	597762.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.032	0.002	0.096	0.131	0.0001449	0.00014
597782.09_4131502.92	597782.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.095	0.128	0.0001395	0.00014
597822.09_4131502.92	597822.09	4131502.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.092	0.123	0.0001302	0.00013
596922.09_4131522.92	596922.09	4131522.92	Road/Street	NA	N	0	0.012	0.007	0.262	0.281	0.0003366	0.00034
596942.09_4131522.92	596942.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.013	0.005	0.167	0.185	0.000347	0.00035
596962.09_4131522.92	596962.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.013	0.004	0.127	0.144	0.0003571	0.00036
597582.09_4131522.92	597582.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.141	0.183	0.0002024	0.0002
597602.09_4131522.92	597602.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.130	0.172	0.0001934	0.00019
597622.09_4131522.92	597622.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.123	0.163	0.0001846	0.00018
597642.09_4131522.92	597642.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.116	0.157	0.0001765	0.00018
597662.09_4131522.92	597662.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.111	0.150	0.0001692	0.00017
597682.09_4131522.92	597682.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.107	0.145	0.0001621	0.00016

							PM2.5 Concentration (ug/m^3)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
597702.09_4131522.92	597702.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.103	0.141	0.0001556 0.00016
597722.09_4131522.92	597722.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.100	0.137	0.0001495 0.00015
597742.09_4131522.92	597742.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.097	0.133	0.0001439 0.00014
597762.09_4131522.92	597762.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.032	0.002	0.095	0.129	0.0001386 0.00014
597782.09_4131522.92	597782.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.093	0.126	0.0001337 0.00013
597802.09_4131522.92	597802.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.092	0.124	0.0001291 0.00013
597822.09_4131522.92	597822.09	4131522.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.090	0.122	0.0001249 0.00012
597642.09_4131542.92	597642.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.037	0.003	0.117	0.158	0.0001683 0.00017
597662.09_4131542.92	597662.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.111	0.151	0.0001613 0.00016
597682.09_4131542.92	597682.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.107	0.145	0.0001547 0.00015
597702.09_4131542.92	597702.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.103	0.141	0.0001485 0.00015
597722.09_4131542.92	597722.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.100	0.136	0.0001428 0.00014
597742.09_4131542.92	597742.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.097	0.132	0.0001376 0.00014
597762.09_4131542.92	597762.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.095	0.129	0.0001326 0.00013
597782.09_4131542.92	597782.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.031	0.002	0.092	0.126	0.0001281 0.00013
597802.09_4131542.92	597802.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.091	0.123	0.0001238 0.00012
597822.09_4131542.92	597822.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.089	0.121	0.0001197 0.00012
597842.09_4131542.92	597842.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.088	0.118	0.0001161 0.00012
597862.09_4131542.92	597862.09	4131542.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.087	0.117	0.0001125 0.00011
597622.09_4131562.92	597622.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.129	0.170	0.0001675 0.00017
597642.09_4131562.92	597642.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.119	0.160	0.0001607 0.00016
597662.09_4131562.92	597662.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.036	0.003	0.113	0.152	0.000154 0.00015
597682.09_4131562.92	597682.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.108	0.147	0.0001477 0.00015
597702.09_4131562.92	597702.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.103	0.141	0.0001421 0.00014
597722.09_4131562.92	597722.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.100	0.136	0.0001369 0.00014
597742.09_4131562.92	597742.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.097	0.132	0.0001319 0.00013
597762.09_4131562.92	597762.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.094	0.128	0.0001272 0.00013
597782.09_4131562.92	597782.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.092	0.125	0.000123 0.00012
597802.09_4131562.92	597802.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.030	0.002	0.090	0.122	0.0001188 0.00012
597822.09_4131562.92	597822.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.089	0.120	0.0001152 0.00012
597842.09_4131562.92	597842.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.087	0.118	0.0001118 0.00011
597862.09_4131562.92	597862.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.027	0.002	0.086	0.116	0.0001084 0.00011
597882.09_4131562.92	597882.09	4131562.92	Existing - Offsite Residential	NA	N	0	0.027	0.002	0.086	0.115	0.0001053 0.00011
597482.09_4131582.92	597482.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.036	0.005	0.184	0.225	0.0002142 0.00021
597622.09_4131582.92	597622.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.137	0.179	0.0001598 0.00016
597642.09_4131582.92	597642.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.126	0.166	0.0001533 0.00015
597662.09_4131582.92	597662.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.036	0.004	0.117	0.156	0.0001471 0.00015
597682.09_4131582.92	597682.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.035	0.003	0.110	0.148	0.0001414 0.00014
597702.09_4131582.92	597702.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.034	0.003	0.105	0.142	0.0001361 0.00014
597722.09_4131582.92	597722.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.101	0.137	0.0001311 0.00013
597742.09_4131582.92	597742.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.098	0.132	0.0001265 0.00013
597762.09_4131582.92	597762.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.095	0.128	0.0001221 0.00012
597782.09_4131582.92	597782.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.092	0.125	0.000118 0.00012
597802.09_4131582.92	597802.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.090	0.122	0.0001144 0.00011
597822.09_4131582.92	597822.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.089	0.120	0.0001109 0.00011
597842.09_4131582.92	597842.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.087	0.117	0.0001076 0.00011
597862.09_4131582.92	597862.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.027	0.002	0.086	0.116	0.0001045 0.0001
597882.09_4131582.92	597882.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.027	0.002	0.086	0.115	0.0001016 0.0001
597422.09_4131602.92	597422.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.033	0.007	0.317	0.357	0.0002285 0.00023
597442.09_4131602.92	597442.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.034	0.006	0.241	0.281	0.0002195 0.00022
597482.09_4131602.92	597482.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.039	0.005	0.177	0.221	0.0002025 0.0002
597502.09_4131602.92	597502.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.041	0.005	0.162	0.208	0.0001945 0.00019
597522.09_4131602.92	597522.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.153	0.197	0.0001868 0.00019
597642.09_4131602.92	597642.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.037	0.005	0.138	0.179	0.0001465 0.00015
597662.09_4131602.92	597662.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.036	0.004	0.124	0.164	0.0001409 0.00014
597682.09_4131602.92	597682.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.115	0.153	0.0001356 0.00014
597702.09_4131602.92	597702.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.033	0.003	0.108	0.145	0.0001306 0.00013
597722.09_4131602.92	597722.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.103	0.138	0.000126 0.00013
597742.09_4131602.92	597742.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.099	0.133	0.0001216 0.00012
597762.09_4131602.92	597762.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.096	0.129	0.0001174 0.00012
597782.09_4131602.92	597782.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.093	0.126	0.0001136 0.00011
597802.09_4131602.92	597802.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.091	0.122	0.0001102 0.00011
597822.09_4131602.92	597822.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.089	0.120	0.0001068 0.00011
597842.09_4131602.92	597842.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.088	0.118	0.0001037 0.0001
597862.09_4131602.92	597862.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.087	0.116	0.0001009 0.0001
597882.09_4131602.92	597882.09	4131602.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.086	0.115	9.821E-05 0.0001
597422.09_4131622.92	597422.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.033	0.007	0.303	0.344	0.0002158 0.00022
597442.09_4131622.92	597442.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.034	0.006	0.226	0.266	0.0002074 0.00021
597462.09_4131622.92	597462.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.037	0.005	0.192	0.234	0.0001994 0.0002
597482.09_4131622.92	597482.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.040	0.005	0.172	0.217	0.0001916 0.00019
597502.09_4131622.92	597502.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.041	0.005	0.158	0.204	0.0001841 0.00018
597522.09_4131622.92	597522.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.148	0.191	0.0001773 0.00018
597542.09_4131622.92	597542.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.141	0.184	0.0001705 0.00017
597562.09_4131622.92	597562.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.137	0.180	0.0001639 0.00016
597582.09_4131622.92	597582.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.136	0.179	0.0001575 0.00016
597662.09_4131622.92	597662.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.036	0.005	0.137	0.177	0.000135 0.00014
597682.09_4131622.92	597682.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.125	0.163	0.00013 0.00013
597702.09_4131622.92	597702.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.114	0.150	0.0001255 0.00013
597722.09_4131622.92	597722.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.107	0.142	0.0001211 0.00012
597742.09_4131622.92	597742.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.102	0.136	0.000117 0.00012
597762.09_4131622.92	597762.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.098	0.131	0.000113 0.00011
597782.09_4131622.92	597782.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.095	0.127	0.0001096 0.00011
597802.09_4131622.92	597802.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.092	0.124	0.0001062 0.00011
597822.09_4131622.92	597822.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.090	0.121	0.0001031 0.0001
597842.09_4131622.92	597842.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.089	0.119	0.0001001 0.0001
597862.09_4131622.92	597862.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.088	0.118	9.751E-05 0.0001
597882.09_4131622.92	597882.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.088	0.117	9.497E-05 0.00009
597902.09_4131622.92	597902.09	4131622.92	Existing - Offsite Residential	NA	N	0	0.026	0.003	0.088	0.117	9.257E-05 0.00009
596982.09_4131642.92	596982.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.016	0.003	0.168	0.187	0.0002759 0.00028
597002.09_4131642.92	597002.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.017	0.003	0.163	0.183	0.0002776 0.00028
597022.09_4131642.92	597022.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.018	0.003	0.154	0.174	0.0002784 0.00028
597042.09_4131642.92	597042.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.019	0.003	0.142	0.163	0.0002791 0.00028
597062.09_4131642.92	597062.09	4131642.92	Road/Street	NA	N	0	0.020	0.003	0.134	0.157	0.0002799 0.00028
597082.09_4131642.92	597082.09	4131642.92	Road/Street	NA	N	0	0.021	0.003	0.134	0.157	0.00028 0.00028
597102.09_4131642.92	597102.09	4131642.92	Road/Street	NA	N	0	0.022	0.003	0.138	0.163	0.0002798 0.00028
597122.09_4131642.92	597122.09	4131642.92	Road/Street	NA	N	0	0.023	0.003	0.145	0.171	0.0002777 0.00028
597442.09_4131642.92	597442.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.034	0.006	0.214	0.254	0.0001964 0.0002
597462.09_4131642.92	597462.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.037	0.006	0.189	0.232	0.0001889 0.00019
597482.09_4131642.92	597482.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.040	0.005	0.171	0.216	0.0001818 0.00018
597522.09_4131642.92	597522.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.146	0.189	0.0001683 0.00017
597562.09_4131642.92	597562.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.133	0.176	0.0001561 0.00016
597582.09_4131642.92	597582.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.130	0.173	0.0001504 0.00015
597622.09_4131642.92	597622.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.133	0.175	0.0001394 0.00014
597642.09_4131642.92	597642.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.037	0.005	0.142	0.183	0.0001343 0.00013
597702.09_4131642.92	597702.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.126	0.163	0.0001205 0.00012
597722.09_4131642.92	597722.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.114	0.150	0.0001165 0.00012
597742.09_4131642.92	597742.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.107	0.141	0.0001126 0.00011
597762.09_4131642.92	597762.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.101	0.134	0.0001091 0.00011
597782.09_4131642.92	597782.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.097	0.129	0.0001058 0.00011
597802.09_4131642.92	597802.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.094	0.126	0.0001026 0.0001
597822.09_4131642.92	597822.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.092	0.123	9.965E-05 0.0001
597842.09_4131642.92	597842.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.090	0.121	9.688E-05 0.0001
597862.09_4131642.92	597862.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.090	0.119	9.438E-05 0.00009
597882.09_4131642.92	597882.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.090	0.119	9.192E-05 0.00009
597902.09_4131642.92	597902.09	4131642.92	Existing - Offsite Residential	NA	N	0	0.026	0.003	0.091	0.120	8.967E-05 0.00009
596982.09_4131662.92	596982.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.016	0.003	0.139	0.158	0.0002616 0.00026
597002.09_4131662.92	597002.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.017	0.003	0.133	0.153	0.0002635 0.00026
597022.09_4131662.92	597022.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.018	0.003	0.125	0.146	0.0002639 0.00026
597042.09_4131662.92	597042.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.019	0.003	0.121	0.143	0.0002644 0.00026
597062.09_4131662.92	597062.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.020	0.003	0.118	0.141	0.0002644 0.00026
597082.09_4131662.92	597082.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.021	0.003	0.118	0.141	0.0002641 0.00026
597102.09_4131662.92	597102.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.021	0.003	0.118	0.143	0.0002636 0.00026
597122.09_4131662.92	597122.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.121	0.146	0.0002633 0.00026
597462.09_4131662.92	597462.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.038	0.006	0.199	0.243	0.0001794 0.00018
597482.09_4131662.92	597482.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.037	0.005	0.175	0.217	0.0001727 0.00017
597502.09_4131662.92	597502.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.038	0.005	0.159	0.201	0.0001663 0.00017
597542.09_4131662.92	597542.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.138	0.182	0.0001545 0.00015
597562.09_4131662.92	597562.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.131	0.176	0.0001489 0.00015
597582.09_4131662.92	597582.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.127	0.171	0.0001436 0.00014
597602.09_4131662.92	597602.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.124	0.168	0.0001385 0.00014
597622.09_4131662.92	597622.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.124	0.166	0.0001335 0.00013
597642.09_4131662.92	597642.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.127	0.168	0.0001288 0.00013
597662.09_4131662.92	597662.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.036	0.005	0.135	0.175	0.0001244 0.00012
597722.09_4131662.92	597722.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.129	0.165	0.0001122 0.00011
597782.09_4131662.92	597782.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.101	0.133	0.0001022 0.0001
597842.09_4131662.92	597842.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.093	0.123	9.386E-05 0.00009
597862.09_4131662.92	597862.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.092	0.122	9.148E-05 0.00009
597882.09_4131662.92	597882.09	4131662.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.092	0.122	8.917E-05 0.00009
596922.09_4131682.92	596922.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.014	0.006	0.220	0.239	0.0002464 0.00025
596942.09_4131682.92	596942.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.015	0.004	0.171	0.191	0.000248 0.00025
596962.09_4131682.92	596962.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.016	0.004	0.145	0.164	0.000249 0.00025
596982.09_4131682.92	596982.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.016	0.003	0.129	0.148	0.0002491 0.00025
597002.09_4131682.92	597002.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.018	0.003	0.122	0.143	0.0002504 0.00025

	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	PM2.5 Concentration (ug/m^3)				
							Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
597022.09_4131682.92	597022.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.019	0.003	0.116	0.138	0.0002507 0.00025
597042.09_4131682.92	597042.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.020	0.003	0.113	0.136	0.000251 0.00025
597062.09_4131682.92	597062.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.020	0.003	0.112	0.135	0.0002507 0.00025
597082.09_4131682.92	597082.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.021	0.003	0.111	0.135	0.0002501 0.00025
597102.09_4131682.92	597102.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.112	0.137	0.0002496 0.00025
597122.09_4131682.92	597122.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.115	0.140	0.0002494 0.00025
597482.09_4131682.92	597482.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.038	0.005	0.193	0.237	0.0001643 0.00016
597502.09_4131682.92	597502.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.040	0.005	0.168	0.213	0.0001584 0.00016
597522.09_4131682.92	597522.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.041	0.004	0.151	0.197	0.0001527 0.00015
597542.09_4131682.92	597542.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.140	0.187	0.0001474 0.00015
597562.09_4131682.92	597562.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.132	0.178	0.0001424 0.00014
597582.09_4131682.92	597582.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.041	0.004	0.126	0.171	0.0001374 0.00014
597602.09_4131682.92	597602.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.122	0.166	0.0001326 0.00013
597622.09_4131682.92	597622.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.120	0.163	0.0001281 0.00013
597642.09_4131682.92	597642.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.120	0.160	0.0001238 0.00012
597662.09_4131682.92	597662.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.036	0.004	0.122	0.162	0.0001196 0.00012
597682.09_4131682.92	597682.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.128	0.167	0.0001157 0.00012
597702.09_4131682.92	597702.09	4131682.92	Road/Street	NA	N	0	0.033	0.005	0.141	0.179	0.0001118 0.00011
597842.09_4131682.92	597842.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.096	0.127	9.112E-05 0.00009
597862.09_4131682.92	597862.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.095	0.126	8.878E-05 0.00009
597882.09_4131682.92	597882.09	4131682.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.096	0.126	8.657E-05 0.00009
596922.09_4131702.92	596922.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.014	0.005	0.203	0.223	0.0002353 0.00024
596942.09_4131702.92	596942.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.015	0.004	0.162	0.182	0.0002366 0.00024
596962.09_4131702.92	596962.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.016	0.004	0.139	0.159	0.0002375 0.00024
596982.09_4131702.92	596982.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.017	0.003	0.126	0.147	0.0002384 0.00024
597002.09_4131702.92	597002.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.018	0.003	0.118	0.139	0.0002386 0.00024
597022.09_4131702.92	597022.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.019	0.003	0.113	0.135	0.0002387 0.00024
597042.09_4131702.92	597042.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.020	0.003	0.110	0.134	0.0002387 0.00024
597062.09_4131702.92	597062.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.021	0.003	0.109	0.133	0.0002384 0.00024
597082.09_4131702.92	597082.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.108	0.133	0.0002375 0.00024
597102.09_4131702.92	597102.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.110	0.135	0.000237 0.00024
597122.09_4131702.92	597122.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.111	0.138	0.0002363 0.00024
597462.09_4131702.92	597462.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.041	0.006	0.216	0.263	0.0001611 0.00016
597502.09_4131702.92	597502.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.044	0.005	0.191	0.240	0.000151 0.00015
597522.09_4131702.92	597522.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.046	0.005	0.162	0.213	0.0001458 0.00015
597542.09_4131702.92	597542.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.045	0.004	0.146	0.196	0.0001409 0.00014
597562.09_4131702.92	597562.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.135	0.183	0.000136 0.00014
597582.09_4131702.92	597582.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.128	0.174	0.0001315 0.00013
597602.09_4131702.92	597602.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.123	0.167	0.0001271 0.00013
597622.09_4131702.92	597622.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.119	0.161	0.000123 0.00012
597642.09_4131702.92	597642.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.117	0.158	0.000119 0.00012
597662.09_4131702.92	597662.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.036	0.004	0.116	0.156	0.0001151 0.00012
597802.09_4131702.92	597802.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.029	0.004	0.108	0.141	9.322E-05 0.00009
597822.09_4131702.92	597822.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.104	0.135	9.072E-05 0.00009
597842.09_4131702.92	597842.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.100	0.132	8.845E-05 0.00009
597862.09_4131702.92	597862.09	4131702.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.099	0.130	8.63E-05 0.00009
596922.09_4131722.92	596922.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.015	0.005	0.202	0.222	0.0002254 0.00023
596942.09_4131722.92	596942.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.016	0.004	0.159	0.179	0.0002264 0.00023
596962.09_4131722.92	596962.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.017	0.004	0.136	0.157	0.0002272 0.00023
596982.09_4131722.92	596982.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.017	0.004	0.121	0.142	0.0002264 0.00023
597002.09_4131722.92	597002.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.018	0.003	0.113	0.135	0.0002263 0.00023
597022.09_4131722.92	597022.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.020	0.003	0.110	0.134	0.0002271 0.00023
597042.09_4131722.92	597042.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.021	0.003	0.108	0.133	0.0002271 0.00023
597062.09_4131722.92	597062.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.107	0.133	0.0002268 0.00023
597082.09_4131722.92	597082.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.107	0.133	0.000226 0.00023
597102.09_4131722.92	597102.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.109	0.136	0.0002258 0.00023
597122.09_4131722.92	597122.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.112	0.139	0.0002252 0.00023
597462.09_4131722.92	597462.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.046	0.006	0.179	0.231	0.0001527 0.00015
597482.09_4131722.92	597482.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.049	0.006	0.198	0.253	0.0001497 0.00015
597502.09_4131722.92	597502.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.052	0.005	0.209	0.267	0.0001444 0.00014
597522.09_4131722.92	597522.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.050	0.005	0.189	0.244	0.0001394 0.00014
597542.09_4131722.92	597542.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.160	0.211	0.0001348 0.00013
597562.09_4131722.92	597562.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.045	0.004	0.143	0.192	0.0001303 0.00013
597582.09_4131722.92	597582.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.132	0.178	0.0001262 0.00013
597602.09_4131722.92	597602.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.124	0.169	0.0001223 0.00012
597622.09_4131722.92	597622.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.119	0.162	0.0001183 0.00012
597642.09_4131722.92	597642.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.116	0.158	0.0001145 0.00011
597662.09_4131722.92	597662.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.114	0.155	0.0001109 0.00011
597802.09_4131722.92	597802.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.029	0.004	0.121	0.155	9.041E-05 0.00009
597822.09_4131722.92	597822.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.029	0.004	0.112	0.145	8.812E-05 0.00009
597842.09_4131722.92	597842.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.028	0.004	0.107	0.140	8.594E-05 0.00009
597862.09_4131722.92	597862.09	4131722.92	Existing - Offsite Residential	NA	N	0	0.028	0.004	0.106	0.138	8.387E-05 0.00008
596922.09_4131742.92	596922.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.015	0.006	0.197	0.218	0.0002161 0.00022
596942.09_4131742.92	596942.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.016	0.004	0.153	0.174	0.0002164 0.00022
596962.09_4131742.92	596962.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.017	0.004	0.134	0.155	0.0002173 0.00022
596982.09_4131742.92	596982.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.018	0.004	0.121	0.142	0.0002169 0.00022
597002.09_4131742.92	597002.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.019	0.004	0.113	0.136	0.0002166 0.00022
597022.09_4131742.92	597022.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.020	0.003	0.108	0.131	0.0002155 0.00022
597042.09_4131742.92	597042.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.107	0.132	0.0002163 0.00022
597062.09_4131742.92	597062.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.107	0.133	0.0002158 0.00022
597082.09_4131742.92	597082.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.107	0.134	0.0002154 0.00022
597102.09_4131742.92	597102.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.025	0.003	0.109	0.137	0.000215 0.00022
597122.09_4131742.92	597122.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.025	0.003	0.112	0.141	0.0002144 0.00021
597462.09_4131742.92	597462.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.060	0.006	0.174	0.240	0.0001468 0.00015
597482.09_4131742.92	597482.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.062	0.006	0.177	0.244	0.000143 0.00014
597502.09_4131742.92	597502.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.056	0.005	0.189	0.251	0.0001384 0.00014
597522.09_4131742.92	597522.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.051	0.005	0.206	0.262	0.0001336 0.00013
597542.09_4131742.92	597542.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.190	0.243	0.0001293 0.00013
597562.09_4131742.92	597562.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.045	0.004	0.158	0.208	0.0001251 0.00013
597582.09_4131742.92	597582.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.140	0.187	0.0001212 0.00012
597602.09_4131742.92	597602.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.041	0.004	0.129	0.174	0.0001175 0.00012
597622.09_4131742.92	597622.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.122	0.166	0.0001138 0.00011
597642.09_4131742.92	597642.09	4131742.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.117	0.159	0.0001104 0.00011
596922.09_4131762.92	596922.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.016	0.005	0.188	0.209	0.0002073 0.00021
596942.09_4131762.92	596942.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.017	0.004	0.146	0.167	0.000207 0.00021
596962.09_4131762.92	596962.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.018	0.004	0.132	0.154	0.0002081 0.00021
596982.09_4131762.92	596982.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.018	0.004	0.118	0.140	0.0002067 0.00021
597002.09_4131762.92	597002.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.019	0.004	0.111	0.134	0.0002062 0.00021
597022.09_4131762.92	597022.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.109	0.133	0.0002064 0.00021
597042.09_4131762.92	597042.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.108	0.134	0.0002068 0.00021
597062.09_4131762.92	597062.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.107	0.134	0.0002063 0.00021
597082.09_4131762.92	597082.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.108	0.135	0.0002054 0.00021
597102.09_4131762.92	597102.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.026	0.004	0.110	0.140	0.0002055 0.00021
597122.09_4131762.92	597122.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.026	0.004	0.114	0.144	0.0002048 0.0002
597502.09_4131762.92	597502.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.055	0.005	0.165	0.225	0.0001328 0.00013
597522.09_4131762.92	597522.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.050	0.005	0.184	0.240	0.0001284 0.00013
597542.09_4131762.92	597542.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.203	0.255	0.0001242 0.00012
597562.09_4131762.92	597562.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.045	0.005	0.193	0.242	0.0001203 0.00012
597582.09_4131762.92	597582.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.158	0.205	0.0001166 0.00012
597602.09_4131762.92	597602.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.041	0.004	0.138	0.184	0.0001131 0.00011
597622.09_4131762.92	597622.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.127	0.171	0.0001098 0.00011
597662.09_4131762.92	597662.09	4131762.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.115	0.156	0.0001036 0.0001
596922.09_4131782.92	596922.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.017	0.006	0.182	0.204	0.0001994 0.0002
596942.09_4131782.92	596942.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.017	0.005	0.145	0.166	0.0001988 0.0002
596962.09_4131782.92	596962.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.019	0.004	0.131	0.154	0.0001995 0.0002
596982.09_4131782.92	596982.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.019	0.004	0.119	0.143	0.0001989 0.0002
597002.09_4131782.92	597002.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.112	0.137	0.000198 0.0002
597022.09_4131782.92	597022.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.022	0.004	0.109	0.134	0.0001976 0.0002
597042.09_4131782.92	597042.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.108	0.135	0.0001978 0.0002
597062.09_4131782.92	597062.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.108	0.136	0.0001973 0.0002
597082.09_4131782.92	597082.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.025	0.004	0.108	0.137	0.0001958 0.0002
597102.09_4131782.92	597102.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.027	0.004	0.112	0.143	0.0001967 0.0002
597122.09_4131782.92	597122.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.027	0.004	0.116	0.147	0.0001956 0.0002
597502.09_4131782.92	597502.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.055	0.005	0.154	0.215	0.0001272 0.00013
597522.09_4131782.92	597522.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.049	0.005	0.157	0.211	0.0001234 0.00012
597542.09_4131782.92	597542.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.046	0.005	0.174	0.225	0.0001196 0.00012
597562.09_4131782.92	597562.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.044	0.005	0.200	0.249	0.0001158 0.00012
597582.09_4131782.92	597582.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.043	0.005	0.193	0.240	0.0001124 0.00011
597602.09_4131782.92	597602.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.041	0.004	0.158	0.204	0.0001091 0.00011
597642.09_4131782.92	597642.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.039	0.004	0.126	0.169	0.000103 0.0001
597662.09_4131782.92	597662.09	4131782.92	Existing - Offsite Residential	NA	N	0	0.037	0.004	0.119	0.160	0.0001003 0.0001
596922.09_4131802.92	596922.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.017	0.006	0.181	0.204	0.000192 0.00019
596942.09_4131802.92	596942.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.018	0.005	0.146	0.169	0.0001914 0.00019
596962.09_4131802.92	596962.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.019	0.004	0.130	0.154	0.0001915 0.00019
596982.09_4131802.92	596982.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.020	0.004	0.118	0.142	0.0001901 0.00019
597002.09_4131802.92	597002.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.112	0.137	0.0001896 0.00019
597022.09_4131802.92	597022.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.110	0.136	0.0001896 0.00019
597042.09_4131802.92	597042.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.109	0.137	0.0001895 0.00019
597062.09_4131802.92	597062.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.025	0.004	0.109	0.138	0.0001891 0.00019
597082.09_4131802.92	597082.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.026	0.004	0.109	0.139	0.0001876 0.00019
597102.09_4131802.92	597102.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.028	0.004	0.114	0.146	0.0001884 0.00019
597122.09_4131802.92	597122.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.028	0.004	0.117	0.149	0.0001871 0.00019
597502.09_4131802.92	597502.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.055	0.005	0.147	0.207	0.0001215 0.00012

							PM2.5 Concentration (ug/m^3)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
597522.09_4131802.92	597522.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.049	0.005	0.146	0.200	0.000119 0.00012
597542.09_4131802.92	597542.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.046	0.005	0.150	0.201	0.0001153 0.00012
597562.09_4131802.92	597562.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.044	0.005	0.166	0.215	0.0001118 0.00011
597582.09_4131802.92	597582.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.042	0.005	0.194	0.241	0.0001085 0.00011
597602.09_4131802.92	597602.09	4131802.92	Existing - Offsite Residential	NA	N	0	0.041	0.004	0.191	0.237	0.0001054 0.00011
596922.09_4131822.92	596922.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.018	0.006	0.183	0.207	0.0001852 0.00019
596942.09_4131822.92	596942.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.019	0.005	0.143	0.167	0.0001839 0.00018
596962.09_4131822.92	596962.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.020	0.005	0.130	0.154	0.0001841 0.00018
596982.09_4131822.92	596982.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.119	0.144	0.0001831 0.00018
597002.09_4131822.92	597002.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.022	0.004	0.113	0.139	0.0001823 0.00018
597022.09_4131822.92	597022.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.111	0.139	0.0001825 0.00018
597042.09_4131822.92	597042.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.025	0.004	0.110	0.139	0.0001819 0.00018
597062.09_4131822.92	597062.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.026	0.004	0.110	0.140	0.0001814 0.00018
597082.09_4131822.92	597082.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.026	0.004	0.111	0.141	0.0001801 0.00018
597102.09_4131822.92	597102.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.028	0.004	0.115	0.148	0.0001809 0.00018
597502.09_4131822.92	597502.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.054	0.005	0.142	0.202	0.0001168 0.00012
597522.09_4131822.92	597522.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.050	0.005	0.140	0.195	0.0001148 0.00011
597542.09_4131822.92	597542.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.139	0.190	0.0001115 0.00011
597562.09_4131822.92	597562.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.045	0.005	0.143	0.193	0.0001082 0.00011
597582.09_4131822.92	597582.09	4131822.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.159	0.206	0.000105 0.00011
596922.09_4131842.92	596922.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.019	0.006	0.182	0.207	0.0001788 0.00018
596942.09_4131842.92	596942.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.019	0.005	0.144	0.168	0.0001774 0.00018
596962.09_4131842.92	596962.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.021	0.005	0.130	0.156	0.0001774 0.00018
596982.09_4131842.92	596982.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.022	0.005	0.120	0.146	0.0001766 0.00018
597002.09_4131842.92	597002.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.022	0.005	0.114	0.140	0.0001754 0.00018
597022.09_4131842.92	597022.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.110	0.138	0.0001744 0.00017
597042.09_4131842.92	597042.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.109	0.138	0.0001739 0.00017
597062.09_4131842.92	597062.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.026	0.004	0.110	0.140	0.0001735 0.00017
597082.09_4131842.92	597082.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.027	0.004	0.112	0.143	0.0001732 0.00017
597102.09_4131842.92	597102.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.116	0.150	0.000174 0.00017
597522.09_4131842.92	597522.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.052	0.005	0.137	0.194	0.0001107 0.00011
597542.09_4131842.92	597542.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.048	0.005	0.133	0.186	0.0001078 0.00011
597562.09_4131842.92	597562.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.045	0.004	0.134	0.184	0.0001047 0.0001
597582.09_4131842.92	597582.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.139	0.187	0.0001017 0.0001
597682.09_4131842.92	597682.09	4131842.92	Existing - Offsite Residential	NA	N	0	0.038	0.004	0.145	0.187	8.934E-05 0.00009
596922.09_4131862.92	596922.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.019	0.007	0.180	0.206	0.0001727 0.00017
596942.09_4131862.92	596942.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.021	0.006	0.149	0.175	0.0001722 0.00017
596962.09_4131862.92	596962.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.021	0.006	0.130	0.157	0.0001711 0.00017
596982.09_4131862.92	596982.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.022	0.005	0.120	0.148	0.0001701 0.00017
597002.09_4131862.92	597002.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.023	0.005	0.115	0.143	0.0001694 0.00017
597022.09_4131862.92	597022.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.024	0.005	0.113	0.142	0.0001691 0.00017
597042.09_4131862.92	597042.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.026	0.005	0.112	0.143	0.0001687 0.00017
597062.09_4131862.92	597062.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.113	0.145	0.0001683 0.00017
597082.09_4131862.92	597082.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.114	0.147	0.0001675 0.00017
597102.09_4131862.92	597102.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.030	0.005	0.118	0.153	0.0001677 0.00017
597522.09_4131862.92	597522.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.052	0.005	0.132	0.189	0.000106 0.00011
597542.09_4131862.92	597542.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.048	0.005	0.130	0.183	0.0001045 0.0001
597562.09_4131862.92	597562.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.046	0.004	0.129	0.179	0.0001016 0.0001
597582.09_4131862.92	597582.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.130	0.178	9.876E-05 0.0001
597662.09_4131862.92	597662.09	4131862.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.165	0.209	8.912E-05 0.00009
596922.09_4131882.92	596922.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.020	0.008	0.179	0.207	0.0001672 0.00017
596942.09_4131882.92	596942.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.020	0.007	0.143	0.170	0.0001656 0.00017
596962.09_4131882.92	596962.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.022	0.006	0.130	0.158	0.0001653 0.00017
596982.09_4131882.92	596982.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.023	0.006	0.121	0.151	0.0001646 0.00016
597002.09_4131882.92	597002.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.024	0.006	0.117	0.146	0.000164 0.00016
597022.09_4131882.92	597022.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.025	0.006	0.114	0.145	0.0001637 0.00016
597042.09_4131882.92	597042.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.114	0.146	0.0001633 0.00016
597062.09_4131882.92	597062.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.028	0.006	0.114	0.147	0.0001628 0.00016
597082.09_4131882.92	597082.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.029	0.006	0.115	0.149	0.0001618 0.00016
597102.09_4131882.92	597102.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.031	0.006	0.119	0.156	0.0001617 0.00016
597522.09_4131882.92	597522.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.052	0.005	0.131	0.188	0.0001027 0.0001
597542.09_4131882.92	597542.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.129	0.181	0.0001015 0.0001
597562.09_4131882.92	597562.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.045	0.005	0.127	0.177	9.872E-05 0.0001
597582.09_4131882.92	597582.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.127	0.175	9.603E-05 0.0001
597602.09_4131882.92	597602.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.127	0.175	9.35E-05 0.00009
597622.09_4131882.92	597622.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.130	0.176	9.12E-05 0.00009
597642.09_4131882.92	597642.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.041	0.004	0.136	0.181	8.898E-05 0.00009
597662.09_4131882.92	597662.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.041	0.004	0.147	0.193	8.684E-05 0.00009
597682.09_4131882.92	597682.09	4131882.92	Existing - Offsite Residential	NA	N	0	0.040	0.004	0.153	0.198	8.507E-05 0.00009
596922.09_4131902.92	596922.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.021	0.010	0.177	0.208	0.000162 0.00016
596942.09_4131902.92	596942.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.021	0.008	0.143	0.172	0.0001605 0.00016
596962.09_4131902.92	596962.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.022	0.008	0.131	0.162	0.0001605 0.00016
596982.09_4131902.92	596982.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.024	0.008	0.123	0.154	0.0001598 0.00016
597002.09_4131902.92	597002.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.025	0.008	0.118	0.150	0.000159 0.00016
597022.09_4131902.92	597022.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.026	0.007	0.116	0.149	0.0001585 0.00016
597042.09_4131902.92	597042.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.027	0.007	0.115	0.149	0.000158 0.00016
597062.09_4131902.92	597062.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.028	0.007	0.115	0.150	0.0001575 0.00016
597082.09_4131902.92	597082.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.029	0.007	0.116	0.152	0.0001566 0.00016
597102.09_4131902.92	597102.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.031	0.007	0.120	0.158	0.0001564 0.00016
597522.09_4131902.92	597522.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.051	0.005	0.134	0.191	0.0001002 0.0001
597542.09_4131902.92	597542.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.130	0.181	9.874E-05 0.0001
597562.09_4131902.92	597562.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.045	0.005	0.127	0.177	9.599E-05 0.0001
597582.09_4131902.92	597582.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.126	0.174	9.344E-05 0.00009
597602.09_4131902.92	597602.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.125	0.172	9.122E-05 0.00009
597622.09_4131902.92	597622.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.125	0.172	8.9E-05 0.00009
597642.09_4131902.92	597642.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.128	0.174	8.676E-05 0.00009
597662.09_4131902.92	597662.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.130	0.176	8.511E-05 0.00009
597682.09_4131902.92	597682.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.136	0.182	8.334E-05 0.00008
597702.09_4131902.92	597702.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.143	0.189	8.16E-05 0.00008
597722.09_4131902.92	597722.09	4131902.92	Existing - Offsite Residential	NA	N	0	0.042	0.004	0.171	0.218	7.934E-05 0.00008
596922.09_4131922.92	596922.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.021	0.016	0.175	0.212	0.0001571 0.00016
596942.09_4131922.92	596942.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.022	0.015	0.147	0.184	0.0001564 0.00016
596962.09_4131922.92	596962.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.023	0.014	0.133	0.170	0.0001556 0.00016
596982.09_4131922.92	596982.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.024	0.014	0.124	0.162	0.0001549 0.00015
597002.09_4131922.92	597002.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.025	0.013	0.119	0.158	0.0001542 0.00015
597022.09_4131922.92	597022.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.027	0.012	0.117	0.155	0.0001536 0.00015
597042.09_4131922.92	597042.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.028	0.012	0.116	0.155	0.0001529 0.00015
597062.09_4131922.92	597062.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.029	0.011	0.116	0.156	0.0001524 0.00015
597082.09_4131922.92	597082.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.030	0.010	0.117	0.157	0.0001521 0.00015
597102.09_4131922.92	597102.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.031	0.010	0.120	0.162	0.0001514 0.00015
597522.09_4131922.92	597522.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.048	0.006	0.138	0.192	9.892E-05 0.0001
597542.09_4131922.92	597542.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.046	0.005	0.132	0.184	9.62E-05 0.0001
597562.09_4131922.92	597562.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.044	0.005	0.128	0.177	9.382E-05 0.00009
597582.09_4131922.92	597582.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.044	0.005	0.126	0.175	9.112E-05 0.00009
597602.09_4131922.92	597602.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.124	0.173	8.897E-05 0.00009
597622.09_4131922.92	597622.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.123	0.172	8.692E-05 0.00009
597642.09_4131922.92	597642.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.045	0.004	0.124	0.173	8.473E-05 0.00008
597662.09_4131922.92	597662.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.124	0.171	8.338E-05 0.00008
597682.09_4131922.92	597682.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.126	0.174	8.164E-05 0.00008
597702.09_4131922.92	597702.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.044	0.004	0.132	0.180	7.983E-05 0.00008
597722.09_4131922.92	597722.09	4131922.92	Existing - Offsite Residential	NA	N	0	0.043	0.004	0.140	0.187	7.825E-05 0.00008
596922.09_4131942.92	596922.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.022	0.012	0.173	0.207	0.0001527 0.00015
596942.09_4131942.92	596942.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.022	0.011	0.147	0.180	0.0001519 0.00015
596962.09_4131942.92	596962.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.023	0.011	0.133	0.168	0.0001511 0.00015
596982.09_4131942.92	596982.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.024	0.011	0.125	0.161	0.0001504 0.00015
597002.09_4131942.92	597002.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.026	0.012	0.120	0.157	0.0001498 0.00015
597022.09_4131942.92	597022.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.027	0.013	0.117	0.157	0.0001492 0.00015
597042.09_4131942.92	597042.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.028	0.013	0.116	0.157	0.0001485 0.00015
597062.09_4131942.92	597062.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.029	0.014	0.117	0.160	0.0001479 0.00015
597082.09_4131942.92	597082.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.030	0.014	0.118	0.163	0.0001474 0.00015
597102.09_4131942.92	597102.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.032	0.014	0.121	0.167	0.0001467 0.00015
597122.09_4131942.92	597122.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.033	0.012	0.125	0.170	0.0001462 0.00015
597522.09_4131942.92	597522.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.048	0.006	0.144	0.199	9.639E-05 0.0001
597542.09_4131942.92	597542.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.046	0.005	0.137	0.188	9.388E-05 0.00009
597562.09_4131942.92	597562.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.045	0.005	0.132	0.182	9.132E-05 0.00009
597582.09_4131942.92	597582.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.045	0.005	0.128	0.178	8.905E-05 0.00009
597642.09_4131942.92	597642.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.047	0.004	0.122	0.173	8.32E-05 0.00008
597662.09_4131942.92	597662.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.047	0.004	0.121	0.172	8.156E-05 0.00008
597682.09_4131942.92	597682.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.047	0.004	0.122	0.173	7.991E-05 0.00008
597702.09_4131942.92	597702.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.046	0.004	0.125	0.175	7.827E-05 0.00008
597722.09_4131942.92	597722.09	4131942.92	Existing - Offsite Residential	NA	N	0	0.045	0.004	0.130	0.179	7.665E-05 0.00008
596922.09_4131962.92	596922.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.022	0.009	0.172	0.203	0.0001486 0.00015
596942.09_4131962.92	596942.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.023	0.008	0.147	0.178	0.0001478 0.00015
596962.09_4131962.92	596962.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.024	0.008	0.134	0.166	0.0001468 0.00015
596982.09_4131962.92	596982.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.025	0.008	0.126	0.158	0.0001463 0.00015
597002.09_4131962.92	597002.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.026	0.008	0.120	0.154	0.0001457 0.00015
597022.09_4131962.92	597022.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.027	0.008	0.118	0.152	0.0001451 0.00015
597042.09_4131962.92	597042.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.029	0.008	0.117	0.153	0.0001444 0.00014
597062.09_4131962.92	597062.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.030	0.008	0.117	0.155	0.0001438 0.00014
597082.09_4131962.92	597082.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.031	0.008	0.119	0.158	0.0001429 0.00014
597102.09_4131962.92	597102.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.033	0.007	0.122	0.163	0.0001416 0.00014
597122.09_4131962.92	597122.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.034	0.006	0.127	0.167	0.0001411 0.00014
597522.09_4131962.92	597522.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.048	0.006	0.154	0.209	9.422E-05 0.00009

							PM2.5 Concentration (ug/m^3)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
597542.09_4131962.92	597542.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.046	0.006	0.143	0.194	9.189E-05 0.00009
597562.09_4131962.92	597562.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.137	0.189	8.921E-05 0.00009
597582.09_4131962.92	597582.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.048	0.005	0.131	0.183	8.719E-05 0.00009
597602.09_4131962.92	597602.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.049	0.005	0.127	0.180	8.514E-05 0.00009
597622.09_4131962.92	597622.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.050	0.004	0.124	0.179	8.31E-05 0.00008
597642.09_4131962.92	597642.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.052	0.004	0.123	0.179	8.115E-05 0.00008
597662.09_4131962.92	597662.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.052	0.004	0.122	0.178	7.947E-05 0.00008
597682.09_4131962.92	597682.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.049	0.004	0.121	0.174	7.838E-05 0.00008
597702.09_4131962.92	597702.09	4131962.92	Existing - Offsite Residential	NA	N	0	0.048	0.004	0.122	0.173	7.684E-05 0.00008
596922.09_4131982.92	596922.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.023	0.007	0.173	0.203	0.0001446 0.00014
596942.09_4131982.92	596942.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.024	0.007	0.148	0.178	0.0001439 0.00014
596962.09_4131982.92	596962.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.024	0.007	0.135	0.166	0.0001429 0.00014
596982.09_4131982.92	596982.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.025	0.006	0.126	0.158	0.0001424 0.00014
597002.09_4131982.92	597002.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.121	0.153	0.0001419 0.00014
597022.09_4131982.92	597022.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.027	0.006	0.118	0.152	0.0001413 0.00014
597042.09_4131982.92	597042.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.029	0.006	0.118	0.153	0.0001405 0.00014
597062.09_4131982.92	597062.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.030	0.006	0.118	0.154	0.0001398 0.00014
597082.09_4131982.92	597082.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.031	0.006	0.119	0.156	0.0001394 0.00014
597102.09_4131982.92	597102.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.032	0.005	0.122	0.159	0.0001391 0.00014
597122.09_4131982.92	597122.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.127	0.166	0.0001373 0.00014
597522.09_4131982.92	597522.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.049	0.007	0.168	0.225	9.224E-05 0.00009
597542.09_4131982.92	597542.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.049	0.006	0.153	0.209	8.987E-05 0.00009
597562.09_4131982.92	597562.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.051	0.006	0.145	0.202	8.731E-05 0.00009
597582.09_4131982.92	597582.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.051	0.005	0.136	0.192	8.544E-05 0.00009
597602.09_4131982.92	597602.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.053	0.005	0.131	0.189	8.344E-05 0.00008
597622.09_4131982.92	597622.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.055	0.004	0.127	0.187	8.151E-05 0.00008
597642.09_4131982.92	597642.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.056	0.004	0.124	0.185	7.97E-05 0.00008
597662.09_4131982.92	597662.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.056	0.004	0.122	0.182	7.802E-05 0.00008
597682.09_4131982.92	597682.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.053	0.004	0.122	0.179	7.639E-05 0.00008
597702.09_4131982.92	597702.09	4131982.92	Existing - Offsite Residential	NA	N	0	0.051	0.004	0.122	0.176	7.5E-05 0.00008
596922.09_4132002.92	596922.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.023	0.007	0.172	0.202	0.0001413 0.00014
596942.09_4132002.92	596942.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.024	0.006	0.149	0.179	0.0001402 0.00014
596962.09_4132002.92	596962.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.025	0.006	0.136	0.167	0.0001392 0.00014
596982.09_4132002.92	596982.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.127	0.159	0.0001388 0.00014
597002.09_4132002.92	597002.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.027	0.006	0.122	0.154	0.0001384 0.00014
597022.09_4132002.92	597022.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.119	0.153	0.0001378 0.00014
597042.09_4132002.92	597042.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.119	0.153	0.0001368 0.00014
597062.09_4132002.92	597062.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.119	0.156	0.0001352 0.00014
597082.09_4132002.92	597082.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.032	0.005	0.120	0.156	0.0001358 0.00014
597102.09_4132002.92	597102.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.032	0.005	0.122	0.159	0.0001355 0.00014
597542.09_4132002.92	597542.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.055	0.008	0.178	0.241	8.781E-05 0.00009
597562.09_4132002.92	597562.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.055	0.006	0.158	0.219	8.578E-05 0.00009
597582.09_4132002.92	597582.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.057	0.006	0.146	0.209	8.374E-05 0.00008
597602.09_4132002.92	597602.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.060	0.005	0.138	0.203	8.177E-05 0.00008
597622.09_4132002.92	597622.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.063	0.005	0.132	0.200	7.995E-05 0.00008
597642.09_4132002.92	597642.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.063	0.004	0.128	0.195	7.824E-05 0.00008
597662.09_4132002.92	597662.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.059	0.004	0.125	0.188	7.667E-05 0.00008
597682.09_4132002.92	597682.09	4132002.92	Existing - Offsite Residential	NA	N	0	0.055	0.004	0.123	0.181	7.531E-05 0.00008
596922.09_4132022.92	596922.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.024	0.006	0.173	0.204	0.0001376 0.00014
596942.09_4132022.92	596942.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.025	0.006	0.149	0.180	0.0001368 0.00014
596962.09_4132022.92	596962.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.137	0.168	0.0001359 0.00014
596982.09_4132022.92	596982.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.026	0.005	0.128	0.159	0.0001358 0.00014
597002.09_4132022.92	597002.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.123	0.155	0.0001353 0.00014
597022.09_4132022.92	597022.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.120	0.153	0.0001346 0.00013
597042.09_4132022.92	597042.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.030	0.005	0.119	0.153	0.0001337 0.00013
597062.09_4132022.92	597062.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.032	0.005	0.120	0.156	0.0001321 0.00013
597082.09_4132022.92	597082.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.032	0.005	0.121	0.157	0.0001323 0.00013
597102.09_4132022.92	597102.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.121	0.157	0.0001318 0.00013
597562.09_4132022.92	597562.09	4132022.92	Road/Street	NA	N	0	0.062	0.008	0.187	0.258	8.407E-05 0.00008
597582.09_4132022.92	597582.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.063	0.007	0.167	0.237	8.212E-05 0.00008
597602.09_4132022.92	597602.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.071	0.006	0.152	0.229	8.023E-05 0.00008
597622.09_4132022.92	597622.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.074	0.005	0.141	0.220	7.861E-05 0.00008
597642.09_4132022.92	597642.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.069	0.005	0.134	0.208	7.693E-05 0.00008
597662.09_4132022.92	597662.09	4132022.92	Existing - Offsite Residential	NA	N	0	0.061	0.005	0.129	0.195	7.544E-05 0.00008
596922.09_4132042.92	596922.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.025	0.006	0.172	0.203	0.0001347 0.00013
596942.09_4132042.92	596942.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.150	0.181	0.0001338 0.00013
596962.09_4132042.92	596962.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.137	0.169	0.0001329 0.00013
596982.09_4132042.92	596982.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.129	0.161	0.0001327 0.00013
597002.09_4132042.92	597002.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.123	0.156	0.0001323 0.00013
597022.09_4132042.92	597022.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.121	0.154	0.0001317 0.00013
597042.09_4132042.92	597042.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.030	0.005	0.120	0.155	0.0001304 0.00013
597062.09_4132042.92	597062.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.120	0.156	0.0001295 0.00013
597082.09_4132042.92	597082.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.121	0.158	0.0001295 0.00013
597102.09_4132042.92	597102.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.124	0.162	0.0001286 0.00013
597582.09_4132042.92	597582.09	4132042.92	Road/Street	NA	N	0	0.071	0.008	0.201	0.281	8.068E-05 0.00008
597602.09_4132042.92	597602.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.086	0.007	0.185	0.279	7.886E-05 0.00008
597622.09_4132042.92	597622.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.084	0.006	0.158	0.249	7.732E-05 0.00008
597662.09_4132042.92	597662.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.058	0.005	0.137	0.199	7.427E-05 0.00007
597682.09_4132042.92	597682.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.052	0.005	0.131	0.188	7.282E-05 0.00007
597702.09_4132042.92	597702.09	4132042.92	Existing - Offsite Residential	NA	N	0	0.047	0.004	0.128	0.179	7.166E-05 0.00007
596922.09_4132062.92	596922.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.025	0.006	0.172	0.204	0.0001319 0.00013
596942.09_4132062.92	596942.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.026	0.005	0.150	0.182	0.000131 0.00013
596962.09_4132062.92	596962.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.138	0.170	0.0001301 0.00013
596982.09_4132062.92	596982.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.129	0.161	0.0001303 0.00013
597002.09_4132062.92	597002.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.124	0.157	0.0001297 0.00013
597022.09_4132062.92	597022.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.121	0.155	0.000129 0.00013
597042.09_4132062.92	597042.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.121	0.156	0.0001276 0.00013
597062.09_4132062.92	597062.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.121	0.157	0.0001272 0.00013
597082.09_4132062.92	597082.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.122	0.159	0.0001268 0.00013
597102.09_4132062.92	597102.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.124	0.162	0.0001262 0.00013
597682.09_4132062.92	597682.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.046	0.005	0.141	0.192	7.196E-05 0.00007
597702.09_4132062.92	597702.09	4132062.92	Existing - Offsite Residential	NA	N	0	0.044	0.005	0.135	0.183	7.08E-05 0.00007
596922.09_4132082.92	596922.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.173	0.205	0.0001291 0.00013
596942.09_4132082.92	596942.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.152	0.184	0.0001284 0.00013
596962.09_4132082.92	596962.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.139	0.172	0.0001275 0.00013
596982.09_4132082.92	596982.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.130	0.163	0.0001277 0.00013
597002.09_4132082.92	597002.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.125	0.159	0.0001272 0.00013
597022.09_4132082.92	597022.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.123	0.158	0.0001261 0.00013
597042.09_4132082.92	597042.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.122	0.158	0.0001249 0.00012
597062.09_4132082.92	597062.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.122	0.159	0.0001246 0.00012
597082.09_4132082.92	597082.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.123	0.162	0.0001236 0.00012
597102.09_4132082.92	597102.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.035	0.004	0.125	0.164	0.0001236 0.00012
597682.09_4132082.92	597682.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.044	0.006	0.160	0.210	7.105E-05 0.00007
597702.09_4132082.92	597702.09	4132082.92	Existing - Offsite Residential	NA	N	0	0.043	0.005	0.149	0.197	6.987E-05 0.00007
596922.09_4132102.92	596922.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.174	0.206	0.0001268 0.00013
596942.09_4132102.92	596942.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.153	0.185	0.000126 0.00013
596962.09_4132102.92	596962.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.141	0.174	0.0001251 0.00013
596982.09_4132102.92	596982.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.131	0.164	0.0001255 0.00013
597002.09_4132102.92	597002.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.127	0.160	0.0001249 0.00012
597022.09_4132102.92	597022.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.125	0.160	0.0001237 0.00012
597042.09_4132102.92	597042.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.124	0.161	0.0001225 0.00012
597062.09_4132102.92	597062.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.034	0.004	0.124	0.162	0.000122 0.00012
597082.09_4132102.92	597082.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.035	0.004	0.125	0.165	0.0001213 0.00012
597102.09_4132102.92	597102.09	4132102.92	Existing - Offsite Residential	NA	N	0	0.037	0.005	0.127	0.169	0.0001205 0.00012
596902.09_4132122.92	596902.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.025	0.007	0.208	0.240	0.0001262 0.00013
596922.09_4132122.92	596922.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.175	0.207	0.0001247 0.00012
596942.09_4132122.92	596942.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.155	0.187	0.0001237 0.00012
596962.09_4132122.92	596962.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.142	0.176	0.000123 0.00012
596982.09_4132122.92	596982.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.134	0.167	0.000123 0.00012
597002.09_4132122.92	597002.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.030	0.005	0.128	0.163	0.0001229 0.00012
597022.09_4132122.92	597022.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.127	0.162	0.0001217 0.00012
597042.09_4132122.92	597042.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.033	0.005	0.127	0.164	0.0001202 0.00012
597062.09_4132122.92	597062.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.127	0.166	0.0001197 0.00012
597082.09_4132122.92	597082.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.036	0.005	0.128	0.169	0.000119 0.00012
597102.09_4132122.92	597102.09	4132122.92	Existing - Offsite Residential	NA	N	0	0.038	0.005	0.131	0.174	0.0001182 0.00012
596962.09_4132142.92	596962.09	4132142.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.145	0.179	0.0001209 0.00012
596982.09_4132142.92	596982.09	4132142.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.136	0.170	0.0001213 0.00012
597002.09_4132142.92	597002.09	4132142.92	Existing - Offsite Residential	NA	N	0	0.030	0.005	0.132	0.166	0.0001209 0.00012
597022.09_4132142.92	597022.09	4132142.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.131	0.166	0.0001197 0.00012
597042.09_4132142.92	597042.09	4132142.92	Existing - Offsite Residential	NA	N	0	0.033	0.005	0.131	0.169	0.0001181 0.00012
597062.09_4132142.92	597062.09	4132142.92	Existing - Offsite Residential	NA	N	0	0.035	0.005	0.131	0.171	0.0001178 0.00012
597082.09_4132142.92	597082.09	4132142.92	Existing - Offsite Residential	NA	N	0	0.037	0.005	0.133	0.175	0.000117 0.00012
597102.09_4132142.92	597102.09	4132142.92	Existing - Offsite Residential	NA	N	0	0.039	0.005	0.137	0.181	0.0001162 0.00012
596962.09_4132162.92	596962.09	4132162.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.150	0.184	0.0001191 0.00012
596982.09_4132162.92	596982.09	4132162.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.141	0.175	0.0001197 0.00012
597002.09_4132162.92	597002.09	4132162.92	Existing - Offsite Residential	NA	N	0	0.030	0.005	0.137	0.172	0.0001193 0.00012
597022.09_4132162.92	597022.09	4132162.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.137	0.174	0.0001176 0.00012
596962.09_4132182.92	596962.09	4132182.92	Existing - Offsite Residential	NA	N	0	0.028	0.006	0.160	0.195	0.0001174 0.00012
596982.09_4132182.92	596982.09	4132182.92	Existing - Offsite Residential	NA	N	0	0.029	0.006	0.152	0.187	0.0001177 0.00012
597002.09_4132182.92	597002.09	4132182.92	Existing - Offsite Residential	NA	N	0	0.030	0.006	0.150	0.186	0.0001166 0.00012
597022.09_4132182.92	597022.09	4132182.92	Existing - Offsite Residential	NA	N	0	0.031	0.006	0.150	0.187	0.0001157 0.00012
596922.09_4132262.92	596922.09	4132262.92	Existing - Offsite Residential	NA	N	0	0.025	0.009	0.236	0.270	0.0001136 0.00011
596942.09_4132262.92	596942.09	4132262.92	Existing - Offsite Residential	NA	N	0	0.026	0.010	0.243	0.279	0.0001128 0.00011

							PM2.5 Concentration (ug/m^3)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
596962.09_4132262.92	596962.09	4132262.92	Existing - Offsite Residential	NA	N	0	0.027	0.010	0.248	0.285	0.0001121 0.00011
596922.09_4132282.92	596922.09	4132282.92	Existing - Offsite Residential	NA	N	0	0.025	0.007	0.177	0.209	0.0001126 0.00011
596942.09_4132282.92	596942.09	4132282.92	Existing - Offsite Residential	NA	N	0	0.027	0.007	0.181	0.215	0.0001116 0.00011
596962.09_4132282.92	596962.09	4132282.92	Existing - Offsite Residential	NA	N	0	0.028	0.007	0.187	0.222	0.0001109 0.00011
596802.09_4132302.92	596802.09	4132302.92	Existing - Offsite Residential	NA	N	0	0.020	0.005	0.146	0.172	0.0001184 0.00012
596922.09_4132302.92	596922.09	4132302.92	Existing - Offsite Residential	NA	N	0	0.026	0.006	0.153	0.184	0.0001116 0.00011
596942.09_4132302.92	596942.09	4132302.92	Existing - Offsite Residential	NA	N	0	0.028	0.006	0.157	0.191	0.0001107 0.00011
596962.09_4132302.92	596962.09	4132302.92	Existing - Offsite Residential	NA	N	0	0.030	0.006	0.163	0.199	0.0001098 0.00011
596802.09_4132322.92	596802.09	4132322.92	Existing - Offsite Residential	NA	N	0	0.021	0.005	0.131	0.156	0.0001169 0.00012
596822.09_4132322.92	596822.09	4132322.92	Existing - Offsite Residential	NA	N	0	0.021	0.005	0.132	0.158	0.000116 0.00012
596842.09_4132322.92	596842.09	4132322.92	Existing - Offsite Residential	NA	N	0	0.022	0.005	0.133	0.160	0.0001146 0.00011
596922.09_4132322.92	596922.09	4132322.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.141	0.174	0.0001107 0.00011
596942.09_4132322.92	596942.09	4132322.92	Existing - Offsite Residential	NA	N	0	0.030	0.005	0.146	0.182	0.0001098 0.00011
596962.09_4132322.92	596962.09	4132322.92	Existing - Offsite Residential	NA	N	0	0.032	0.006	0.154	0.192	0.0001089 0.00011
597062.09_4132322.92	597062.09	4132322.92	Existing - Offsite Residential	NA	N	0	0.053	0.010	0.319	0.382	0.0001047 0.0001
596782.09_4132342.92	596782.09	4132342.92	Existing - Offsite Residential	NA	N	0	0.020	0.004	0.121	0.145	0.0001172 0.00012
596802.09_4132342.92	596802.09	4132342.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.122	0.147	0.0001158 0.00012
596822.09_4132342.92	596822.09	4132342.92	Existing - Offsite Residential	NA	N	0	0.022	0.004	0.123	0.149	0.0001148 0.00011
596842.09_4132342.92	596842.09	4132342.92	Existing - Offsite Residential	NA	N	0	0.023	0.005	0.125	0.152	0.0001137 0.00011
596862.09_4132342.92	596862.09	4132342.92	Existing - Offsite Residential	NA	N	0	0.024	0.005	0.127	0.156	0.0001124 0.00011
597042.09_4132342.92	597042.09	4132342.92	Existing - Offsite Residential	NA	N	0	0.051	0.011	0.325	0.387	0.0001046 0.0001
597062.09_4132342.92	597062.09	4132342.92	Existing - Offsite Residential	NA	N	0	0.056	0.008	0.237	0.301	0.0001039 0.0001
597082.09_4132342.92	597082.09	4132342.92	Existing - Offsite Residential	NA	N	0	0.060	0.007	0.204	0.270	0.0001032 0.0001
596782.09_4132362.92	596782.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.117	0.141	0.000116 0.00012
596802.09_4132362.92	596802.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.022	0.004	0.118	0.144	0.0001147 0.00011
596822.09_4132362.92	596822.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.119	0.146	0.000114 0.00011
596842.09_4132362.92	596842.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.121	0.149	0.0001132 0.00011
596862.09_4132362.92	596862.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.025	0.004	0.124	0.154	0.0001117 0.00011
597022.09_4132362.92	597022.09	4132362.92	Road/Street	NA	N	0	0.050	0.011	0.355	0.416	0.0001045 0.0001
597042.09_4132362.92	597042.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.054	0.008	0.239	0.301	0.0001037 0.0001
597062.09_4132362.92	597062.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.058	0.006	0.199	0.263	0.0001032 0.0001
597082.09_4132362.92	597082.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.061	0.006	0.182	0.249	0.0001024 0.0001
597102.09_4132362.92	597102.09	4132362.92	Existing - Offsite Residential	NA	N	0	0.063	0.005	0.175	0.244	0.0001016 0.0001
596762.09_4132382.92	596762.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.115	0.140	0.0001157 0.00012
596782.09_4132382.92	596782.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.021	0.004	0.116	0.142	0.000115 0.00012
596802.09_4132382.92	596802.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.118	0.144	0.0001138 0.00011
596822.09_4132382.92	596822.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.120	0.147	0.000113 0.00011
596842.09_4132382.92	596842.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.025	0.004	0.121	0.151	0.0001124 0.00011
596862.09_4132382.92	596862.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.027	0.004	0.125	0.157	0.0001109 0.00011
597002.09_4132382.92	597002.09	4132382.92	Road/Street	NA	N	0	0.048	0.012	0.375	0.435	0.0001045 0.0001
597022.09_4132382.92	597022.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.052	0.007	0.243	0.302	0.0001039 0.0001
597042.09_4132382.92	597042.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.056	0.006	0.197	0.259	0.0001031 0.0001
597062.09_4132382.92	597062.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.059	0.006	0.177	0.242	0.0001024 0.0001
597082.09_4132382.92	597082.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.061	0.005	0.168	0.234	0.0001017 0.0001
597102.09_4132382.92	597102.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.063	0.005	0.165	0.233	0.0001008 0.0001
597122.09_4132382.92	597122.09	4132382.92	Existing - Offsite Residential	NA	N	0	0.066	0.005	0.167	0.237	9.958E-05 0.0001
596762.09_4132402.92	596762.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.022	0.004	0.121	0.147	0.0001145 0.00011
596782.09_4132402.92	596782.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.122	0.148	0.0001139 0.00011
596802.09_4132402.92	596802.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.123	0.151	0.0001128 0.00011
596822.09_4132402.92	596822.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.025	0.004	0.125	0.154	0.000112 0.00011
596842.09_4132402.92	596842.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.027	0.004	0.128	0.159	0.0001112 0.00011
597002.09_4132402.92	597002.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.050	0.008	0.248	0.305	0.0001041 0.0001
597022.09_4132402.92	597022.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.054	0.006	0.198	0.257	0.0001033 0.0001
597042.09_4132402.92	597042.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.056	0.005	0.175	0.237	0.0001026 0.0001
597062.09_4132402.92	597062.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.059	0.005	0.164	0.228	0.0001018 0.0001
597082.09_4132402.92	597082.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.061	0.005	0.159	0.225	0.0001011 0.0001
597102.09_4132402.92	597102.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.063	0.004	0.158	0.226	0.0001002 0.0001
597122.09_4132402.92	597122.09	4132402.92	Existing - Offsite Residential	NA	N	0	0.066	0.004	0.161	0.231	9.972E-05 0.0001
596742.09_4132422.92	596742.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.022	0.004	0.142	0.168	0.0001144 0.00011
596762.09_4132422.92	596762.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.141	0.168	0.0001136 0.00011
596782.09_4132422.92	596782.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.024	0.004	0.138	0.166	0.0001131 0.00011
596802.09_4132422.92	596802.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.025	0.004	0.140	0.170	0.0001118 0.00011
596822.09_4132422.92	596822.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.026	0.004	0.140	0.171	0.0001113 0.00011
596842.09_4132422.92	596842.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.028	0.005	0.143	0.176	0.0001103 0.00011
596902.09_4132422.92	596902.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.036	0.005	0.173	0.214	0.0001075 0.00011
596922.09_4132422.92	596922.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.039	0.006	0.204	0.249	0.0001067 0.00011
596942.09_4132422.92	596942.09	4132422.92	Road/Street	NA	N	0	0.042	0.009	0.302	0.354	0.0001057 0.00011
597022.09_4132422.92	597022.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.054	0.005	0.174	0.234	0.000103 0.0001
597042.09_4132422.92	597042.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.057	0.005	0.162	0.223	0.0001021 0.0001
597062.09_4132422.92	597062.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.059	0.005	0.155	0.218	0.0001015 0.0001
597082.09_4132422.92	597082.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.062	0.004	0.152	0.219	0.0001006 0.0001
597102.09_4132422.92	597102.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.066	0.004	0.153	0.223	9.978E-05 0.0001
597122.09_4132422.92	597122.09	4132422.92	Existing - Offsite Residential	NA	N	0	0.069	0.004	0.156	0.229	9.956E-05 0.0001
596902.09_4132442.92	596902.09	4132442.92	Existing - Offsite Residential	NA	N	0	0.038	0.007	0.229	0.274	0.0001067 0.00011
596922.09_4132442.92	596922.09	4132442.92	Existing - Offsite Residential	NA	N	0	0.041	0.009	0.307	0.358	0.000106 0.00011
597042.09_4132442.92	597042.09	4132442.92	Existing - Offsite Residential	NA	N	0	0.056	0.004	0.153	0.214	0.000102 0.0001
597062.09_4132442.92	597062.09	4132442.92	Existing - Offsite Residential	NA	N	0	0.059	0.004	0.148	0.212	0.0001012 0.0001
597082.09_4132442.92	597082.09	4132442.92	Existing - Offsite Residential	NA	N	0	0.063	0.004	0.147	0.214	0.0001004 0.0001
597102.09_4132442.92	597102.09	4132442.92	Existing - Offsite Residential	NA	N	0	0.069	0.004	0.148	0.221	9.98E-05 0.0001
596722.09_4132462.92	596722.09	4132462.92	Existing - Offsite Residential	NA	N	0	0.022	0.004	0.135	0.162	0.0001135 0.00011
596802.09_4132462.92	596802.09	4132462.92	Existing - Offsite Residential	NA	N	0	0.027	0.005	0.159	0.191	0.0001102 0.00011
596822.09_4132462.92	596822.09	4132462.92	Existing - Offsite Residential	NA	N	0	0.029	0.005	0.169	0.203	0.0001093 0.00011
596842.09_4132462.92	596842.09	4132462.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.181	0.218	0.0001086 0.00011
596862.09_4132462.92	596862.09	4132462.92	Existing - Offsite Residential	NA	N	0	0.034	0.006	0.198	0.238	0.0001079 0.00011
596882.09_4132462.92	596882.09	4132462.92	Existing - Offsite Residential	NA	N	0	0.037	0.007	0.233	0.277	0.0001068 0.00011
597062.09_4132462.92	597062.09	4132462.92	Existing - Offsite Residential	NA	N	0	0.061	0.004	0.144	0.209	0.0001008 0.0001
597082.09_4132462.92	597082.09	4132462.92	Existing - Offsite Residential	NA	N	0	0.066	0.004	0.144	0.213	9.986E-05 0.0001
596702.09_4132482.92	596702.09	4132482.92	Existing - Offsite Residential	NA	N	0	0.022	0.003	0.110	0.136	0.0001136 0.00011
596722.09_4132482.92	596722.09	4132482.92	Existing - Offsite Residential	NA	N	0	0.023	0.004	0.113	0.140	0.0001127 0.00011
596802.09_4132482.92	596802.09	4132482.92	Existing - Offsite Residential	NA	N	0	0.029	0.004	0.135	0.168	0.0001097 0.00011
596822.09_4132482.92	596822.09	4132482.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.145	0.180	0.0001089 0.00011
596842.09_4132482.92	596842.09	4132482.92	Existing - Offsite Residential	NA	N	0	0.033	0.005	0.160	0.199	0.0001079 0.00011
596862.09_4132482.92	596862.09	4132482.92	Existing - Offsite Residential	NA	N	0	0.036	0.006	0.187	0.229	0.0001072 0.00011
596882.09_4132482.92	596882.09	4132482.92	Existing - Offsite Residential	NA	N	0	0.039	0.008	0.259	0.305	0.0001062 0.00011
596702.09_4132502.92	596702.09	4132502.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.100	0.127	0.0001128 0.00011
596722.09_4132502.92	596722.09	4132502.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.104	0.131	0.0001119 0.00011
596802.09_4132502.92	596802.09	4132502.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.129	0.163	0.0001088 0.00011
596822.09_4132502.92	596822.09	4132502.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.144	0.181	0.0001077 0.00011
596842.09_4132502.92	596842.09	4132502.92	Existing - Offsite Residential	NA	N	0	0.035	0.005	0.168	0.208	0.0001071 0.00011
596862.09_4132502.92	596862.09	4132502.92	Existing - Offsite Residential	NA	N	0	0.038	0.007	0.231	0.275	0.0001062 0.00011
596682.09_4132522.92	596682.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.092	0.118	0.0001132 0.00011
596702.09_4132522.92	596702.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.096	0.122	0.0001122 0.00011
596722.09_4132522.92	596722.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.025	0.003	0.100	0.128	0.0001112 0.00011
596742.09_4132522.92	596742.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.026	0.003	0.105	0.134	0.0001102 0.00011
596762.09_4132522.92	596762.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.111	0.142	0.0001099 0.00011
596782.09_4132522.92	596782.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.029	0.004	0.120	0.153	0.0001089 0.00011
596802.09_4132522.92	596802.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.133	0.169	0.0001077 0.00011
596822.09_4132522.92	596822.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.156	0.195	0.000107 0.00011
596842.09_4132522.92	596842.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.037	0.006	0.211	0.254	0.0001062 0.00011
597262.09_4132522.92	597262.09	4132522.92	Road/Street	NA	N	0	0.077	0.004	0.382	0.463	8.721E-05 0.00009
597282.09_4132522.92	597282.09	4132522.92	Existing - Offsite Residential	NA	N	0	0.069	0.004	0.279	0.352	8.634E-05 0.00009
596682.09_4132542.92	596682.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.090	0.116	0.0001125 0.00011
596702.09_4132542.92	596702.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.094	0.121	0.0001115 0.00011
596722.09_4132542.92	596722.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.026	0.003	0.098	0.127	0.0001106 0.00011
596742.09_4132542.92	596742.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.105	0.135	0.0001096 0.00011
596762.09_4132542.92	596762.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.113	0.145	0.0001087 0.00011
596782.09_4132542.92	596782.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.125	0.160	0.000108 0.00011
596802.09_4132542.92	596802.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.147	0.184	0.0001071 0.00011
596822.09_4132542.92	596822.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.035	0.006	0.195	0.236	0.0001064 0.00011
597242.09_4132542.92	597242.09	4132542.92	Road/Street	NA	N	0	0.082	0.005	0.592	0.679	8.796E-05 0.00009
597262.09_4132542.92	597262.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.072	0.004	0.337	0.413	8.705E-05 0.00009
597282.09_4132542.92	597282.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.064	0.004	0.260	0.328	8.596E-05 0.00009
597302.09_4132542.92	597302.09	4132542.92	Existing - Offsite Residential	NA	N	0	0.059	0.004	0.226	0.289	8.471E-05 0.00008
596662.09_4132562.92	596662.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.085	0.111	0.0001124 0.00011
596682.09_4132562.92	596682.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.089	0.116	0.0001118 0.00011
596702.09_4132562.92	596702.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.025	0.003	0.093	0.122	0.0001107 0.00011
596722.09_4132562.92	596722.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.099	0.129	0.0001097 0.00011
596742.09_4132562.92	596742.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.107	0.139	0.0001089 0.00011
596762.09_4132562.92	596762.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.119	0.153	0.0001082 0.00011
596782.09_4132562.92	596782.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.139	0.175	0.0001073 0.00011
596802.09_4132562.92	596802.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.183	0.222	0.0001064 0.00011
596822.09_4132562.92	596822.09	4132562.92	Road/Street	NA	N	0	0.036	0.010	0.373	0.420	0.0001056 0.00011
597222.09_4132562.92	597222.09	4132562.92	Road/Street	NA	N	0	0.086	0.005	0.754	0.845	8.864E-05 0.00009
597242.09_4132562.92	597242.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.073	0.004	0.404	0.481	8.776E-05 0.00009
597262.09_4132562.92	597262.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.065	0.004	0.292	0.360	8.668E-05 0.00009
597282.09_4132562.92	597282.09	4132562.92	Existing - Offsite Residential	NA	N	0	0.059	0.004	0.247	0.309	8.56E-05 0.00009
596662.09_4132582.92	596662.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.085	0.111	0.000112 0.00011
596682.09_4132582.92	596682.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.025	0.003	0.089	0.117	0.0001108 0.00011
596702.09_4132582.92	596702.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.026	0.003	0.095	0.124	0.0001099 0.00011
596722.09_4132582.92	596722.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.103	0.134	0.0001091 0.00011
596742.09_4132582.92	596742.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.114	0.147	0.0001083 0.00011
596762.09_4132582.92	596762.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.132	0.167	0.0001078 0.00011
596782.09_4132582.92	596782.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.033	0.005	0.171	0.209	0.000107 0.00011

	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	PM2.5 Concentration (ug/m^3)				
							Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
596802.09_4132582.92	596802.09	4132582.92	Road/Street	NA	N	0	0.035	0.009	0.341	0.385	0.0001058 0.00011
597222.09_4132582.92	597222.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.077	0.004	0.470	0.551	8.838E-05 0.00009
597242.09_4132582.92	597242.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.064	0.004	0.332	0.399	8.74E-05 0.00009
597262.09_4132582.92	597262.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.058	0.004	0.274	0.336	8.634E-05 0.00009
597282.09_4132582.92	597282.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.053	0.004	0.247	0.304	8.515E-05 0.00009
597302.09_4132582.92	597302.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.049	0.005	0.238	0.292	8.393E-05 0.00008
597582.09_4132582.92	597582.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.025	0.002	0.133	0.161	6.779E-05 0.00007
597602.09_4132582.92	597602.09	4132582.92	Existing - Offsite Residential	NA	N	0	0.024	0.002	0.132	0.158	6.678E-05 0.00007
596642.09_4132602.92	596642.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.023	0.003	0.081	0.107	0.0001133 0.00011
596662.09_4132602.92	596662.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.025	0.003	0.085	0.113	0.0001121 0.00011
596682.09_4132602.92	596682.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.026	0.003	0.091	0.120	0.0001109 0.00011
596702.09_4132602.92	596702.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.099	0.129	0.0001093 0.00011
596722.09_4132602.92	596722.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.109	0.141	0.0001085 0.00011
596742.09_4132602.92	596742.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.127	0.161	0.000108 0.00011
596762.09_4132602.92	596762.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.032	0.005	0.161	0.198	0.0001072 0.00011
596782.09_4132602.92	596782.09	4132602.92	Road/Street	NA	N	0	0.034	0.008	0.286	0.328	0.0001062 0.00011
597242.09_4132602.92	597242.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.059	0.004	0.315	0.377	8.696E-05 0.00009
597262.09_4132602.92	597262.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.051	0.004	0.278	0.334	8.596E-05 0.00009
597282.09_4132602.92	597282.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.262	0.314	8.474E-05 0.00008
597302.09_4132602.92	597302.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.044	0.008	0.271	0.323	8.36E-05 0.00008
597322.09_4132602.92	597322.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.041	0.016	0.328	0.385	8.221E-05 0.00008
597342.09_4132602.92	597342.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.039	0.010	0.265	0.314	8.116E-05 0.00008
597582.09_4132602.92	597582.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.024	0.002	0.139	0.165	6.758E-05 0.00007
597602.09_4132602.92	597602.09	4132602.92	Existing - Offsite Residential	NA	N	0	0.023	0.002	0.138	0.163	6.669E-05 0.00007
596642.09_4132622.92	596642.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.024	0.003	0.082	0.109	0.0001131 0.00011
596662.09_4132622.92	596662.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.026	0.003	0.087	0.116	0.0001121 0.00011
596682.09_4132622.92	596682.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.094	0.124	0.000111 0.00011
596702.09_4132622.92	596702.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.105	0.137	0.0001088 0.00011
596722.09_4132622.92	596722.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.122	0.155	0.0001078 0.00011
596742.09_4132622.92	596742.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.153	0.189	0.0001072 0.00011
596762.09_4132622.92	596762.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.033	0.007	0.253	0.293	0.0001063 0.00011
597182.09_4132622.92	597182.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.082	0.004	0.655	0.741	8.95E-05 0.00009
597202.09_4132622.92	597202.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.073	0.004	0.463	0.540	8.862E-05 0.00009
597222.09_4132622.92	597222.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.064	0.004	0.378	0.446	8.769E-05 0.00009
597242.09_4132622.92	597242.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.054	0.004	0.330	0.388	8.657E-05 0.00009
597262.09_4132622.92	597262.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.047	0.005	0.302	0.354	8.542E-05 0.00009
597282.09_4132622.92	597282.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.043	0.007	0.299	0.349	8.433E-05 0.00008
597302.09_4132622.92	597302.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.040	0.016	0.354	0.410	8.302E-05 0.00008
597322.09_4132622.92	597322.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.038	0.011	0.301	0.350	8.196E-05 0.00008
597342.09_4132622.92	597342.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.036	0.006	0.248	0.291	8.091E-05 0.00008
597362.09_4132622.92	597362.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.035	0.005	0.223	0.262	7.986E-05 0.00008
597382.09_4132622.92	597382.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.207	0.244	7.863E-05 0.00008
597562.09_4132622.92	597562.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.024	0.002	0.149	0.175	6.872E-05 0.00007
597582.09_4132622.92	597582.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.023	0.002	0.147	0.172	6.761E-05 0.00007
597602.09_4132622.92	597602.09	4132622.92	Existing - Offsite Residential	NA	N	0	0.022	0.002	0.146	0.170	6.656E-05 0.00007
596622.09_4132642.92	596622.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.024	0.002	0.079	0.106	0.0001139 0.00011
596642.09_4132642.92	596642.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.025	0.003	0.084	0.112	0.0001126 0.00011
596662.09_4132642.92	596662.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.091	0.120	0.0001116 0.00011
596682.09_4132642.92	596682.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.101	0.132	0.0001103 0.00011
596702.09_4132642.92	596702.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.116	0.149	0.0001087 0.00011
596722.09_4132642.92	596722.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.031	0.004	0.145	0.181	0.0001073 0.00011
596742.09_4132642.92	596742.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.032	0.007	0.231	0.270	0.0001064 0.00011
597222.09_4132642.92	597222.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.057	0.004	0.426	0.487	8.736E-05 0.00009
597242.09_4132642.92	597242.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.050	0.005	0.379	0.434	8.61E-05 0.00009
597262.09_4132642.92	597262.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.045	0.007	0.356	0.407	8.499E-05 0.00008
597282.09_4132642.92	597282.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.040	0.015	0.398	0.453	8.381E-05 0.00008
597302.09_4132642.92	597302.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.037	0.012	0.357	0.407	8.274E-05 0.00008
597322.09_4132642.92	597322.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.036	0.007	0.291	0.333	8.163E-05 0.00008
597342.09_4132642.92	597342.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.260	0.299	8.066E-05 0.00008
597362.09_4132642.92	597362.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.240	0.277	7.953E-05 0.00008
597382.09_4132642.92	597382.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.226	0.261	7.837E-05 0.00008
597402.09_4132642.92	597402.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.214	0.246	7.733E-05 0.00008
597422.09_4132642.92	597422.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.199	0.229	7.713E-05 0.00008
597562.09_4132642.92	597562.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.023	0.002	0.161	0.186	6.87E-05 0.00007
597582.09_4132642.92	597582.09	4132642.92	Existing - Offsite Residential	NA	N	0	0.022	0.002	0.158	0.183	6.765E-05 0.00007
596602.09_4132662.92	596602.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.025	0.002	0.077	0.104	0.0001127 0.00011
596622.09_4132662.92	596622.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.026	0.002	0.082	0.110	0.0001121 0.00011
596642.09_4132662.92	596642.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.088	0.117	0.0001118 0.00011
596662.09_4132662.92	596662.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.097	0.128	0.0001107 0.00011
596682.09_4132662.92	596682.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.112	0.144	0.0001095 0.00011
596702.09_4132662.92	596702.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.138	0.173	0.0001079 0.00011
596722.09_4132662.92	596722.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.032	0.006	0.210	0.248	0.0001068 0.00011
597222.09_4132662.92	597222.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.052	0.005	0.549	0.605	8.692E-05 0.00009
597242.09_4132662.92	597242.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.047	0.006	0.484	0.537	8.586E-05 0.00009
597262.09_4132662.92	597262.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.043	0.014	0.505	0.561	8.445E-05 0.00008
597282.09_4132662.92	597282.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.038	0.014	0.463	0.515	8.344E-05 0.00008
597302.09_4132662.92	597302.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.035	0.007	0.368	0.410	8.257E-05 0.00008
597322.09_4132662.92	597322.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.033	0.005	0.328	0.366	8.145E-05 0.00008
597342.09_4132662.92	597342.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.302	0.337	8.03E-05 0.00008
597362.09_4132662.92	597362.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.279	0.313	7.931E-05 0.00008
597382.09_4132662.92	597382.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.262	0.295	7.816E-05 0.00008
597402.09_4132662.92	597402.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.247	0.278	7.708E-05 0.00008
597422.09_4132662.92	597422.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.233	0.262	7.612E-05 0.00008
597542.09_4132662.92	597542.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.022	0.002	0.183	0.207	6.976E-05 0.00007
597562.09_4132662.92	597562.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.022	0.002	0.178	0.203	6.846E-05 0.00007
597582.09_4132662.92	597582.09	4132662.92	Existing - Offsite Residential	NA	N	0	0.021	0.002	0.174	0.197	6.766E-05 0.00007
596602.09_4132682.92	596602.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.026	0.002	0.079	0.107	0.0001122 0.00011
596622.09_4132682.92	596622.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.086	0.115	0.000111 0.00011
596642.09_4132682.92	596642.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.094	0.125	0.0001102 0.00011
596662.09_4132682.92	596662.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.107	0.139	0.0001099 0.00011
596682.09_4132682.92	596682.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.131	0.165	0.0001089 0.00011
596702.09_4132682.92	596702.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.032	0.006	0.194	0.231	0.0001071 0.00011
597282.09_4132682.92	597282.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.037	0.007	0.565	0.609	8.32E-05 0.00008
597302.09_4132682.92	597302.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.034	0.005	0.484	0.522	8.232E-05 0.00008
597322.09_4132682.92	597322.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.437	0.473	8.119E-05 0.00008
597342.09_4132682.92	597342.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.398	0.432	8.006E-05 0.00008
597362.09_4132682.92	597362.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.365	0.398	7.886E-05 0.00008
597382.09_4132682.92	597382.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.335	0.366	7.782E-05 0.00008
597402.09_4132682.92	597402.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.027	0.003	0.309	0.338	7.684E-05 0.00008
597522.09_4132682.92	597522.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.021	0.002	0.219	0.243	7.056E-05 0.00007
597542.09_4132682.92	597542.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.021	0.002	0.210	0.233	6.964E-05 0.00007
597562.09_4132682.92	597562.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.021	0.002	0.203	0.226	6.846E-05 0.00007
597582.09_4132682.92	597582.09	4132682.92	Existing - Offsite Residential	NA	N	0	0.021	0.002	0.197	0.220	6.73E-05 0.00007
596582.09_4132702.92	596582.09	4132702.92	Existing - Offsite Residential	NA	N	0	0.026	0.002	0.077	0.105	0.0001128 0.00011
596602.09_4132702.92	596602.09	4132702.92	Existing - Offsite Residential	NA	N	0	0.027	0.002	0.083	0.112	0.0001116 0.00011
596622.09_4132702.92	596622.09	4132702.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.092	0.122	0.0001101 0.00011
596642.09_4132702.92	596642.09	4132702.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.104	0.136	0.0001094 0.00011
596662.09_4132702.92	596662.09	4132702.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.126	0.160	0.0001087 0.00011
596682.09_4132702.92	596682.09	4132702.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.180	0.217	0.0001074 0.00011
597522.09_4132702.92	597522.09	4132702.92	Existing - Offsite Residential	NA	N	0	0.021	0.002	0.269	0.292	7.059E-05 0.00007
596582.09_4132722.92	596582.09	4132722.92	Existing - Offsite Residential	NA	N	0	0.027	0.002	0.080	0.110	0.000112 0.00011
596602.09_4132722.92	596602.09	4132722.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.089	0.119	0.0001109 0.00011
596622.09_4132722.92	596622.09	4132722.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.101	0.133	0.0001096 0.00011
596642.09_4132722.92	596642.09	4132722.92	Existing - Offsite Residential	NA	N	0	0.030	0.004	0.121	0.155	0.0001088 0.00011
596662.09_4132722.92	596662.09	4132722.92	Existing - Offsite Residential	NA	N	0	0.031	0.005	0.168	0.205	0.0001077 0.00011
597562.09_4132722.92	597562.09	4132722.92	Existing - Offsite Residential	NA	N	0	0.020	0.003	0.305	0.327	6.835E-05 0.00007
596582.09_4132742.92	596582.09	4132742.92	Existing - Offsite Residential	NA	N	0	0.028	0.003	0.086	0.116	0.0001107 0.00011
596602.09_4132742.92	596602.09	4132742.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.097	0.129	0.0001099 0.00011
596622.09_4132742.92	596622.09	4132742.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.116	0.150	0.0001092 0.00011
596642.09_4132742.92	596642.09	4132742.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.158	0.194	0.000108 0.00011
596662.09_4132742.92	596662.09	4132742.92	Road/Street	NA	N	0	0.033	0.009	0.349	0.391	0.000107 0.00011
596562.09_4132762.92	596562.09	4132762.92	Existing - Offsite Residential	NA	N	0	0.028	0.002	0.083	0.114	0.0001114 0.00011
596582.09_4132762.92	596582.09	4132762.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.094	0.126	0.0001103 0.00011
596602.09_4132762.92	596602.09	4132762.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.112	0.146	0.0001091 0.00011
596622.09_4132762.92	596622.09	4132762.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.148	0.184	0.0001083 0.00011
596642.09_4132762.92	596642.09	4132762.92	Road/Street	NA	N	0	0.033	0.008	0.284	0.325	0.0001073 0.00011
596562.09_4132782.92	596562.09	4132782.92	Existing - Offsite Residential	NA	N	0	0.029	0.003	0.091	0.123	0.0001109 0.00011
596582.09_4132782.92	596582.09	4132782.92	Existing - Offsite Residential	NA	N	0	0.030	0.003	0.108	0.141	0.0001099 0.00011
596602.09_4132782.92	596602.09	4132782.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.141	0.176	0.0001087 0.00011
596622.09_4132782.92	596622.09	4132782.92	Existing - Offsite Residential	NA	N	0	0.033	0.007	0.250	0.291	0.0001076 0.00011
596582.09_4132802.92	596582.09	4132802.92	Existing - Offsite Residential	NA	N	0	0.032	0.004	0.133	0.168	0.0001094 0.00011
596602.09_4132802.92	596602.09	4132802.92	Existing - Offsite Residential	NA	N	0	0.033	0.006	0.220	0.260	0.0001082 0.00011
597122.09_4132802.92	597122.09	4132802.92	Existing - Offsite Residential	NA	N	0	0.036	0.002	0.203	0.241	8.878E-05 0.00009
596522.09_4132822.92	596522.09	4132822.92	Existing - Offsite Residential	NA	N	0	0.029	0.002	0.085	0.117	0.0001119 0.00011
597082.09_4132822.92	597082.09	4132822.92	Existing - Offsite Residential	NA	N	0	0.037	0.002	0.202	0.241	9.001E-05 0.00009
597102.09_4132822.92	597102.09	4132822.92	Existing - Offsite Residential	NA	N	0	0.035	0.002	0.189	0.226	8.914E-05 0.00009
596522.09_4132842.92	596522.09	4132842.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.096	0.129	0.0001109 0.00011
596542.09_4132842.92	596542.09	4132842.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.121	0.156	0.0001098 0.00011
597082.09_4132842.92	597082.09	4132842.92	Existing - Offsite Residential	NA	N	0	0.034	0.002	0.177	0.214	8.959E-05 0.00009
596502.09_4132862.92	596502.09	4132862.92	Existing - Offsite Residential	NA	N	0	0.031	0.003	0.092	0.126	0.000111 0.00011
596522.09_4132862.92	596522.09	4132862.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.115	0.150	0.00011 0.00011
596542.09_4132862.92	596542.09	4132862.92	Existing - Offsite Residential	NA	N	0	0.033	0.005	0.170	0.208	0.0001092 0.00011
596502.09_4132882.92	596502.09	4132882.92	Existing - Offsite Residential	NA	N	0	0.032	0.003	0.109	0.144	0.0001106 0.00011

							PM2.5 Concentration (ug/m^3)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
596522.09_4132882.92	596522.09	4132882.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.158	0.195	0.0001095 0.00011
596502.09_4132902.92	596502.09	4132902.92	Existing - Offsite Residential	NA	N	0	0.033	0.004	0.145	0.182	0.0001101 0.00011
597482.09_4131582.92	597482.09	4131582.92	Existing - Offsite Residential	NA	N	0	0.036	0.005	0.184	0.225	0.0002142 0.00021
597782.09_4130982.92	597782.09	4130982.92	Gardener Elementary School	NA	Y	9	0.016	0.002	0.119	0.138	0.0009498 0.00095
597802.09_4130982.92	597802.09	4130982.92	Gardener Elementary School	NA	Y	9	0.016	0.002	0.107	0.126	0.0009253 0.00093
597822.09_4130982.92	597822.09	4130982.92	Gardener Elementary School	NA	Y	9	0.016	0.002	0.098	0.116	0.0008967 0.0009
597842.09_4130982.92	597842.09	4130982.92	Gardener Elementary School	NA	Y	9	0.016	0.002	0.090	0.109	0.0008653 0.00087
597862.09_4130982.92	597862.09	4130982.92	Gardener Elementary School	NA	Y	9	0.016	0.002	0.085	0.103	0.0008319 0.00083
597882.09_4130982.92	597882.09	4130982.92	Gardener Elementary School	NA	Y	9	0.016	0.002	0.080	0.098	0.0007974 0.0008
597782.09_4131002.92	597782.09	4131002.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.123	0.142	0.0009442 0.00094
597802.09_4131002.92	597802.09	4131002.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.110	0.129	0.0009136 0.00091
597822.09_4131002.92	597822.09	4131002.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.100	0.119	0.00088 0.00088
597842.09_4131002.92	597842.09	4131002.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.092	0.111	0.0008443 0.00084
597862.09_4131002.92	597862.09	4131002.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.086	0.105	0.0008075 0.00081
597882.09_4131002.92	597882.09	4131002.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.081	0.100	0.0007704 0.00077
597782.09_4131022.92	597782.09	4131022.92	Gardener Elementary School	NA	Y	9	0.018	0.003	0.126	0.146	0.0009227 0.00092
597802.09_4131022.92	597802.09	4131022.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.112	0.132	0.0008874 0.00089
597822.09_4131022.92	597822.09	4131022.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.102	0.121	0.0008497 0.00085
597842.09_4131022.92	597842.09	4131022.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.094	0.113	0.0008111 0.00081
597862.09_4131022.92	597862.09	4131022.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.088	0.107	0.0007723 0.00077
597882.09_4131022.92	597882.09	4131022.92	Gardener Elementary School	NA	Y	9	0.017	0.002	0.083	0.102	0.0007338 0.00073
597782.09_4131042.92	597782.09	4131042.92	Gardener Elementary School	NA	Y	9	0.018	0.003	0.127	0.148	0.0008857 0.00089
597802.09_4131042.92	597802.09	4131042.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.113	0.134	0.0008468 0.00085
597822.09_4131042.92	597822.09	4131042.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.103	0.123	0.0008068 0.00081
597842.09_4131042.92	597842.09	4131042.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.095	0.115	0.0007667 0.00077
597862.09_4131042.92	597862.09	4131042.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.089	0.108	0.0007273 0.00073
597882.09_4131042.92	597882.09	4131042.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.084	0.103	0.000689 0.00069
597782.09_4131062.92	597782.09	4131062.92	Gardener Elementary School	NA	Y	9	0.019	0.003	0.128	0.149	0.0008343 0.00083
597802.09_4131062.92	597802.09	4131062.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.114	0.135	0.0007937 0.00079
597822.09_4131062.92	597822.09	4131062.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.104	0.124	0.000753 0.00075
597842.09_4131062.92	597842.09	4131062.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.096	0.116	0.0007131 0.00071
597862.09_4131062.92	597862.09	4131062.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.090	0.110	0.0006747 0.00067
597882.09_4131062.92	597882.09	4131062.92	Gardener Elementary School	NA	Y	9	0.018	0.002	0.085	0.105	0.0006381 0.00064
597782.09_4131082.92	597782.09	4131082.92	Gardener Elementary School	NA	Y	9	0.019	0.003	0.128	0.149	0.0007709 0.00077
597802.09_4131082.92	597802.09	4131082.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.114	0.136	0.000731 0.00073
597822.09_4131082.92	597822.09	4131082.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.104	0.125	0.0006911 0.00069
597842.09_4131082.92	597842.09	4131082.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.097	0.117	0.0006532 0.00065
597862.09_4131082.92	597862.09	4131082.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.090	0.111	0.0006166 0.00062
597882.09_4131082.92	597882.09	4131082.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.086	0.106	0.0005836 0.00058
597782.09_4131102.92	597782.09	4131102.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.127	0.149	0.0007 0.0007
597802.09_4131102.92	597802.09	4131102.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.114	0.136	0.0006629 0.00066
597822.09_4131102.92	597822.09	4131102.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.104	0.126	0.0006253 0.00063
597842.09_4131102.92	597842.09	4131102.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.097	0.118	0.0005904 0.00059
597862.09_4131102.92	597862.09	4131102.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.091	0.112	0.0005572 0.00056
597882.09_4131102.92	597882.09	4131102.92	Gardener Elementary School	NA	Y	9	0.019	0.002	0.087	0.108	0.0005276 0.00053
597782.09_4131122.92	597782.09	4131122.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.126	0.149	0.0006264 0.00063
597802.09_4131122.92	597802.09	4131122.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.114	0.136	0.0005925 0.00059
597822.09_4131122.92	597822.09	4131122.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.105	0.127	0.0005604 0.00056
597842.09_4131122.92	597842.09	4131122.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.098	0.120	0.000528 0.00053
597862.09_4131122.92	597862.09	4131122.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.092	0.114	0.0004995 0.0005
597882.09_4131122.92	597882.09	4131122.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.088	0.110	0.0004728 0.00047
597782.09_4131142.92	597782.09	4131142.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.126	0.150	0.0005545 0.00055
597802.09_4131142.92	597802.09	4131142.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.115	0.138	0.0005256 0.00053
597822.09_4131142.92	597822.09	4131142.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.107	0.130	0.0004977 0.0005
597842.09_4131142.92	597842.09	4131142.92	Gardener Elementary School	NA	Y	9	0.020	0.002	0.100	0.122	0.0004699 0.00047
597862.09_4131142.92	597862.09	4131142.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.094	0.117	0.0004456 0.00045
597882.09_4131142.92	597882.09	4131142.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.090	0.113	0.0004214 0.00042
597782.09_4131162.92	597782.09	4131162.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.127	0.152	0.0004881 0.00049
597802.09_4131162.92	597802.09	4131162.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.117	0.141	0.0004636 0.00046
597822.09_4131162.92	597822.09	4131162.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.109	0.132	0.0004398 0.00044
597842.09_4131162.92	597842.09	4131162.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.103	0.126	0.0004171 0.00042
597862.09_4131162.92	597862.09	4131162.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.097	0.120	0.0003955 0.0004
597882.09_4131162.92	597882.09	4131162.92	Gardener Elementary School	NA	Y	9	0.021	0.002	0.093	0.116	0.0003749 0.00037
597782.09_4131182.92	597782.09	4131182.92	Gardener Elementary School	NA	Y	9	0.023	0.002	0.131	0.156	0.0004293 0.00043
597802.09_4131182.92	597802.09	4131182.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.121	0.146	0.0004085 0.00041
597822.09_4131182.92	597822.09	4131182.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.113	0.137	0.0003889 0.00039
597842.09_4131182.92	597842.09	4131182.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.107	0.131	0.0003697 0.00037
597862.09_4131182.92	597862.09	4131182.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.101	0.125	0.0003516 0.00035
597882.09_4131182.92	597882.09	4131182.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.097	0.121	0.0003339 0.00033
597822.09_4131202.92	597822.09	4131202.92	Gardener Elementary School	NA	Y	9	0.023	0.002	0.120	0.145	0.0003448 0.00034
597842.09_4131202.92	597842.09	4131202.92	Gardener Elementary School	NA	Y	9	0.023	0.002	0.113	0.138	0.0003291 0.00033
597862.09_4131202.92	597862.09	4131202.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.107	0.132	0.0003139 0.00031
597882.09_4131202.92	597882.09	4131202.92	Gardener Elementary School	NA	Y	9	0.022	0.002	0.103	0.127	0.0002993 0.0003
596422.09_4131902.92	596422.09	4131902.92	St Leo the Great School	NA	Y	12	0.009	0.009	0.075	0.093	0.0001575 0.00016
596442.09_4131902.92	596442.09	4131902.92	St Leo the Great School	NA	Y	12	0.009	0.010	0.060	0.079	0.0001586 0.00016
596462.09_4131902.92	596462.09	4131902.92	St Leo the Great School	NA	Y	12	0.010	0.011	0.053	0.074	0.0001597 0.00016
596482.09_4131902.92	596482.09	4131902.92	St Leo the Great School	NA	Y	12	0.010	0.011	0.051	0.072	0.0001608 0.00016
596502.09_4131902.92	596502.09	4131902.92	St Leo the Great School	NA	Y	12	0.010	0.012	0.050	0.072	0.0001618 0.00016
596422.09_4131922.92	596422.09	4131922.92	St Leo the Great School	NA	Y	12	0.009	0.005	0.077	0.092	0.0001567 0.00016
596442.09_4131922.92	596442.09	4131922.92	St Leo the Great School	NA	Y	12	0.010	0.005	0.062	0.076	0.0001576 0.00016
596462.09_4131922.92	596462.09	4131922.92	St Leo the Great School	NA	Y	12	0.010	0.006	0.055	0.071	0.0001585 0.00016
596482.09_4131922.92	596482.09	4131922.92	St Leo the Great School	NA	Y	12	0.010	0.006	0.053	0.069	0.0001594 0.00016
596502.09_4131922.92	596502.09	4131922.92	St Leo the Great School	NA	Y	12	0.010	0.006	0.052	0.069	0.0001601 0.00016
596522.09_4131922.92	596522.09	4131922.92	St Leo the Great School	NA	Y	12	0.011	0.007	0.052	0.070	0.0001608 0.00016
596542.09_4131922.92	596542.09	4131922.92	St Leo the Great School	NA	Y	12	0.011	0.007	0.054	0.072	0.0001614 0.00016
596422.09_4131942.92	596422.09	4131942.92	St Leo the Great School	NA	Y	12	0.010	0.004	0.078	0.092	0.0001559 0.00016
596442.09_4131942.92	596442.09	4131942.92	St Leo the Great School	NA	Y	12	0.010	0.004	0.063	0.077	0.0001566 0.00016
596462.09_4131942.92	596462.09	4131942.92	St Leo the Great School	NA	Y	12	0.010	0.004	0.057	0.072	0.0001573 0.00016
596482.09_4131942.92	596482.09	4131942.92	St Leo the Great School	NA	Y	12	0.010	0.004	0.055	0.070	0.000158 0.00016
596502.09_4131942.92	596502.09	4131942.92	St Leo the Great School	NA	Y	12	0.011	0.005	0.054	0.069	0.0001585 0.00016
596522.09_4131942.92	596522.09	4131942.92	St Leo the Great School	NA	Y	12	0.011	0.005	0.055	0.070	0.0001589 0.00016
596542.09_4131942.92	596542.09	4131942.92	St Leo the Great School	NA	Y	12	0.011	0.005	0.056	0.072	0.0001593 0.00016
596422.09_4131962.92	596422.09	4131962.92	St Leo the Great School	NA	Y	12	0.010	0.004	0.082	0.095	0.0001552 0.00016
596442.09_4131962.92	596442.09	4131962.92	St Leo the Great School	NA	Y	12	0.010	0.004	0.065	0.078	0.0001556 0.00016
596462.09_4131962.92	596462.09	4131962.92	St Leo the Great School	NA	Y	12	0.010	0.004	0.059	0.073	0.0001561 0.00016
596482.09_4131962.92	596482.09	4131962.92	St Leo the Great School	NA	Y	12	0.011	0.004	0.057	0.071	0.0001565 0.00016
596502.09_4131962.92	596502.09	4131962.92	St Leo the Great School	NA	Y	12	0.011	0.004	0.056	0.071	0.0001569 0.00016
596522.09_4131962.92	596522.09	4131962.92	St Leo the Great School	NA	Y	12	0.011	0.004	0.057	0.072	0.0001571 0.00016
596542.09_4131962.92	596542.09	4131962.92	St Leo the Great School	NA	Y	12	0.012	0.004	0.058	0.073	0.0001572 0.00016
596422.09_4131982.92	596422.09	4131982.92	St Leo the Great School	NA	Y	12	0.010	0.003	0.084	0.097	0.0001544 0.00015
596442.09_4131982.92	596442.09	4131982.92	St Leo the Great School	NA	Y	12	0.010	0.003	0.067	0.080	0.0001546 0.00015
596462.09_4131982.92	596462.09	4131982.92	St Leo the Great School	NA	Y	12	0.011	0.003	0.061	0.075	0.0001549 0.00015
596482.09_4131982.92	596482.09	4131982.92	St Leo the Great School	NA	Y	12	0.011	0.003	0.059	0.073	0.0001551 0.00016
596502.09_4131982.92	596502.09	4131982.92	St Leo the Great School	NA	Y	12	0.011	0.003	0.059	0.073	0.0001553 0.00016
596522.09_4131982.92	596522.09	4131982.92	St Leo the Great School	NA	Y	12	0.012	0.004	0.059	0.074	0.0001554 0.00016
596542.09_4131982.92	596542.09	4131982.92	St Leo the Great School	NA	Y	12	0.012	0.004	0.060	0.076	0.0001554 0.00016
596462.09_4132002.92	596462.09	4132002.92	St Leo the Great School	NA	Y	12	0.011	0.003	0.063	0.077	0.0001538 0.00015
596482.09_4132002.92	596482.09	4132002.92	St Leo the Great School	NA	Y	12	0.011	0.003	0.061	0.076	0.0001538 0.00015
596502.09_4132002.92	596502.09	4132002.92	St Leo the Great School	NA	Y	12	0.011	0.003	0.061	0.076	0.0001537 0.00015
596522.09_4132002.92	596522.09	4132002.92	St Leo the Great School	NA	Y	12	0.012	0.003	0.062	0.077	0.0001538 0.00015
596542.09_4132002.92	596542.09	4132002.92	St Leo the Great School	NA	Y	12	0.012	0.003	0.063	0.079	0.0001537 0.00015
596442.09_4132122.92	596442.09	4132122.92	Park Avenue Preschool	NA	Y	3	0.012	0.004	0.096	0.112	0.0001467 0.00015
596442.09_4132142.92	596442.09	4132142.92	Park Avenue Preschool	NA	Y	3	0.012	0.004	0.113	0.130	0.0001456 0.00015
596442.09_4132162.92	596442.09	4132162.92	Park Avenue Preschool	NA	Y	3	0.013	0.006	0.144	0.163	0.0001445 0.00014
596442.09_4132182.92	596442.09	4132182.92	Park Avenue Preschool	NA	Y	3	0.013	0.009	0.207	0.228	0.0001438 0.00014
596422.09_4132322.92	596422.09	4132322.92	Back to Basics Montessori Chr	NA	Y	4	0.014	0.005	0.143	0.163	0.0001382 0.00014
596442.09_4132322.92	596442.09	4132322.92	Back to Basics Montessori Chr	NA	Y	4	0.014	0.005	0.129	0.148	0.0001373 0.00014
596422.09_4132342.92	596422.09	4132342.92	Back to Basics Montessori Chr	NA	Y	4	0.014	0.005	0.144	0.163	0.0001371 0.00014
596442.09_4132342.92	596442.09	4132342.92	Back to Basics Montessori Chr	NA	Y	4	0.014	0.005	0.132	0.152	0.0001359 0.00014
596182.09_4132282.92	596182.09	4132282.92	Carden Preparatory Preschool	NA	Y	3	0.011	0.002	0.051	0.064	0.0001478 0.00015
596202.09_4132282.92	596202.09	4132282.92	Carden Preparatory Preschool	NA	Y	3	0.011	0.002	0.059	0.072	0.0001474 0.00015
596182.09_4132302.92	596182.09	4132302.92	Carden Preparatory Preschool	NA	Y	3	0.011	0.002	0.058	0.072	0.0001475 0.00015
596202.09_4132302.92	596202.09	4132302.92	Carden Preparatory Preschool	NA	Y	3	0.011	0.003	0.070	0.084	0.0001471 0.00015
596222.09_4132302.92	596222.09	4132302.92	Carden Preparatory Preschool	NA	Y	3	0.011	0.004	0.087	0.102	0.0001466 0.00015
596202.09_4132322.92	596202.09	4132322.92	Carden Preparatory Preschool	NA	Y	3	0.011	0.004	0.087	0.101	0.0001467 0.00015
596222.09_4132322.92	596222.09	4132322.92	Carden Preparatory Preschool	NA	Y	3	0.011	0.005	0.118	0.134	0.0001461 0.00015
596242.09_4132322.92	596242.09	4132322.92	Carden Preparatory Preschool	NA	Y	3	0.012	0.008	0.189	0.208	0.0001456 0.00015
596222.09_4132342.92	596222.09	4132342.92	Carden Preparatory Preschool	NA	Y	3	0.012	0.008	0.185	0.205	0.0001456 0.00015
596202.09_4132422.92	596202.09	4132422.92	Hester School	NA	Y	7	0.012	0.012	0.271	0.295	0.0001443 0.00014
596222.09_4132422.92	596222.09	4132422.92	Hester School	NA	Y	7	0.012	0.007	0.169	0.188	0.0001432 0.00014
596182.09_4132442.92	596182.09	4132442.92	Hester School	NA	Y	7	0.012	0.011	0.265	0.288	0.0001442 0.00014
596202.09_4132442.92	596202.09	4132442.92	Hester School	NA	Y	7	0.012	0.007	0.160	0.179	0.0001435 0.00014
596222.09_4132442.92	596222.09	4132442.92	Hester School	NA	Y	7	0.012	0.005	0.122	0.139	0.0001426 0.00014
596242.09_4132442.92	596242.09	4132442.92	Hester School	NA	Y	7	0.012	0.004	0.103	0.119	0.0001416 0.00014
596162.09_4132462.92	596162.09	4132462.92	Hester School	NA	Y	7	0.012	0.011	0.250	0.272	0.0001443 0.00014
596182.09_4132462.92	596182.09	4132462.92	Hester School	NA	Y	7	0.012	0.006	0.148	0.166	0.0001438 0.00014
596202.09_4132462.92	596202.09	4132462.92	Hester School	NA	Y	7	0.012	0.005	0.113	0.130	0.0001431 0.00014
596222.09_4132462.92	596222.09	4132462.92	Hester School	NA	Y	7	0.012	0.004	0.096	0.112	0.0001425 0.00014
596242.09_4132462.92	596242.09	4132462.92	Hester School	NA	Y	7	0.012	0.003	0.087	0.102	0.0001412 0.00014
596262.09_4132462.92	596262.09	4132462.92	Hester School	NA	Y	7	0.013	0.003	0.081	0.097	0.0001399 0.00014
596142.09_4132482.92	596142.09	4132482.92	Hester School	NA	Y	7	0.012	0.009	0.222	0.243	0.0001439 0.00014
596162.09_4132482.92	596162.09	4132482.92	Hester School	NA	Y	7	0.012	0.006	0.132	0.149	0.000144 0.00014
596182.09_4132482.92	596182.09	4132482.92	Hester School	NA	Y	7	0.012	0.004	0.103	0.119	0.0001434 0.00014

							PM2.5 Concentration (ug/m^3)				
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3
596202.09_4132482.92	596202.09	4132482.92	Hester School	NA	Y	7	0.012	0.004	0.089	0.105	0.0001427 0.00014
596222.09_4132482.92	596222.09	4132482.92	Hester School	NA	Y	7	0.012	0.003	0.081	0.097	0.0001419 0.00014
596242.09_4132482.92	596242.09	4132482.92	Hester School	NA	Y	7	0.012	0.003	0.077	0.092	0.000141 0.00014
596262.09_4132482.92	596262.09	4132482.92	Hester School	NA	Y	7	0.013	0.003	0.074	0.089	0.0001398 0.00014
596282.09_4132482.92	596282.09	4132482.92	Hester School	NA	Y	7	0.013	0.003	0.072	0.088	0.000138 0.00014
596142.09_4132502.92	596142.09	4132502.92	Hester School	NA	Y	7	0.012	0.005	0.114	0.130	0.0001432 0.00014
596162.09_4132502.92	596162.09	4132502.92	Hester School	NA	Y	7	0.012	0.004	0.093	0.109	0.0001432 0.00014
596182.09_4132502.92	596182.09	4132502.92	Hester School	NA	Y	7	0.012	0.003	0.083	0.098	0.0001429 0.00014
596202.09_4132502.92	596202.09	4132502.92	Hester School	NA	Y	7	0.012	0.003	0.076	0.092	0.0001421 0.00014
596222.09_4132502.92	596222.09	4132502.92	Hester School	NA	Y	7	0.012	0.003	0.072	0.087	0.0001413 0.00014
596242.09_4132502.92	596242.09	4132502.92	Hester School	NA	Y	7	0.013	0.003	0.070	0.085	0.0001402 0.00014
596262.09_4132502.92	596262.09	4132502.92	Hester School	NA	Y	7	0.013	0.003	0.069	0.084	0.0001383 0.00014
596282.09_4132502.92	596282.09	4132502.92	Hester School	NA	Y	7	0.013	0.003	0.068	0.083	0.0001371 0.00014
596302.09_4132502.92	596302.09	4132502.92	Hester School	NA	Y	7	0.013	0.003	0.068	0.083	0.0001358 0.00014
596162.09_4132522.92	596162.09	4132522.92	Hester School	NA	Y	7	0.012	0.003	0.077	0.092	0.0001419 0.00014
596182.09_4132522.92	596182.09	4132522.92	Hester School	NA	Y	7	0.012	0.003	0.072	0.087	0.0001421 0.00014
596202.09_4132522.92	596202.09	4132522.92	Hester School	NA	Y	7	0.012	0.003	0.069	0.083	0.0001415 0.00014
596222.09_4132522.92	596222.09	4132522.92	Hester School	NA	Y	7	0.012	0.003	0.066	0.081	0.0001407 0.00014
596242.09_4132522.92	596242.09	4132522.92	Hester School	NA	Y	7	0.013	0.002	0.065	0.080	0.0001387 0.00014
596262.09_4132522.92	596262.09	4132522.92	Hester School	NA	Y	7	0.013	0.002	0.065	0.080	0.0001374 0.00014
596282.09_4132522.92	596282.09	4132522.92	Hester School	NA	Y	7	0.013	0.002	0.064	0.080	0.0001363 0.00014
596302.09_4132522.92	596302.09	4132522.92	Hester School	NA	Y	7	0.013	0.002	0.065	0.080	0.0001352 0.00014
596322.09_4132522.92	596322.09	4132522.92	Hester School	NA	Y	7	0.014	0.002	0.065	0.081	0.000134 0.00013
596182.09_4132542.92	596182.09	4132542.92	Hester School	NA	Y	7	0.012	0.003	0.065	0.080	0.0001404 0.00014
596202.09_4132542.92	596202.09	4132542.92	Hester School	NA	Y	7	0.012	0.002	0.063	0.078	0.0001396 0.00014
596222.09_4132542.92	596222.09	4132542.92	Hester School	NA	Y	7	0.013	0.002	0.062	0.077	0.0001386 0.00014
596242.09_4132542.92	596242.09	4132542.92	Hester School	NA	Y	7	0.013	0.002	0.062	0.077	0.0001377 0.00014
596262.09_4132542.92	596262.09	4132542.92	Hester School	NA	Y	7	0.013	0.002	0.062	0.077	0.0001366 0.00014
596282.09_4132542.92	596282.09	4132542.92	Hester School	NA	Y	7	0.013	0.002	0.062	0.077	0.0001355 0.00014
596302.09_4132542.92	596302.09	4132542.92	Hester School	NA	Y	7	0.014	0.002	0.062	0.078	0.0001344 0.00013
596322.09_4132542.92	596322.09	4132542.92	Hester School	NA	Y	7	0.014	0.002	0.063	0.079	0.0001334 0.00013
596202.09_4132562.92	596202.09	4132562.92	Hester School	NA	Y	7	0.013	0.002	0.059	0.074	0.0001386 0.00014
596222.09_4132562.92	596222.09	4132562.92	Hester School	NA	Y	7	0.013	0.002	0.059	0.074	0.0001381 0.00014
596242.09_4132562.92	596242.09	4132562.92	Hester School	NA	Y	7	0.013	0.002	0.059	0.074	0.0001367 0.00014
596262.09_4132562.92	596262.09	4132562.92	Hester School	NA	Y	7	0.013	0.002	0.059	0.075	0.0001359 0.00014
596282.09_4132562.92	596282.09	4132562.92	Hester School	NA	Y	7	0.014	0.002	0.059	0.075	0.0001348 0.00013
596302.09_4132562.92	596302.09	4132562.92	Hester School	NA	Y	7	0.014	0.002	0.060	0.076	0.0001338 0.00013
596222.09_4132582.92	596222.09	4132582.92	Hester School	NA	Y	7	0.013	0.002	0.056	0.072	0.0001368 0.00014
596242.09_4132582.92	596242.09	4132582.92	Hester School	NA	Y	7	0.013	0.002	0.057	0.072	0.0001361 0.00014
596282.09_4132582.92	596282.09	4132582.92	Hester School	NA	Y	7	0.014	0.002	0.057	0.073	0.000134 0.00013
597342.09_4131202.92	597342.09	4131202.92	New - Onsite Google	H3	Y - Onsite	0	0.011	0.001	0.029	0.040	2.9E-06 0
597362.09_4131202.92	597362.09	4131202.92	New - Onsite Google	H3	Y - Onsite	0	0.013	0.001	0.030	0.044	1.241E-05 0.00001
597322.09_4131222.92	597322.09	4131222.92	New - Onsite Google	H3	Y - Onsite	0	0.011	0.001	0.028	0.040	3.99E-08 0
597342.09_4131222.92	597342.09	4131222.92	New - Onsite Google	H3	Y - Onsite	0	0.013	0.001	0.029	0.043	0 0
597362.09_4131222.92	597362.09	4131222.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.031	0.046	2.394E-07 0
597382.09_4131222.92	597382.09	4131222.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.033	0.049	2.517E-05 0.00003
597302.09_4131242.92	597302.09	4131242.92	New - Onsite Google	H3	Y - Onsite	0	0.012	0.001	0.027	0.039	1.19E-05 0.00001
597322.09_4131242.92	597322.09	4131242.92	New - Onsite Google	H3	Y - Onsite	0	0.013	0.001	0.028	0.042	1.33E-08 0
597342.09_4131242.92	597342.09	4131242.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.030	0.045	0 0
597382.09_4131242.92	597382.09	4131242.92	New - Onsite Google	H3	Y - Onsite	0	0.017	0.001	0.034	0.051	2.216E-05 0.00002
597402.09_4131242.92	597402.09	4131242.92	New - Onsite Google	H4	N	0	0.017	0.001	0.036	0.054	0.0001147 0.00011
597422.09_4131242.92	597422.09	4131242.92	New - Onsite Google	H4	N	0	0.017	0.001	0.039	0.057	0.0002351 0.00024
597302.09_4131262.92	597302.09	4131262.92	New - Onsite Google	H3	Y - Onsite	0	0.013	0.001	0.027	0.042	3.684E-05 0.00004
597322.09_4131262.92	597322.09	4131262.92	New - Onsite Google	H3	Y - Onsite	0	0.016	0.001	0.029	0.045	3.777E-06 0
597342.09_4131262.92	597342.09	4131262.92	New - Onsite Google	H3	Y - Onsite	0	0.017	0.001	0.030	0.048	7.847E-07 0
597362.09_4131262.92	597362.09	4131262.92	New - Onsite Google	H3	Y - Onsite	0	0.018	0.001	0.032	0.051	6.624E-06 0.00001
597382.09_4131262.92	597382.09	4131262.92	New - Onsite Google	H4	N	0	0.018	0.001	0.034	0.053	5.101E-05 0.00005
597402.09_4131262.92	597402.09	4131262.92	New - Onsite Google	H4	N	0	0.018	0.001	0.037	0.056	0.0001463 0.00015
597422.09_4131262.92	597422.09	4131262.92	New - Onsite Google	H4	N	0	0.018	0.001	0.041	0.059	0.0002536 0.00025
597442.09_4131262.92	597442.09	4131262.92	New - Onsite Google	H4	N	0	0.017	0.001	0.045	0.063	0.0003432 0.00034
597282.09_4131282.92	597282.09	4131282.92	New - Onsite Google	H3	Y - Onsite	0	0.013	0.001	0.027	0.041	0.0001997 0.0002
597302.09_4131282.92	597302.09	4131282.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.028	0.044	0.0001105 0.00011
597322.09_4131282.92	597322.09	4131282.92	New - Onsite Google	H3	Y - Onsite	0	0.017	0.001	0.029	0.047	5.528E-05 0.00006
597342.09_4131282.92	597342.09	4131282.92	New - Onsite Google	H3	Y - Onsite	0	0.018	0.001	0.031	0.050	4.058E-05 0.00004
597382.09_4131282.92	597382.09	4131282.92	New - Onsite Google	H4	N	0	0.019	0.001	0.036	0.055	0.000121 0.00012
597402.09_4131282.92	597402.09	4131282.92	New - Onsite Google	H4	N	0	0.019	0.001	0.039	0.059	0.0002053 0.00021
597422.09_4131282.92	597422.09	4131282.92	New - Onsite Google	H4	N	0	0.018	0.001	0.043	0.062	0.0002898 0.00029
597282.09_4131302.92	597282.09	4131302.92	New - Onsite Google	H3	Y - Onsite	0	0.014	0.001	0.028	0.042	0.0002976 0.0003
597302.09_4131302.92	597302.09	4131302.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.029	0.045	0.0002224 0.00022
597322.09_4131302.92	597322.09	4131302.92	New - Onsite Google	H3	Y - Onsite	0	0.017	0.001	0.030	0.048	0.0001696 0.00017
597342.09_4131302.92	597342.09	4131302.92	New - Onsite Google	H3	Y - Onsite	0	0.019	0.001	0.032	0.052	0.0001512 0.00015
597382.09_4131302.92	597382.09	4131302.92	New - Onsite Google	H4	N	0	0.019	0.001	0.037	0.057	0.0002145 0.00021
597402.09_4131302.92	597402.09	4131302.92	New - Onsite Google	H4	N	0	0.019	0.001	0.041	0.061	0.000274 0.00027
597282.09_4131322.92	597282.09	4131322.92	New - Onsite Google	H3	Y - Onsite	0	0.014	0.001	0.028	0.043	0.0003929 0.00039
597302.09_4131322.92	597302.09	4131322.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.030	0.046	0.0003352 0.00034
597322.09_4131322.92	597322.09	4131322.92	New - Onsite Google	H3	Y - Onsite	0	0.017	0.001	0.031	0.049	0.0002922 0.00029
597342.09_4131322.92	597342.09	4131322.92	New - Onsite Google	H3	Y - Onsite	0	0.019	0.001	0.034	0.053	0.0002732 0.00027
597362.09_4131322.92	597362.09	4131322.92	New - Onsite Google	H3	Y - Onsite	0	0.020	0.001	0.036	0.057	0.000279 0.00028
597302.09_4131342.92	597302.09	4131342.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.031	0.046	0.0004243 0.00042
597322.09_4131342.92	597322.09	4131342.92	New - Onsite Google	H3	Y - Onsite	0	0.016	0.001	0.033	0.050	0.0003894 0.00039
597342.09_4131342.92	597342.09	4131342.92	New - Onsite Google	H3	Y - Onsite	0	0.017	0.001	0.035	0.053	0.0003697 0.00037
597362.09_4131342.92	597362.09	4131342.92	New - Onsite Google	H3	Y - Onsite	0	0.018	0.001	0.038	0.057	0.0003648 0.00036
597382.09_4131342.92	597382.09	4131342.92	New - Onsite Google	H3	Y - Onsite	0	0.019	0.001	0.042	0.062	0.0003716 0.00037
597322.09_4131362.92	597322.09	4131362.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.034	0.050	0.0004513 0.00045
597342.09_4131362.92	597342.09	4131362.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.037	0.053	0.0004311 0.00043
597362.09_4131362.92	597362.09	4131362.92	New - Onsite Google	H3	Y - Onsite	0	0.015	0.001	0.041	0.057	0.0004195 0.00042
597342.09_4131422.92	597342.09	4131422.92	New - Onsite Google	H2	Y - Onsite	0	0.014	0.002	0.046	0.062	0.0004573 0.00046
597342.09_4131442.92	597342.09	4131442.92	New - Onsite Google	H2	Y - Onsite	0	0.013	0.002	0.051	0.066	0.0004389 0.00044
597362.09_4131442.92	597362.09	4131442.92	New - Onsite Google	H2	Y - Onsite	0	0.013	0.002	0.060	0.075	0.0004213 0.00042
597362.09_4131462.92	597362.09	4131462.92	New - Onsite Google	H2	Y - Onsite	0	0.012	0.002	0.070	0.085	0.0003997 0.0004
597382.09_4131462.92	597382.09	4131462.92	New - Onsite Google	H2	Y - Onsite	0	0.012	0.003	0.099	0.114	0.0003831 0.00038
597362.09_4131482.92	597362.09	4131482.92	New - Onsite Google	H2	Y - Onsite	0	0.012	0.002	0.082	0.096	0.0003761 0.00038
597382.09_4131482.92	597382.09	4131482.92	New - Onsite Google	H2	Y - Onsite	0	0.012	0.003	0.130	0.145	0.0003611 0.00036
597402.09_4131842.92	597402.09	4131842.92	New - Onsite Google	F4	N	0	0.029	0.003	0.067	0.099	0.0001351 0.00014
597402.09_4131862.92	597402.09	4131862.92	New - Onsite Google	F4	N	0	0.030	0.002	0.065	0.097	0.0001304 0.00013
597422.09_4131862.92	597422.09	4131862.92	New - Onsite Google	F4	N	0	0.026	0.003	0.065	0.094	0.0001261 0.00013
597442.09_4131862.92	597442.09	4131862.92	New - Onsite Google	F4	N	0	0.024	0.004	0.072	0.100	0.0001221 0.00012
597402.09_4131882.92	597402.09	4131882.92	New - Onsite Google	F4	N	0	0.029	0.002	0.063	0.094	0.000126 0.00013
597422.09_4131882.92	597422.09	4131882.92	New - Onsite Google	F4	N	0	0.027	0.003	0.063	0.093	0.0001222 0.00012
597442.09_4131882.92	597442.09	4131882.92	New - Onsite Google	F4	N	0	0.025	0.004	0.072	0.100	0.0001182 0.00012
597402.09_4131922.92	597402.09	4131922.92	New - Onsite Google	F6	N	0	0.025	0.002	0.062	0.090	0.0001184 0.00012
597402.09_4131942.92	597402.09	4131942.92	New - Onsite Google	F6	N	0	0.024	0.003	0.064	0.091	0.000115 0.00012
597422.09_4131942.92	597422.09	4131942.92	New - Onsite Google	F6	N	0	0.024	0.003	0.064	0.091	0.0001117 0.00011
597562.09_4132102.92	597562.09	4132102.92	New - Onsite Google	E1.2	N	0	0.040	0.002	0.057	0.100	7.918E-05 0.00008
597582.09_4132102.92	597582.09	4132102.92	New - Onsite Google	E1.2	N	0	0.027	0.002	0.057	0.086	7.74E-05 0.00008
597602.09_4132102.92	597602.09	4132102.92	New - Onsite Google	E1.2	N	0	0.022	0.002	0.058	0.082	7.58E-05 0.00008
597562.09_4132122.92	597562.09	4132122.92	New - Onsite Google	E1.2	N	0	0.027	0.002	0.057	0.086	7.812E-05 0.00008
597582.09_4132122.92	597582.09	4132122.92	New - Onsite Google	E1.2	N	0	0.023	0.002	0.056	0.081	7.624E-05 0.00008
597602.09_4132122.92	597602.09	4132122.92	New - Onsite Google	E1.2	N	0	0.021	0.002	0.056	0.079	7.455E-05 0.00007
597642.09_4132122.92	597642.09	4132122.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.059	0.080	7.188E-05 0.00007
597662.09_4132122.92	597662.09	4132122.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.062	0.083	7.059E-05 0.00007
597682.09_4132122.92	597682.09	4132122.92	New - Onsite Google	E1.2	N	0	0.018	0.003	0.068	0.089	6.942E-05 0.00007
597582.09_4132142.92	597582.09	4132142.92	New - Onsite Google	E1.2	N	0	0.022	0.002	0.056	0.080	7.527E-05 0.00008
597622.09_4132142.92	597622.09	4132142.92	New - Onsite Google	E1.2	N	0	0.020	0.002	0.055	0.077	7.244E-05 0.00007
597642.09_4132142.92	597642.09	4132142.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.056	0.077	7.12E-05 0.00007
597662.09_4132142.92	597662.09	4132142.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.057	0.078	7.002E-05 0.00007
597682.09_4132142.92	597682.09	4132142.92	New - Onsite Google	E1.2	N	0	0.018	0.002	0.060	0.081	6.884E-05 0.00007
597702.09_4132142.92	597702.09	4132142.92	New - Onsite Google	E1.2	N	0	0.018	0.002	0.066	0.086	6.767E-05 0.00007
597282.09_4132162.92	597282.09	4132162.92	New - Onsite Google	D1	N	0	0.067	0.005	0.130	0.201	0.0001034 0.0001
597302.09_4132162.92	597302.09	4132162.92	New - Onsite Google	D1	N	0	0.080	0.004	0.102	0.186	0.0001014 0.0001
597322.09_4132162.92	597322.09	4132162.92	New - Onsite Google	D1	N	0	0.038	0.003	0.095	0.136	9.942E-05 0.0001
597622.09_4132162.92	597622.09	4132162.92	New - Onsite Google	E1.2	N	0	0.020	0.002	0.055	0.077	7.178E-05 0.00007
597642.09_4132162.92	597642.09	4132162.92	New - Onsite Google	E1.2	N	0	0.020	0.002	0.055	0.077	7.06E-05 0.00007
597662.09_4132162.92	597662.09	4132162.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.056	0.077	6.943E-05 0.00007
597682.09_4132162.92	597682.09	4132162.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.057	0.078	6.831E-05 0.00007
597702.09_4132162.92	597702.09	4132162.92	New - Onsite Google	E1.2	N	0	0.018	0.002	0.061	0.081	6.718E-05 0.00007
597282.09_4132182.92	597282.09	4132182.92	New - Onsite Google	D1	N	0	0.131	0.005	0.132	0.268	0.0001016 0.0001
597302.09_4132182.92	597302.09	4132182.92	New - Onsite Google	D1	N	0	0.079	0.004	0.106	0.189	9.976E-05 0.0001
597322.09_4132182.92	597322.09	4132182.92	New - Onsite Google	D1	N	0	0.054	0.003	0.100	0.157	9.785E-05 0.0001
597642.09_4132182.92	597642.09	4132182.92	New - Onsite Google	E1.2	N	0	0.020	0.002	0.055	0.077	7.009E-05 0.00007
597662.09_4132182.92	597662.09	4132182.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.055	0.076	6.896E-05 0.00007
597682.09_4132182.92	597682.09	4132182.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.056	0.077	6.79E-05 0.00007
597702.09_4132182.92	597702.09	4132182.92	New - Onsite Google	E1.2	N	0	0.018	0.002	0.058	0.078	6.685E-05 0.00007
597282.09_4132202.92	597282.09	4132202.92	New - Onsite Google	D1	N	0	0.084	0.005	0.137	0.225	9.996E-05 0.0001
597302.09_4132202.92	597302.09	4132202.92	New - Onsite Google	D1	N	0	0.062	0.004	0.112	0.178	9.821E-05 0.0001
597322.09_4132202.92	597322.09	4132202.92	New - Onsite Google	D1	N	0	0.047	0.003	0.107	0.157	9.639E-05 0.0001
597682.09_4132202.92	597682.09	4132202.92	New - Onsite Google	E1.2	N	0	0.019	0.002	0.056	0.076	6.742E-05 0.00007
597282.09_4132222.92	597282.09	4132222.92	New - Onsite Google	D1	N	0	0.057	0.005	0.147	0.209	9.848E-05 0.0001
597302.09_4132222.92	597302.09	4132222.92	New - Onsite Google	D1	N	0	0.049	0.004	0.124	0.176	9.679E-05 0.0001
597322.09_4132222.92	597322.09	4132222.92	New - Onsite Google	D1	N	0	0.042	0.003	0.119	0.164	9.506E-05 0.0001
597282.09_4132242.92	597282.09	4132242.92	New - Onsite Google	D1	N	0	0.045	0.005	0.174	0.224	9.707E-05 0.0001
597302.09_4132242.92	597302.09	4132242.92	New - Onsite Google	D1	N	0	0.042	0.004	0.152	0.197	9.547E-05 0.0001
597322.09_4132242.92	597322.09	4132242.92	New - Onsite Google	D1	N	0	0.039	0.004	0.145	0.188	9.385E-05 0.00009

							PM2.5 Concentration (ug/m^3)					
	X	Y	Receptor Type	Block	Sch/DC?	Max ED Sch	Stationary	Onroad Exhaust	Onroad Fugitive	Total	Cooling tower H3	
597122.09_4132462.92	597122.09	4132462.92	New - Onsite Google	C1	N	0	0.032	0.001	0.061	0.094	9.799E-05	0.0001
597102.09_4132482.92	597102.09	4132482.92	New - Onsite Google	C1	N	0	0.031	0.001	0.058	0.090	9.825E-05	0.0001
597122.09_4132482.92	597122.09	4132482.92	New - Onsite Google	C1	N	0	0.034	0.001	0.060	0.096	9.708E-05	0.0001
597142.09_4132482.92	597142.09	4132482.92	New - Onsite Google	C1	N	0	0.039	0.001	0.064	0.104	9.603E-05	0.0001
597102.09_4132502.92	597102.09	4132502.92	New - Onsite Google	C1	N	0	0.033	0.001	0.057	0.091	9.739E-05	0.0001
597122.09_4132502.92	597122.09	4132502.92	New - Onsite Google	C1	N	0	0.037	0.001	0.060	0.098	9.628E-05	0.0001
597142.09_4132502.92	597142.09	4132502.92	New - Onsite Google	C1	N	0	0.042	0.001	0.064	0.107	9.525E-05	0.0001
597162.09_4132502.92	597162.09	4132502.92	New - Onsite Google	C1	N	0	0.050	0.001	0.071	0.122	9.441E-05	0.00009
597082.09_4132522.92	597082.09	4132522.92	New - Onsite Google	C1	N	0	0.030	0.001	0.056	0.088	9.76E-05	0.0001
597102.09_4132522.92	597102.09	4132522.92	New - Onsite Google	C1	N	0	0.034	0.001	0.057	0.092	9.662E-05	0.0001
597122.09_4132522.92	597122.09	4132522.92	New - Onsite Google	C1	N	0	0.039	0.001	0.060	0.099	9.555E-05	0.0001
597142.09_4132522.92	597142.09	4132522.92	New - Onsite Google	C1	N	0	0.044	0.001	0.065	0.110	9.45E-05	0.00009
597062.09_4132542.92	597062.09	4132542.92	New - Onsite Google	C1	N	0	0.028	0.001	0.057	0.087	9.784E-05	0.0001
597082.09_4132542.92	597082.09	4132542.92	New - Onsite Google	C1	N	0	0.032	0.001	0.055	0.088	9.683E-05	0.0001
597102.09_4132542.92	597102.09	4132542.92	New - Onsite Google	C1	N	0	0.037	0.001	0.056	0.094	9.582E-05	0.0001
597122.09_4132542.92	597122.09	4132542.92	New - Onsite Google	C1	N	0	0.043	0.001	0.060	0.105	9.481E-05	0.00009
597142.09_4132542.92	597142.09	4132542.92	New - Onsite Google	C1	N	0	0.054	0.001	0.067	0.122	9.376E-05	0.00009
597062.09_4132562.92	597062.09	4132562.92	New - Onsite Google	C1	N	0	0.029	0.001	0.053	0.084	9.703E-05	0.0001
597082.09_4132562.92	597082.09	4132562.92	New - Onsite Google	C1	N	0	0.036	0.001	0.054	0.091	9.602E-05	0.0001
597102.09_4132562.92	597102.09	4132562.92	New - Onsite Google	C1	N	0	0.048	0.001	0.057	0.106	9.498E-05	0.00009
597122.09_4132562.92	597122.09	4132562.92	New - Onsite Google	C1	N	0	0.072	0.001	0.063	0.136	9.396E-05	0.00009
597142.09_4132562.92	597142.09	4132562.92	New - Onsite Google	C1	N	0	0.103	0.001	0.072	0.177	9.3E-05	0.00009
597162.09_4132562.92	597162.09	4132562.92	New - Onsite Google	C1	N	0	0.082	0.001	0.088	0.171	9.2E-05	0.00009
597182.09_4132562.92	597182.09	4132562.92	New - Onsite Google	C1	N	0	0.056	0.001	0.121	0.178	9.096E-05	0.00009
597082.09_4132582.92	597082.09	4132582.92	New - Onsite Google	C1	N	0	0.045	0.001	0.055	0.101	9.525E-05	0.0001
597102.09_4132582.92	597102.09	4132582.92	New - Onsite Google	C1	N	0	0.062	0.001	0.060	0.123	9.42E-05	0.00009
597122.09_4132582.92	597122.09	4132582.92	New - Onsite Google	C1	N	0	0.078	0.001	0.069	0.148	9.326E-05	0.00009
597142.09_4132582.92	597142.09	4132582.92	New - Onsite Google	C1	N	0	0.076	0.001	0.084	0.162	9.235E-05	0.00009
597162.09_4132582.92	597162.09	4132582.92	New - Onsite Google	C1	N	0	0.063	0.001	0.117	0.181	9.142E-05	0.00009
597102.09_4132602.92	597102.09	4132602.92	New - Onsite Google	C1	N	0	0.057	0.001	0.067	0.125	9.36E-05	0.00009
597122.09_4132602.92	597122.09	4132602.92	New - Onsite Google	C1	N	0	0.059	0.001	0.081	0.142	9.267E-05	0.00009
597142.09_4132602.92	597142.09	4132602.92	New - Onsite Google	C1	N	0	0.055	0.001	0.112	0.169	9.183E-05	0.00009
597142.09_4132622.92	597142.09	4132622.92	New - Onsite Google	C1	N	0	0.042	0.002	0.200	0.243	9.13E-05	0.00009
597422.09_4131502.92	597422.09	4131502.92	New - Onsite Google	H1	N	0	0.013	0.004	0.158	0.174	0.0003109	0.00031
597442.09_4131502.92	597442.09	4131502.92	New - Onsite Google	H1	N	0	0.013	0.003	0.118	0.134	0.0002971	0.0003
597462.09_4131502.92	597462.09	4131502.92	Road/Street	H1	N	0	0.034	0.007	0.265	0.306	0.0002841	0.00028
597422.09_4131522.92	597422.09	4131522.92	New - Onsite Google	H1	N	0	0.013	0.003	0.137	0.153	0.0002916	0.00029
597442.09_4131522.92	597442.09	4131522.92	New - Onsite Google	H1	N	0	0.013	0.003	0.108	0.124	0.0002794	0.00028
597462.09_4131522.92	597462.09	4131522.92	New - Onsite Google	H1	N	0	0.013	0.002	0.094	0.110	0.0002672	0.00027
597482.09_4131522.92	597482.09	4131522.92	New - Onsite Google	H1	N	0	0.014	0.002	0.089	0.106	0.0002555	0.00026
597422.09_4131542.92	597422.09	4131542.92	New - Onsite Google	H1	N	0	0.013	0.003	0.133	0.148	0.000274	0.00027
597442.09_4131542.92	597442.09	4131542.92	New - Onsite Google	H1	N	0	0.013	0.002	0.103	0.119	0.0002624	0.00026
597462.09_4131542.92	597462.09	4131542.92	New - Onsite Google	H1	N	0	0.014	0.002	0.089	0.105	0.0002513	0.00025
597422.09_4131562.92	597422.09	4131562.92	New - Onsite Google	H1	N	0	0.013	0.003	0.131	0.147	0.0002576	0.00026
597442.09_4131562.92	597442.09	4131562.92	New - Onsite Google	H1	N	0	0.013	0.002	0.101	0.117	0.000247	0.00025
597262.09_4132502.92	597262.09	4132502.92	New - Onsite Google	C3	N	0	0.032	0.002	0.150	0.184	8.785E-05	0.00009
597262.09_4132482.92	597262.09	4132482.92	New - Onsite Google	C3	N	0	0.032	0.002	0.162	0.196	9.132E-05	0.00009
597262.09_4132462.92	597262.09	4132462.92	New - Onsite Google	C3	N	0	0.035	0.002	0.161	0.198	9.201E-05	0.00009
597282.09_4132482.92	597282.09	4132482.92	New - Onsite Google	C3	N	0	0.030	0.002	0.113	0.145	8.719E-05	0.00009
597282.09_4132462.92	597282.09	4132462.92	New - Onsite Google	C3	N	0	0.030	0.002	0.113	0.145	9.062E-05	0.00009
597302.09_4132462.92	597302.09	4132462.92	New - Onsite Google	C3	N	0	0.029	0.002	0.095	0.125	8.643E-05	0.00009
597382.09_4131742.92	597382.09	4131742.92	New - Onsite Google	F3	N	0	0.034	0.003	0.089	0.126	0.0001717	0.00017
597382.09_4131722.92	597382.09	4131722.92	New - Onsite Google	F3	N	0	0.027	0.003	0.094	0.125	0.0001799	0.00018
597382.09_4131702.92	597382.09	4131702.92	New - Onsite Google	F3	N	0	0.020	0.004	0.100	0.124	0.0001888	0.00019
597362.09_4131702.92	597362.09	4131702.92	New - Onsite Google	F3	N	0	0.019	0.003	0.104	0.126	0.0001955	0.0002
597382.09_4131682.92	597382.09	4131682.92	New - Onsite Google	F3	N	0	0.018	0.004	0.113	0.134	0.0001984	0.0002
597362.09_4131682.92	597362.09	4131682.92	New - Onsite Google	F3	N	0	0.016	0.003	0.118	0.137	0.0002057	0.00021
597382.09_4131942.92	597382.09	4131942.92	New - Onsite Google	F6	N	0	0.024	0.002	0.067	0.093	0.0001183	0.00012
597382.09_4131922.92	597382.09	4131922.92	New - Onsite Google	F6	N	0	0.025	0.002	0.064	0.092	0.0001218	0.00012