

**From:** [Hill, Shannon](#)  
**To:** [Downtown West Project](#)  
**Subject:** Fw: Downtown West Mixed-Use Plan (Google Project) - Notice of Preparation of an EIR  
**Date:** Monday, September 7, 2020 1:40:37 PM  
**Attachments:** [Sayers SB18 and AB 52 Outreach 102319.pdf](#)

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Shannon Hill, Planner

Planning, Building & Code Enforcement | Environmental Review Section

City of San José | 200 East Santa Clara Street

[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov) | (408) 535 - 7872

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**From:** Hill, Shannon

**Sent:** Wednesday, October 23, 2019 10:54 AM

**To:** [ams@indiancanyon.org](mailto:ams@indiancanyon.org) <[ams@indiancanyon.org](mailto:ams@indiancanyon.org)>

**Subject:** Downtown West Mixed-Use Plan (Google Project) - Notice of Preparation of an EIR

Dear Ms. Sayers,

Please refer to the attached consultation letter, provided pursuant to SB 18 and AB 52, and Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Downtown West Mixed-Use Plan.

We look forward to working with you should you have any concerns regarding the potential for presence of Native American cultural resources that could be impacted by the proposed project.

Sincerely,

Shannon Hill, Planner

Planning, Building & Code Enforcement | Environmental Review Section

City of San José | 200 East Santa Clara Street

[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov) | (408) 535 - 7872

October 23, 2019

Ann Marie Sayers, Chairperson  
Indian Canyon Mutsun Band of Costanoan  
P.O. Box 28  
Hollister, CA 95024

**RE: NATIVE AMERICAN CULTURAL RESOURCES CONSULTATION UNDER SB 18  
AND AB 52 FOR THE DOWNTOWN WEST MIXED-USE PLAN**

The City of San José invites your participation in the consultation process for the proposed Downtown West Mixed-Use Plan (Google Project). Your tribe was identified by the Native American Heritage Commission as potentially having traditional lands or cultural places within the boundaries of this project.

The proposed project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]). The Native American Heritage Commission (NAHC) has advised us that we should consult with you regarding the potential for the presence of Native American cultural resources that may be impacted by future development or redevelopment that could potentially occur if the proposed project is approved.

The City of San José feels that your comments regarding land use decisions that may affect ancestral tribal sites are very important. We are very interested to know if your tribal government has already established consultation protocols that you could share with us.

Please request consultation regarding the proposed project within 90 days of receipt of this letter by email at [shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov) or by phone at (408) 535-7872.

Thank you for your assistance in this matter.

Sincerely,

/s/

David Keyon  
Principal Planner, Environmental Review

**Attachment:** Notice of Preparation for the Downtown West Mixed-Use Plan (Google Project), dated October 2019.

**NOTICE OF PREPARATION OF AN  
ENVIRONMENTAL IMPACT REPORT FOR THE  
DOWNTOWN WEST MIXED-USE PLAN (GOOGLE PROJECT)**

FILE NOS: GP19-009, PDC19-039, and PD19-029  
PROJECT APPLICANT: Google LLC  
APN: Multiple

**Project Description:** General Plan Amendment, Planned Development Rezoning, and Planned Development Permit for the development of up to 5,900 residential units; up to 7,300,000 gross square feet (GSF) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, etc.; up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations; an approximately 100,000 GSF event center; up to two central utilities plants totaling approximately 115,000 GSF; and a logistics warehouse(s) of approximately 100,000 GSF; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans.

**Location:** Project site is generally bounded by Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, South Almaden Street, and Royal Avenue to the east; Auzerai Avenue to the south; and Sunol Avenue, Diridon Station, and the Caltrain rail line to the west. The project also includes the area bounded by Los Gatos Creek to the west, San Fernando Street to the south, the Guadalupe River to the east, and Santa Clara Street to the north.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

**An Environmental Impact Report Scoping meeting** for this project will be held at the following date, time, and location:

**When:** Thursday November 7, 2019, 7:00 – 8:30 p.m.  
**Where:** San Jose City Hall, Wing Rooms 118 - 120  
200 E. Santa Clara Street, San Jose, CA 95113  
\*Parking will be validated\*

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information. Additional information on the project can also be found at [www.sanjoseca.gov/GoogleProject](http://www.sanjoseca.gov/GoogleProject).

According to State law, the deadline for your response is 30 days after receipt of this notice. The City will accept comments on the scope of the EIR until **5 p.m. on Friday, November 22, 2019**. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José, Department of Planning, Building and Code Enforcement  
Attn: Shannon Hill, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José CA 95113-1905  
Phone: (408) 535-7872, e-mail: [shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov)

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

  
Deputy

10/16/19  
Date

**Attachment:** Downtown West Mixed-Use Plan Notice of Preparation, dated October 2019.

# Notice of Preparation of an Environmental Impact Report Downtown West Mixed-Use Plan

## Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The City of San José Planning, Building and Code Enforcement Department is the lead agency for the project described herein and has determined that an EIR is required. The EIR for the proposed project is being prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. Pursuant to the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts

## Project Site and Location

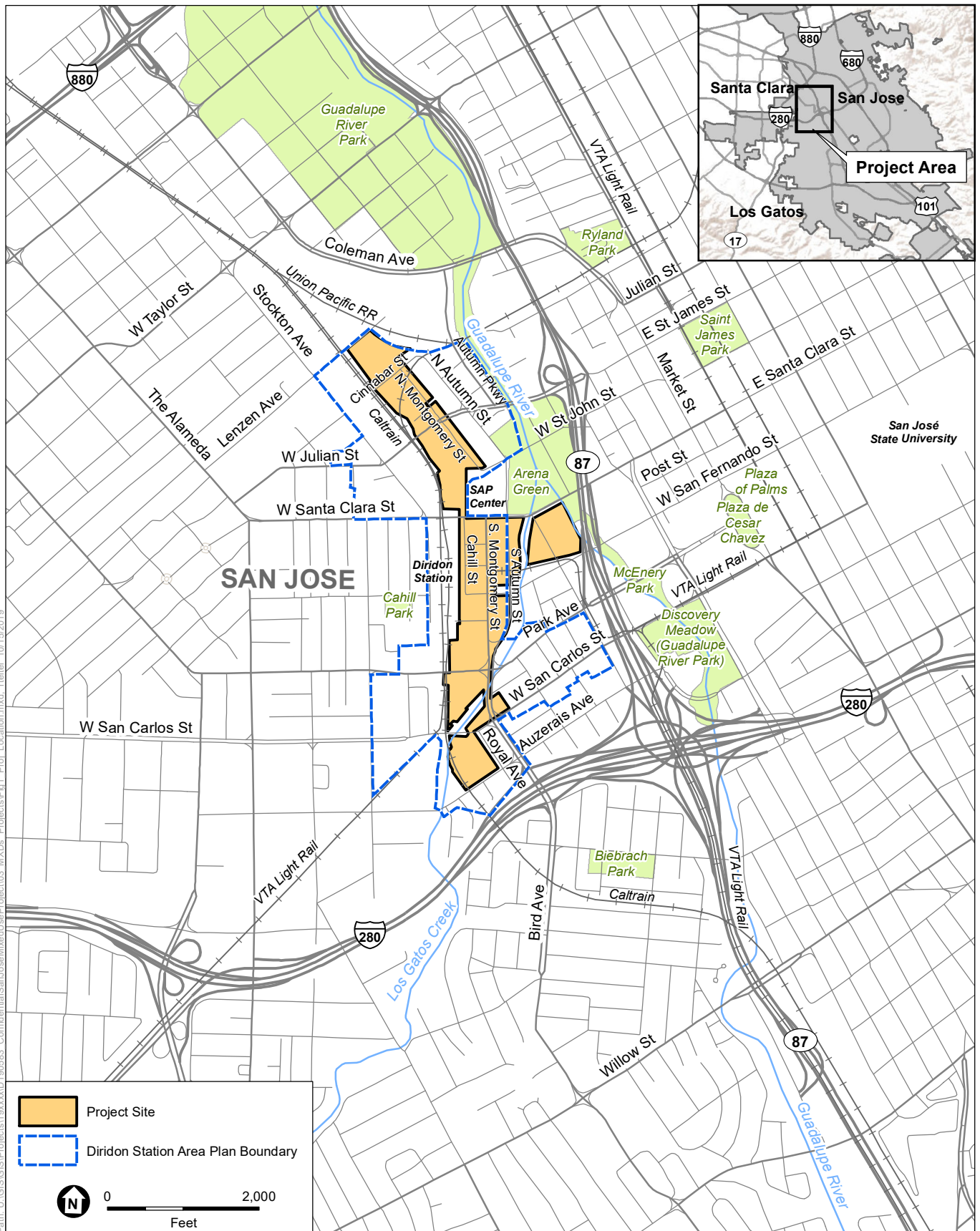
The project area is located within the western portion of Downtown San José, mostly within the area that the City designated in 2014 as the Diridon Station Area Plan (DSAP), which is incorporated into the City's General Plan. **Figure 1** shows the project site generally bounded by Lenzen Avenue and 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; Auzerai Avenue to the south; and Diridon Station and the Caltrain rail tracks to the west.<sup>1,2</sup> The site is approximately one mile in length from north to south and generally less than 800 feet in width from east to west, although at its widest, just south of West Santa Clara Street, the site reaches nearly 1,500 feet from east to west. **Figure 2** presents an aerial photo of the project site and vicinity.

The approximately 84-acre project site currently contains 102 individual parcels. The project site is within an area of Downtown that accommodates manufacturing, light industrial and business service land uses

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<sup>1</sup> Caltrain is operated by the Peninsula Corridor Joint Powers Board, consisting of representatives from San Francisco, San Mateo and Santa Clara counties. From just north of Santa Clara Station to Diridon Station, Altamont Commuter Express (ACE) and Capitol Corridor and Amtrak trains also operate on the Caltrain tracks.

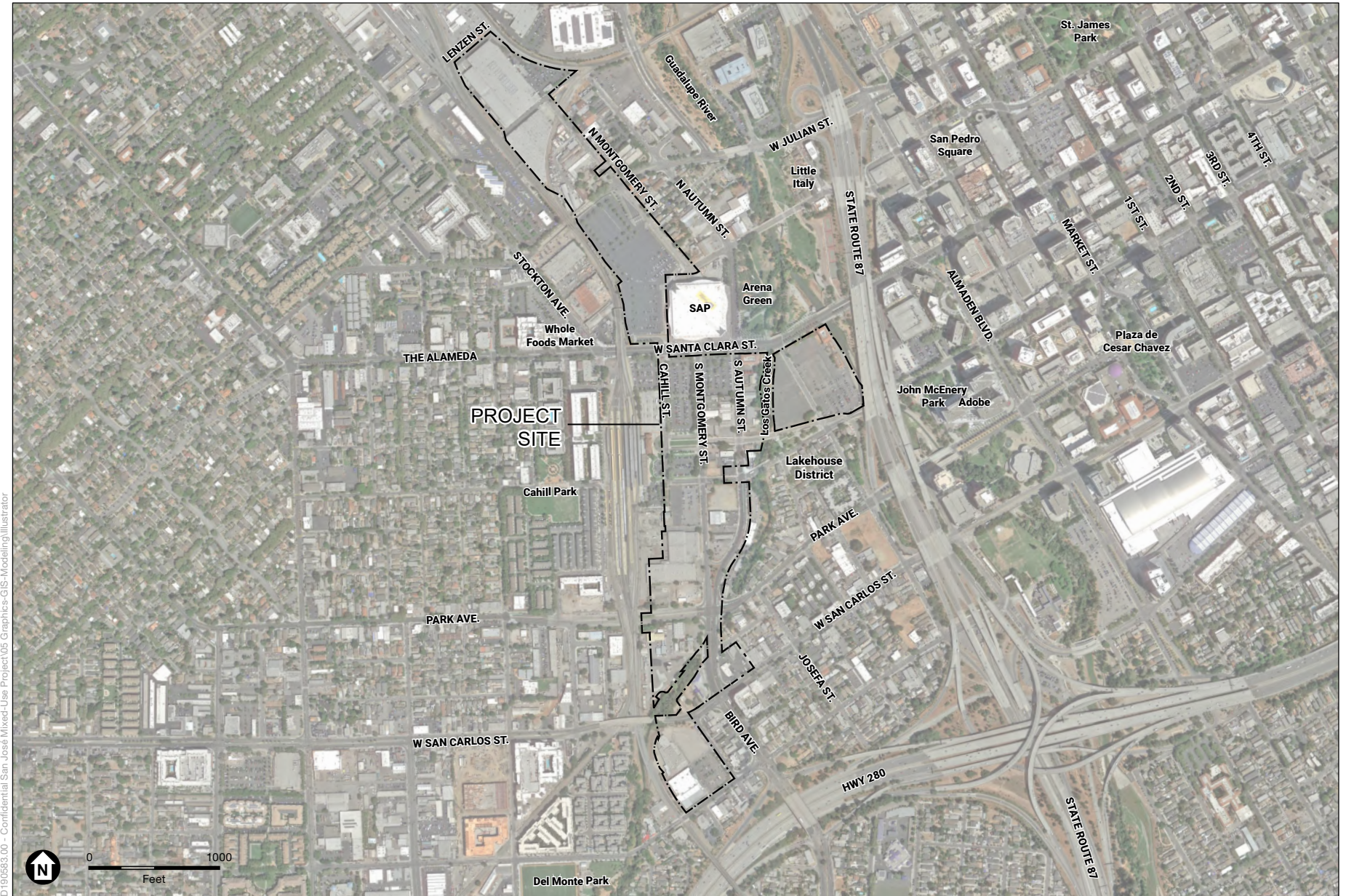
<sup>2</sup> This wider portion of the site results from an easterly extension bounded by Santa Clara Street, the Guadalupe River, West San Fernando Street/ VTA light rail tracks, and South Autumn Street.



SOURCES: ESA, 2019; ESRI, 2019

Downtown West Mixed-Use Plan

**Figure 1**  
Project Location Map



D:\190583.00 - Confidential San Jose Mixed-Use Project\05 Graphics-GIS-Modeling\Illustrator

SOURCES: Google LLC and SITELAB urban studio, 2019

Downtown West Mixed-Use Plan

**Figure 2**  
Aerial Photo of Project Area

inter-mixed with residential and limited commercial uses. The built environment within the site and its vicinity is characterized by a pattern of one- and two-story buildings that cover only portions of their lots, with the remainder of unbuilt lot space used as surface parking. The total floor area of buildings within the project site accounts for approximately 618,000 square feet, with many of the existing buildings vacant. Unbuilt parcels within the project site are generally used as surface parking lots. In all, approximately 40 percent of the site parcels' area is devoted to current or former vehicle parking.

The DSAP establishes a vision for Diridon Station and the surrounding area in response to the planned extension of Bay Area Rapid Transit (BART) and high-speed rail service to San José. The City initiated amendments to the DSAP in 2019, in light of several changes in planning assumptions, including the City's participation, along with Caltrain, the California High-Speed Rail Authority, and the Santa Clara Valley Transportation Authority (VTA) in the Diridon Integrated Station Concept (DISC) Plan process; the City policy, adopted in March 2019, to allow greater building height limits in the station area; the City's focus on environmental sustainability through Climate Smart San José; the adopted Downtown Design Guidelines and proposed Downtown Transportation Plan; and the removal of a site previously identified for a proposed Major League Baseball ballpark. The DSAP amendments are anticipated to adapt the plan to adapt to updated circumstances; align with and complement other adopted and ongoing plans, including the DISC Plan; and support and facilitate DSAP implementation with respect to both private development and public investments. The City is not expecting to make major changes to the primary objectives of the DSAP. Anticipated changes include adding development capacity and updating the existing DSAP sections pertaining to land use, design, transportation, and public spaces. In addition, the City will prepare areawide implementation plans for shared parking, infrastructure financing, and affordable housing. The DSAP amendments are will take into account the proposed project and are anticipated to be considered for approval by the City Council generally concurrently with consideration of the proposed project. If the proposed project proceeds in advance of the DSAP amendments, the City Council will be asked to consider a number of site-specific general plan amendments to the DSAP components of the General Plan.

The project site is surrounded by a network of regional transportation facilities, within portions of two Priority Development Areas (PDAs) identified by the City and so designated in Plan Bay Area 2040, the Bay Area's Sustainable Communities Strategy prepared pursuant to SB 375.<sup>3</sup> PDAs are areas within existing communities that city or county governments have identified as locations for future growth. These areas typically have transit access and are often located near established job centers, shopping districts and other services.<sup>4</sup> The project site is also within a Transit Priority Area as defined in CEQA Section 21099, meaning the site is within one-half mile of a major transit stop.<sup>5</sup>

The San José Diridon Station, a central passenger rail hub just outside and to the west of the project boundary, is served by Caltrain, Altamont Corridor Express (ACE), VTA light rail, Amtrak Capitol Corridor, and Amtrak Coast Starlight. BART service to Diridon Station is anticipated to begin in 2030,

<sup>3</sup> Northern and southern portions of the project site are within the Downtown Frame PDA, while the more central area between West Julian Street on the north and Park Avenue/West San Carlos Street on the south is within the Greater Downtown PDA. SB 375, enacted in 2008, requires the California Air Resources Board to establish regional greenhouse gas (GHG) reduction targets, links these targets to regional land use and transportation planning through preparation of sustainable communities strategies, and provides for CEQA streamlining for project consistent with the sustainable communities strategies.

<sup>4</sup> Metropolitan Transportation Commission, "Priority Development Areas." Available at: <https://mtc.ca.gov/our-work/plans-projects/focused-growth-livable-communities/priority-development-areas>. PDA map available at: [http://opendata.mtc.ca.gov/datasets/56ee3b41d6a242e5a5871b043ae84dc1\\_0](http://opendata.mtc.ca.gov/datasets/56ee3b41d6a242e5a5871b043ae84dc1_0).

<sup>5</sup> Metropolitan Transportation Commission, "Transit Priority Areas." Available at: [http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0\\_0](http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0).

pending acquisition of full funding for this subsurface extension of the currently under-construction BART line to Berryessa Station in East San José. The Diridon BART station would be located within the project site, underground along the south side of Santa Clara Street across from the SAP Center.<sup>6</sup> The California High Speed Rail Authority plans to serve Diridon Station as well.

In addition to Caltrain, ACE, VTA, and Amtrak service, Diridon Station is currently served by bus lines including local and express VTA bus lines, DASH Downtown Area Shuttle, Monterey-Salinas Transit, Santa Cruz Metro, Amtrak Thruway Bus, Greyhound Lines, Megabus, and employer shuttles. State Route (SR) 87 is adjacent to the easternmost portion of the project site, Interstate 280 (I-280) is one block south of the southern project site boundary, and I-880 is less than one mile northwest of the site's northern boundary. The Norman Y. Mineta San José International Airport is also located slightly less than one mile north-northwest of the northern site boundary. The SAP Center sports and entertainment venue is located on West Santa Clara Street immediately east of the project site.

Within the vicinity of the project site are established residential neighborhoods including Autumn-Montgomery to the northeast; Delmas Park (including Lakehouse, Park/Lorraine, and Auzerai/Josefa), Gardner, and North Willow Glen to the southeast, Garden Alameda, St. Leo's, Midtown, and Shasta-Hanchett Park to the west; and the Horace Mann, Hensley, and Market Almaden neighborhoods to the east of SR 87.

## Project Description

### Overview

The proposed project consists of a General Plan Amendment, Planned Development Rezoning and Planned Development Permit to allow the demolition of existing buildings and phased development of up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 dwelling units; up to 500,000 gsf of "active uses" (commercial retail/restaurant, arts, cultural, institutional, education, non-profit, small-format office space); up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations (akin to a suites hotel not open to the public); an event and conference space; district-wide open space totaling about 16 acres; off-street public/commercial and residential parking; and various improvements to the public realm. The project also proposes a district-systems approach to deliver resource efficiency across water, energy and waste flows, which is described in further detail in the Utilities discussion below.

### Development Program

The Downtown West Mixed-Use Plan (proposed project) would include a mix of primarily office and residential land uses across the approximately 84-acre project site. Other "active" uses, such as retail (including restaurant) and arts, cultural, educational, and institutional facilities and small-format offices, would occupy ground-floor spaces and some stand-alone buildings. The project would also include one or more hotel uses, as well as event/meeting space, new parks and open spaces, and changes to the local street network that are intended to improve circulation and access for all modes within the project site. Additionally, the project would include on-site utility and logistics facilities, including up to two on-site utility plants and one or more on-site logistics center(s).

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<sup>6</sup> Santa Clara Valley Transportation Authority, "Diridon Station" website. <https://www.vta.org/projects/bart-sv/phase-ii/diridon-station>.

The total development programs for the proposed project and the variant are shown in **Table 1**. As indicated in the table, 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; up to 800 rooms of limited-term corporate accommodations;<sup>7</sup> and an event and conference center that would occupy approximately 100,000 gsf.<sup>8</sup> Two on-site utility plants, one in the southwest portion of the site and one in the northern portion of the site, would occupy a total of about 115,000 gsf. The project would also include on-site logistics center(s) that would occupy a total of about 100,000 gsf. The project proposes to provide up to 2,800 publicly accessible and/or commercial spaces that would accommodate site- specific and/or public parking demands and up to about 2,360 spaces for the proposed project's residential uses. The project would also create approximately 16 acres of parks and open space, including parks, plazas, green spaces, mid-block passages, and riparian setbacks. The project would provide various public realm improvements such as sidewalk widening, plazas, and new street trees that would improve the pedestrian

**TABLE 1: PROJECT SUMMARY**

<b>Development Program</b>	<b>Proposed Project</b>
<b><i>Land Uses</i></b>	
Residential <sup>a</sup>	3,000 - 5,900 dwelling units
Active Uses (Retail, Restaurant, Arts, Cultural, Institutional, Education, Non-profit, Small-Format Office)	300,000 – 500,000 gsf
Hotel	100,000 – 200,000 gsf (Up to 300 rooms)
Limited-term Corporate Accommodation	Up to 800 rooms
Office	6.5 million- 7.3 million gsf
Event/Conference Center	100,000 gsf
Utilities Plants (District Systems)	115,000 gsf
Logistics/Warehouse	100,000 gsf
<b><i>Parking and Loading</i></b>	
Public/Commercial Parking	600 to 2,800 spaces
Residential Parking <sup>b</sup>	Up to 2,360 spaces
Total Parking Spaces	Up to 5,160 spaces
<b><i>Open Space</i></b>	
Open space and setbacks <sup>c</sup>	16.8 acres

NOTES:

<sup>a</sup> The 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.

<sup>b</sup> Residential parking reflects assumed ratio of 0.4 stalls/unit

<sup>c</sup> Open space and setbacks includes all parks, plazas, green spaces, mid-block passages, and riparian setbacks.

SOURCE: Google LLC, 2019

<sup>7</sup> Limited-term corporate accommodations would operate akin to a suites hotel that would accommodate Google employees typically visiting the site for 1 to 4 days. It would not be open to the public.

<sup>8</sup> The development program includes approximately 1.04 million gsf of office space and 325 residential units previously approved as part of the Delmas Mixed-Use Development Project on the former San Jose Water Company site south of West Santa Clara Street, east and west of Delmas Street.

realm and enhance connectivity to regional transit that would be 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, adjacent neighborhoods, and regional trails for residents and visitors. Development would occur in phases through a horizon year of approximately 2040.

Many of the existing buildings on the project site would be demolished. However, the project sponsor may retain some existing small-scale industrial structures on South Autumn Street and potentially repurpose them with new uses as part of the proposed project. Pending further historic and structural analysis, buildings that may be retained include those at 20 South Autumn Street, 52 South Autumn Street, 56 South Autumn Street, 74 South Autumn Street, 450 West Santa Clara Street, 40 South Montgomery Street, 150 South Montgomery Street, and 374 West Santa Clara Street.

Under the proposed project, commercial office would be the primary land use in the northern third of the site, from its boundary along Lenzen Avenue to West Julian Street to the south (see **Figure 3**). Housing and hotel uses would be constructed on the block south of West Julian Street, which along the block's interior, southern edge would front on an open space that would be situated between the large parcel across from the SAP Center (to the west of a newly extended Cahill Street, north of West Santa Clara Street.) South of this open space and north of West Santa Clara Street would be a block designated with a "flex" land use (meaning either residential or commercial office would be permitted to develop at that location), and east of this open space, across Cahill Street, a small triangular office building would front on West St. John Street and an expanded portion of Cahill Street. An event center is also proposed in the vicinity of the SAP Center. The proposed facility would accommodate a variety of functions such as product launches/announcements, corporate meetings, conferences, seminars, small conventions, and screenings year-round. The venue would include flexible spaces to accommodate varying configurations for different event types.

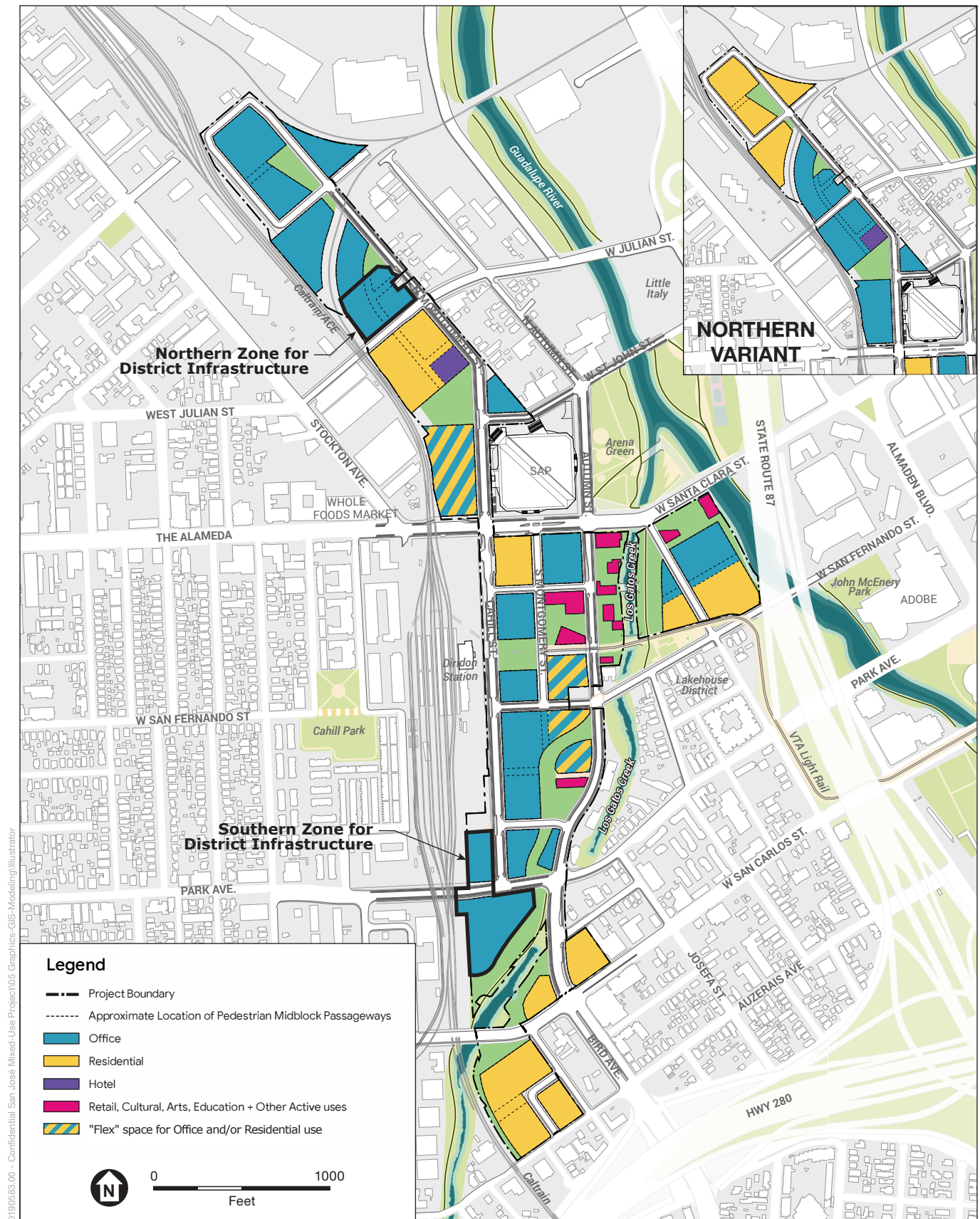
The central portion of the project site proximate to Diridon Station, between West Santa Clara Street to the north and Park Avenue to the south would contain a mix of all the project's program uses, intended to function as a destination and vibrant focal point for the project area. The area's development would be pedestrian-focused and anchored by Montgomery and Autumn Streets, which would contain a variety of active civic-oriented uses, some housed in buildings that would be retained and repurposed to accommodate arts and cultural uses, educational and institutional uses, and retail and restaurant establishments amongst residential buildings. In this central zone, the project proposes enhanced landscaping and improved open space amenities and access along Los Gatos Creek to the east of Autumn Street. Residential uses in this area would be limited to a site at West Santa Clara and Cahill Streets and a portion of the project site's eastern most area, adjacent to the Guadalupe River.<sup>9</sup>

Three parcels along the east side of Autumn Street within the central portion of the site would be designated as "flex" land use sites that, as with the block described above, could be developed with either housing or offices in the future.

The project proposes a mix of office and residential buildings in the area south of Park Avenue. Residential buildings developed south of Los Gatos Creek are envisioned as extensions of existing adjacent residential neighborhoods. Access along Los Gatos Creek would be enhanced within the

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<sup>9</sup> This residential development would represent a reconfiguration and modification of a portion of a previously approved mixed-use project on the former San Jose Water Company site, which permitted up to 1.04 million gsf of office, commercial space, and 325 multi-family attached residences.



SOURCES: Google LLC and SITELAB urban studio, 2019

Downtown West Mixed-Use Plan

**Figure 3**  
Proposed Land Use Plan

southern zone. New buildings adjacent to the riparian zone would be set back from the edge of the creek embankment in compliance with the City Council Riparian Corridor Protection and Bird Safe Design Policy (Policy 6-34).<sup>10</sup> A new multi-use pathway would follow the creek edge.

### **Northern Variant (Alternative Primary Land Uses Option)**

The project sponsor proposes incorporating into the scope of this study a limited amount of variability relating to the type and location of land uses as reflected in the proposed project's site plan. A variation in of land uses in the northern portion of the site is included for study and hereafter referred to as the Alternative Primary Land Uses Option (or "Northern Variant"). Whereas the blocks from Lenzen Avenue to West Julian Street would be designated as office use under the proposed project, the Northern Variant (see inset, Figure 3) land use plan depicts residential use as far south as the block on the south side of Cinnabar Street. The lot on the east side of Cahill Street, north of West Santa Clara Street would be designated as a "flex" land use meaning office or residential use could eventually be developed at that location. As with the land use plan described above, some buildings could accommodate active uses on the ground-floor. In all instances, the total development program would remain within the ranges set forth in Table 1.

The project sponsor has included the Northern Variant and limited flex use parcels to maintain flexibility and ensure optionality would exist in the event that external factors in some way limit full implementation of the project's program. Factors undergirding the project sponsor's request to study the Northern Variant and sites with flex use designations as part of the project include

- the possibility that the project sponsor may be unable to exercise an option to purchase property within the northern portion of the site (e.g., the parcel immediately east of the SAP Center, commonly referred to as Lots A, B, C) which could reduce the total amount of office space that could be developed as part of the project because alternate sites within the project boundary would not be available. A shortfall in achieving the program's land use yields shown in Table 1 would reduce the viability of the project to meet the sponsor's spatial planning goals and related business objectives.
- any substantial delays in the construction period associated with Phase II of the BART extension to San Jose 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 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., Autumn Street) 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.
- unknown outcomes of the DISC planning process may affect the viability of the project sponsor's properties adjacent to the rail tracks, particularly if the final station footprint and track alignment encroach upon portions of the sponsor's properties, reducing the amount of developable land. "Flex" land use parcels could be used to offset office space that would otherwise be lost to rail.

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<sup>10</sup> In general, the Riparian Corridor Policy requires a 100-foot setback from the outside dripline of the Riparian Corridor vegetation or top-of-bank, whichever is greater. However, the policy expressly permits exceptions, provided that certain findings can be made, under a number of circumstances. One of these circumstances is if the project were located in the General Plan-defined Downtown area, as is the case with the proposed project.

## **Parking**

As illustrated in Table 1, the project proposes up to 2,800 below grade spaces for public and/or commercial use, and up to 0.4/unit spaces (approximately 2,360 spaces) for residential in either below grade or podium structures.

## **Building Heights**

Existing height limits on the project range from 65 feet to 130 feet above grade in the southern portion of the site; 130 feet in the site's central area; and 80 feet to 100 feet at the site's northern parcels. In March 2019, the San José City Council directed Planning Department staff to develop new height limits for portions of Downtown based on Federal Aviation Administration (FAA) regulations for aircraft operations at Norman Y. Mineta San José International Airport. Information presented to the City Council indicated that height limits in the area west of SR 87, including the project site, could increase from the current range of 65 to 130 feet to range of between 160 and 290 feet above grade. Heights for new buildings constructed as part of the proposed project would range between approximately 25 to 290 feet (to the highest point of the structure). The City is expected to implement the height limit increases on the project site, as well as within the remainder of the DSAP area as part of the ongoing DSAP amendment process. However, as stated above, if the proposed project is considered in advance of the DSAP amendments, the City Council will be asked to consider site-specific height limit adjustments as part of a proposed project-specific General Plan Amendment. FAA regulations would continue to govern maximum building heights, and the existing pattern of lower height limits closest to the airport in the north gradually increasing to the south would continue.

## **Parks and Open Space**

The proposed project would include enhanced landscaping and new plantings within approximately 16 acres of new parks and open space on the project site intended for the use and enjoyment of area residents, employees, and visitors. These open spaces would include plazas, green spaces, mid-block passages and riparian setbacks. These facilities would be located so as to provide for open space connections both within the project area and between the project site and the rest of the city. Open space character and programming would vary in relation to local context and adjacent uses. In the main, the proposed project includes open spaces and park facilities that could accommodate an array of potential active and passive recreational uses.<sup>11</sup>

The project includes a new public access trail extending for a mile along the project area's north-south axis, including portions where it would meander along Los Gatos Creek and portions where it may follow street rights of way. Within the project site's central area, open space areas east of Autumn Street would lead to Los Gatos Creek, would be improved with new landscaping, and would feature a publicly accessible walkway along Los Gatos Creek. Open spaces in the southern portion of the site would have both passive and active character and would include access to the publicly-accessible trail that would follow along Los Gatos Creek.

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<sup>11</sup> Active recreational uses are those where specialized features, such as running paths or hiking trails and functional spaces such as sports courts are provided to facilitate recreational activities. Passive recreational uses include low-intensity activities that do not require specialized spaces, equipment or engagement in teams to pursue. Passive recreational activities may include walking, sitting and relaxing.

Beyond the typical parks and open spaces mentioned above, a network of mid-block open spaces would be designed throughout the project area and enhanced with new landscaping, native plant material, structures and art installations, and park-like green environments, connecting the conventional parks throughout the project site. Appropriate grading techniques would be used for building on parcels adjacent to the creek, in order to account for existing hydrological conditions and to protect water quality in Los Gatos Creek. As noted above, the project would develop new multi-use pathway along the creek. As noted above, the project would develop a new multi-use pathways along the creek. The project also proposes an expansion and widening of the northern side of the existing pedestrian-bicycle bridge north of West Santa Clara Street, as well as a new pedestrian and bicycle bridge over Los Gatos Creek south of West Santa Clara Street. **Figure 4** depicts the proposed open space plan.

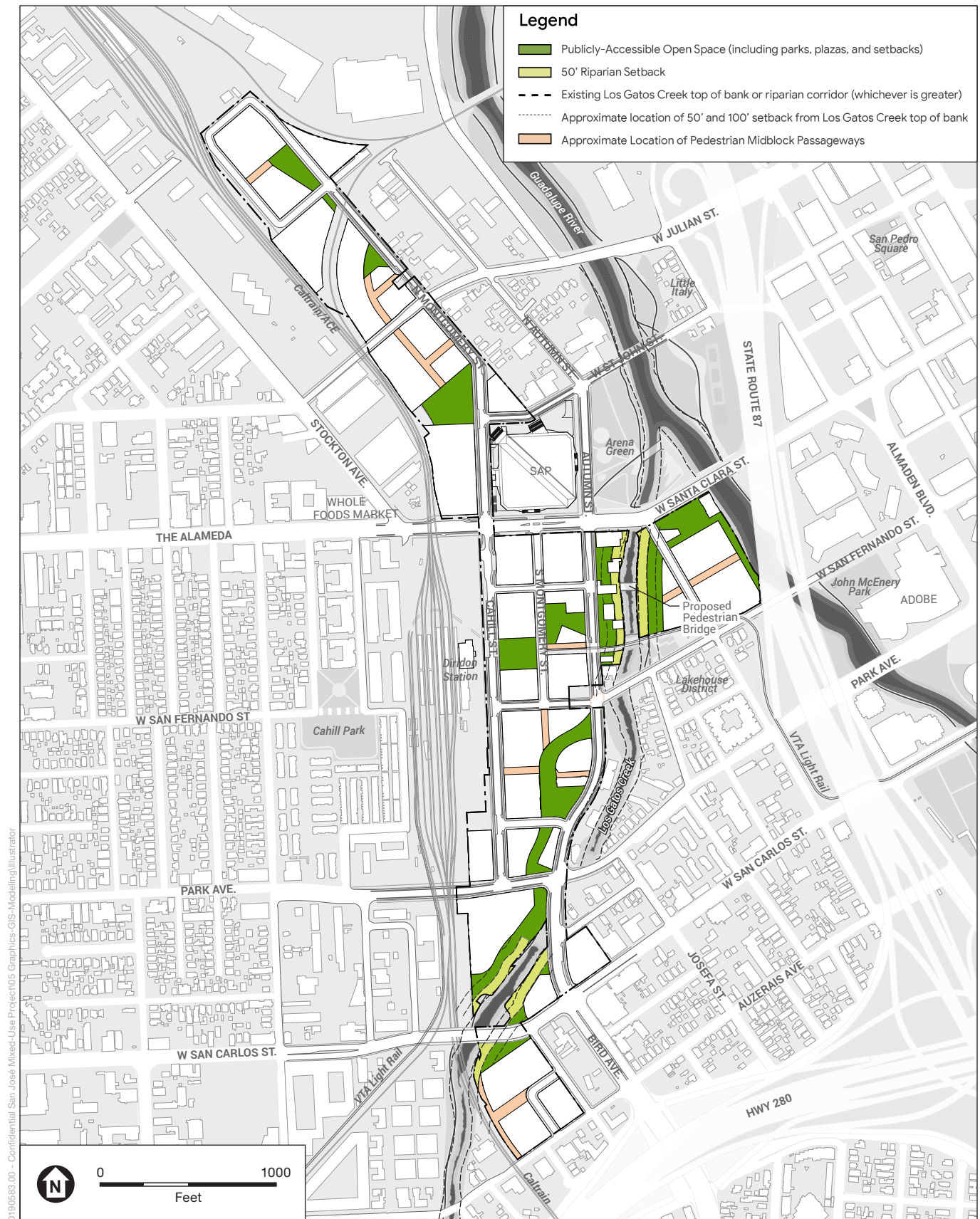
Within the project boundary, approximately 140 existing trees would remain and 170 existing trees (none of which are Heritage Trees as identified by the City) would be removed. The project would add 450 street trees and 300 trees in open spaces. The project includes a new public access trail extending for a mile along the project area's north-south axis, including portions where it would meander along the creek edge and portions where it may follow street rights of way (such as in sections of the site where the sponsor does not own land along the creek).

## Transportation/Circulation

The project sponsor proposes to extend portions of certain streets across the project site and would also remove sections of other streets (see **Figure 5**). Notably, Cahill Street would be extended from its current terminus at West Santa Clara Street to Julian Street in the north (and to Park Avenue in the south) to enhance north-south connectivity throughout the length of the project site. The project would extend North Autumn Street to the site's northern edge. Future access at the northern edge of the project boundary is being evaluated and may include an extension of Lenzen Avenue that would connect Lenzen Avenue to Cinnabar Street. North of the SAP Center, West St. John Street would be extended to connect with the lengthened Cahill Street. The project would add a block-long east-west extension of Post Street, a block-long east-west connection between the lengthened Cahill Street and South Montgomery Street, and a new L-shaped street linking Royal Avenue and Auzerais Street through the project site. The project would remove North Montgomery Street between West St. John and Cahill Streets, South Montgomery Street between West San Fernando Street and Park Avenue, and Otterson Street west of South Montgomery Street. The project also proposes to remove Crandall and Stover Streets in front of the Diridon Station and expand the existing open space at that location.

The project also 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. The project would widen sidewalks and implement "road diets" (lane removal and reconfiguration) along Autumn Street, Montgomery Street, and Delmas Street, which also entails changing Autumn and Montgomery Streets from one-way to two-way operation and removing vehicular access on Montgomery Street south of San Fernando Street.

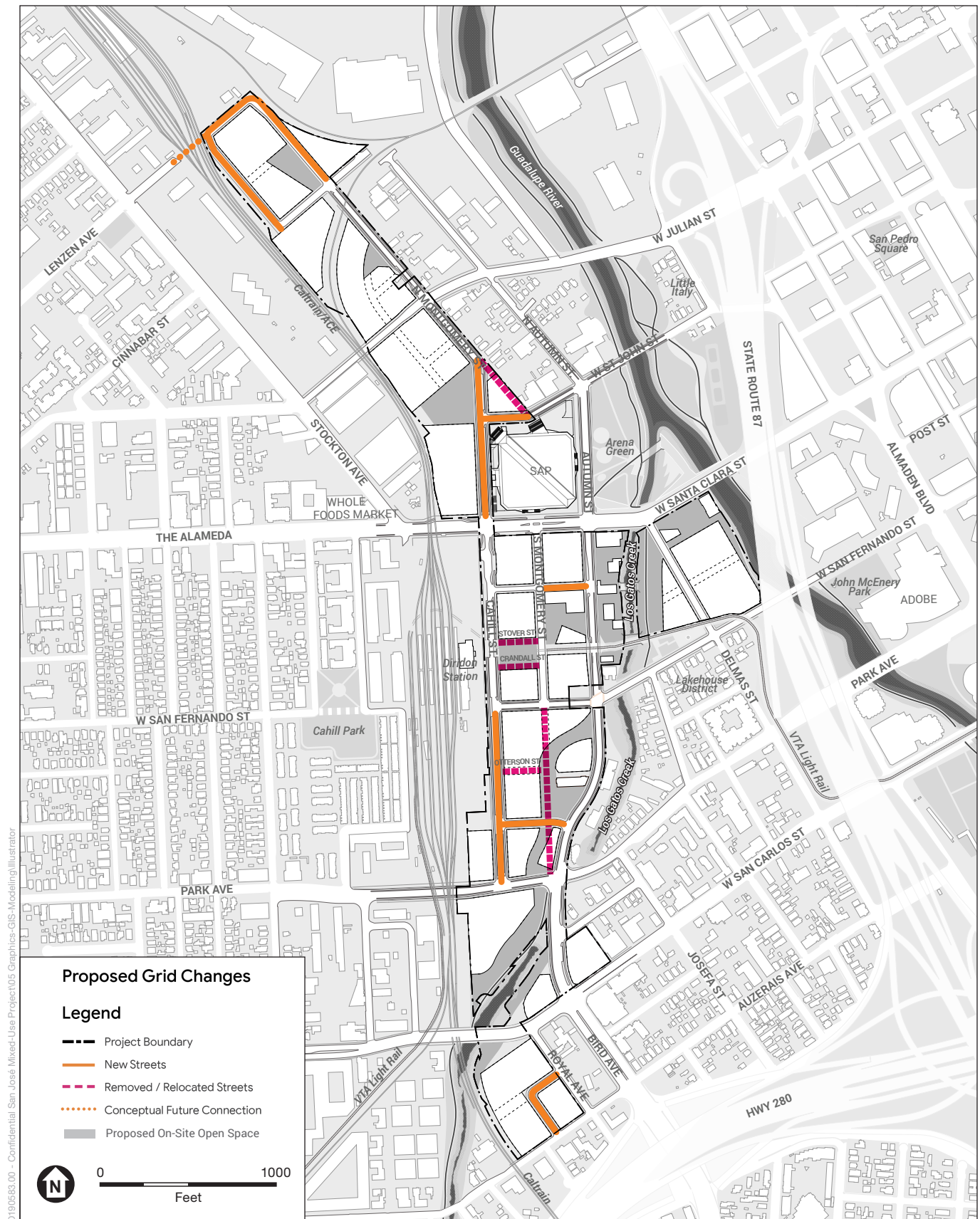
The project would also enhance streetscape and intersection design and implement new and improved bike facilities throughout the project area that prioritize pedestrian and cyclist safety and improve linkages to Downtown as well as other improvements aimed at enhancing transit access and ridership by leveraging the site's proximity to Diridon Station, currently served by multiple transit agencies, and where existing and new transit providers are planning new or enhanced services in the future. Finally, the



SOURCES: Google LLC and SITELAB urban studio, 2019

Downtown West Mixed-Use Plan

**Figure 4**  
Open Space Plan



SOURCES: Google LLC and SITELAB urban studio, 2019

Downtown West Mixed-Use Plan

**Figure 5**  
Proposed Street Grid Changes

project would include a Transportation Demand Management (TDM) Plan describing strategies the project sponsor would adopt to reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project's TDM plan would be included as a condition of approval for the proposed project.

Vehicular and pedestrian/bicycle access points to and from project buildings has not been determined. Details regarding driveway locations and pedestrian and bicycle access will be reviewed by the City as specific building plans are developed.

## Utilities

The project site is currently served by several public and private utilities including water (San José Water Company) and sewer and storm drain (City of San José). Implementation of the proposed project's building program would result in increased demand for resources, including water and energy to service building operations. The project proposes a district-systems approach to deliver resource efficiency across water, energy and waste flows. Up to two central utility plants, with approximately 115,000 gsf combined, would house mechanical equipment, power equipment and would provide thermal heating and cooling energy via a district-wide system that would extend across the site. The utility plants would each be located within a zone set aside for district infrastructure; one such zone would be located in the southwest portion of the site and another in the northern portion of the site (see Figure 3). The project would also include an option for approximately 1 million gallons per day in wastewater treatment facilities within the central utility plants that would treat, for beneficial reuse, wastewater streams; options for an electrical distribution system with embedded renewable energy generation and storage, including a grid tied microgrid; a centralized area for solid waste collection, sorting and off-hauling, options for automatic waste collection; and logistics hub(s) totaling 100,000 gsf where inbound materials and supply deliveries directed to the site's commercial office buildings could be inventoried and stored before being efficiently distributed in small-scale natural-gas or electric-powered trucks, to service on-site offices.<sup>12</sup> To the extent such centralized utility facilities are included in the proposed project, they would be expected to be located within the Southern Zone for Utility Infrastructure, along with an electrical switching station. Stormwater would be managed at a parcel level and within rights of way where required, with sustainable approaches adopted in accordance with the Santa Clara Valley Urban Runoff Pollution Prevention Program and best management practices. The project would also likely include the construction of a private underground utility corridor to serve and connect the project site.

## Development Design Standards and Guidelines

As part of the proposed project, the project sponsor, in coordination with the City, would develop detailed development design standards and guidelines to govern development on the project site. These standards and guidelines would be separate from, and would expand upon, similar standards and guidelines developed for Downtown and for the DSAP area and would be used to evaluate specific buildings that would be developed on the site for conformity with these standards. The development standards and

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<sup>12</sup> The project sponsor anticipates that the supply chain for the on-site logistics center(s) would run through an off-site facility that the sponsor would operate in either owned or leased property. No location is yet identified. Should such a location be identified during the project's environmental review, appropriate analysis would be included in the EIR.

guidelines would apply to building design, land coverage, density, setbacks, open space character, and the public realm, along with other design controls for development. Specific controls could include:

- building siting and orientation; ground-floor uses and access
- building bulk and mass; minimum tower separation; solar access and shading
- design of publicly accessible spaces; ecological principles
- open space programming and landscaping design intent and,
- circulation, streetscape and access

Standards would be mandatory, with measurable prescriptive or performative design performance criteria. Guidelines set forth design intent, design expectations, and encouraged or discouraged features which are more qualitative and subjective in nature. Together, the standards and guidelines would balance flexibility to allow for innovation and evolution with confidence in the delivery of high quality buildings and public realm. Subsequent plans would be evaluated by the City for consistency with the standards and guidelines.

## Project Schedule

Construction is anticipated to occur in three phases within the project's horizon year of 2040. Additional details of project phasing will be included in the EIR, which will take a conservative approach to analyze project phasing.

## Required Project Approvals:

The City of San José is the lead agency under CEQA for preparation of the project's environmental analysis. The CEQA process and EIR are intended to provide the City of San José, other public agencies, and the general public with the relevant environmental information needed in considering the proposed project. The City of San José anticipates that discretionary and ministerial approvals would be required by the City, including but not limited to the following:

- Certification of Environmental Impact Report
- Development Agreement (including Community Benefits Package)
- General Plan Amendment and General Plan Text Amendments, including changes to the Diridon Station Area Plan
- Planned Development Rezoning
- Planned Development Permits
- Vesting Tentative Maps/Tentative Maps
- Demolition Permits
- Historic Preservation Permits
- Tree Removal Permits
- Building Permits
- Grading Permits

- Vacation and dedication of public right-of-way
- Encroachment Permits and other Department of Public Works Clearances (including haul route permits and Site Utilization Plans)

The proposed General Plan Amendment would include changes to some General Plan land use designations on the project site as well as amendments to the DSAP proposed by the City that would affect the broader DSAP area, such as reclassifying building height limits.

Other public agencies, which may act as responsible agencies under CEQA, and are those whose review and approval could be required for certain aspects of the proposed project. These agencies may include, but are not necessarily limited to:

- Bay Area Air Quality Management District (permit to construct and authority to operate backup diesel generators and any other stationary sources of emissions proposed as part of the project)
- Santa Clara County Airport Land Use Commission (consistency determination with respect to the Comprehensive Land Use Plan for Norman Y. Mineta San José International Airport, notably with respect to proposed structures 200 feet or greater in height)
- Federal Aviation Administration (review and approval of aeronautical study for projects that may obstruct the Norman Y. Mineta San José International Airport airspace)
- Santa Clara Valley Water District (review and approval of construction of work in Los Gatos Creek, including new or improved bridges; potential stormwater-related approvals)
- Peninsula Corridor Joint Powers Board (Caltrain)
- Santa Clara Valley Transportation Authority
- Permits from Public Agencies (such as the County of Santa Clara Department of Environmental Health or the California Department of Toxic Substance Control) for on-site remediation
- Clearances from the Santa Clara Valley Habitat Agency
- Regional Water Quality Control Board (Clean Water Act certification for work in Los Gatos Creek, including new or improved bridges)
- California Department of Fish and Wildlife (review and approval of construction of work in Los Gatos Creek, including new or improved bridges; potentially other consultation and/or permitting relating to biological resources)
- National Marine Fisheries Service
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers (potentially, for work in or affecting Los Gatos Creek)

San Jose Water Company, a private utility, would also have to approve the project's Water Supply Assessment and provide a will-serve authorization to provide potable water to the proposed project.

## Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The EIR will include analysis of the following specific environmental categories as related to the proposed project:

## 1. Aesthetics

Pursuant to CEQA section 21099(d), added by SB 743, aesthetic impacts of the project, as a mixed-use residential, infill development within a Transit Priority Area, do not require analysis. The EIR will explain the basis of this exception and will not include further discussion or analysis.

## 2. Air Quality

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational emissions impacts to local and regional air quality in accordance with the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA guidelines and thresholds. Construction activities at the project site along with long-term project operation would result in emissions of criteria air pollutants (such as particulate matter) and ozone precursors. In addition, emissions of toxic air contaminants (TACs) from sources including diesel construction equipment and trucks, as well as operational sources such as backup diesel generators and project-generated traffic, could result in adverse health risks to nearby sensitive receptors (generally, residential uses). A health risk assessment (HRA) will be prepared for the proposed project to quantitatively evaluate construction- and operational-period TAC impacts to air quality-sensitive receptors in the vicinity of the project. The results of the HRA will be summarized in the EIR.

## 3. Biological Resources

Most of the project site is currently developed with office buildings, commercial buildings, industrial buildings, single and multifamily residential buildings, parking structures and surface lots. Los Gatos Creek, which passes through the project site, and the adjacent Guadalupe River each contain riparian corridors that provide aquatic habitat potentially suitable for a range of native and special-status fish species, and terrestrial habitat potentially suitable for nesting birds and roosting bats. Central California Coast steelhead (federally threatened), Central Valley Fall-run Chinook salmon, and western pond turtle (both California species of special concern) are known from the Guadalupe River. In addition, Downtown San José is located within the Pacific Flyway, a major north-south migratory pathway for many species of birds. The EIR will address impacts to species in the riparian corridors. Generally, habitats in the majority of the project area are low in species diversity and primarily include urban adapted birds and animals. A Habitat Assessment will be prepared for the proposed project to describe vegetation communities and associated special-status plant and wildlife species. The EIR will also address the loss of trees on-site, within and adjacent to the construction zones and project implementation will be evaluated for consistency with City of San José's Tree Removal Ordinance and the Santa Clara Valley Habitat Plan. In addition, the EIR will identify and discuss potential biological impacts resulting from construction of the project.

## 4. Cultural Resources and Tribal Cultural Resources

**Cultural Resources.** This area of San José is considered a sensitive area for prehistoric and historic resources. An historical resource on the project site includes the former San José Water Works (San José Water Company) building at 375 West Santa Clara Street. the San José Water Company building is individually eligible for the California Register of Historical Resources, is a City Landmark, and is also eligible for the National Register of Historic Places.

**Historical resources** adjacent to the project site include Diridon Station (the former Southern Pacific Depot) and its supporting structures, which comprise a historic district listed on the National Register and

is also a City Landmark; and the Lakehouse City Landmark District and its contributing structures, particularly those on West San Fernando Street, which is across the street from the project site. The residences near the project site at 396 and 454 West San Fernando Street are eligible for both the state and national registers. The EIR will identify these and other cultural resources (historic buildings and structures) and evaluate potential impacts to these resources.

The project area has a high potential for both prehistoric (Native American) and historical (Post-European) **archaeological resources**. Previous studies completed for the Delmas Avenue Mixed-Use EIR, the Diridon Station Area Plan EIR, and the San José Ballpark EIR indicate that there is a high potential to uncover archaeological resources during ground disturbing activities. Previously adopted mitigation measures have included pre-construction investigations and monitoring during ground disturbing activities. The EIR will address impacts to known and unknown buried archaeological resources on the project site.

An Archaeological Resources and Tribal Cultural Resources analysis and an Historic Architectural Resources technical analysis will be prepared for the proposed project and the results will be incorporated in the EIR.

**Tribal Cultural Resources.** Tribal Cultural Resources impacts will be assessed in conjunction with the culturally-affiliated Native American tribes and the City during consultation according to the requirements of CEQA Section 21080.3.1 and the CEQA Guidelines.

## **5. Energy**

Implementation of the proposed project would result in an increased demand for energy on-site. The EIR will address the increase in energy usage on-site and proposed design measures to reduce energy consumption, including from the various utility components that comprise the proposed project's on-site district systems.

## **6. Geology and Soils**

The project site is located in the most seismically active region in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site.

## **7. Greenhouse Gas Emissions**

The EIR will address the project's contribution to regional and global greenhouse gas (GHG) emissions. Proposed design measures to reduce energy consumption and vehicle trips, which in turn would reduce GHG emissions, will be discussed. In addition, the GHG section will discuss how the proposed project will achieve a net zero increase in GHG emissions through implementation of a transportation demand management program to reduce vehicle trips and other offset measures. A GHG technical analysis will be prepared for the proposed project and the analysis will be included in the EIR.

## **8. Hazards, Hazardous Materials, and Wildfire**

**Hazards and Hazardous Materials.** The project area is surrounded by commercial businesses, offices, and residences. In addition, the project site has a long history of development, including industrial uses that may have resulted in subsurface contamination of soil and/or groundwater. The parking lots adjacent to the SAP Center that would be developed as part of the proposed project are subject to a land use

covenant that restricts use of that portion of the site. Changes to the covenant, along with alteration of the physical cap on the site and disturbance or removal of the underlying contaminated soil would require approval from the state Department of Toxic Substances Control. There may also be other existing uses on or near the site that are potential or actual sources of on-site contamination. The project site includes multiple hazardous materials sites on the “Cortese List” compiled pursuant to Government Code section 65962.5 and referenced in Public Resources Code 21092.6. The EIR will summarize known hazardous materials conditions on and adjacent to the project site and will address the potential for hazardous materials impacts to result from implementation of the proposed project.

**Wildfire.** The proposed project is located within a developed area of San José. The EIR will briefly discuss project impacts on wildfire.

## **9. Hydrology and Water Quality**

Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, portions of the project site are subject to storm-caused flooding. The EIR will address the possible flooding issues of the site as well, potential project improvements to avoid or minimize flood risk, the effectiveness of the storm drainage system, and the project’s effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board.

## **10. Land Use and Planning and Agriculture and Forestry Resources**

**Land Use and Planning.** The project site is located within a developed urbanized area of San José surrounded by residential, office, and commercial land uses. The EIR will describe the existing land uses adjacent to and on the project site. The EIR will also include a discussion of any shade and shadow impacts associated with implementation of the project that may occur on certain City-designated parks. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with the City’s General Plan, zoning code, and Urban Village Plan, Plan Bay Area 2040, Sustainable Communities Strategy, and compatibility of the proposed and existing land uses in the project area. The EIR will evaluate proposed amendments to the General Plan and Planned Development Zoning. Should the project proceed in advance of the DSAP amendments, this EIR will analyze the environmental effects of all DSAP changes that are necessary to allow the proposed project to proceed, regardless of whether these changes are ultimately considered as part of a broader DSAP amendment.

**Agriculture and Forestry Resources.** The project site is located in an area of Downtown that is designated Urban and Built-Up Land and this area does not contain any farmland or area zoned forest land. The proposed project would remove trees and landscaping on-site. This issue will be discussed briefly in the EIR.

## **11. Mineral Resources**

The project site is located in an area of Downtown that is designated Urban and Built-Up Land and this area is not located within a designated containing mineral deposits of regional or local significance. This issue will be discussed briefly in the EIR.

## **12. Noise**

The EIR will include a discussion of the increase in traffic noise that would result from implementation of the proposed project and the impact of any noise increase on nearby sensitive receptors. The EIR will also

discuss noise that would result from operation of the proposed project buildings, as well as temporary construction noise. The EIR will evaluate the noise level exposure of proposed residential and other noise-sensitive land uses from existing sources such as the adjacent Caltrain operations and from aircraft operations and Norman Y. Mineta San José International Airport; these noise levels will be evaluated for consistency with applicable standards and guidelines in the City of San José and land use compatibility guidelines of the Envision San José 2040 General Plan. Potential vibration effects on the immediate surrounding land uses may occur during project construction from the use of heavy-duty construction equipment and will be evaluated in the EIR. A noise technical analysis will be prepared for the proposed project and the analysis will be included in the EIR.

### **13. Population and Housing**

The EIR will analyze whether the proposed project would induce substantial population growth in the area, either directly or indirectly, and whether the project would displace substantial numbers of existing housing units or people, necessitating the construction of replacement housing elsewhere.

### **14. Public Services and Recreation**

The EIR will study whether the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities for any public services, such as fire and police protection, schools, and parks. The EIR will also study whether the project would increase the use of existing parks or recreational facilities that may result in adverse physical effects on the environment, or whether the project's proposed parks and recreational facilities will result in such effects.

### **15. Transportation**

The EIR will examine the existing traffic conditions in the immediate vicinity of the project site. A transportation analysis (TA) will be prepared for the proposed project in order to identify the transportation impacts of the proposed project on the existing local and regional transportation system and the planned long-range transportation network. The TA will comply with the requirements of the City's Transportation Analysis Handbook (April 2018) and will include a Local Transportation Analysis (LTA) to address circulation. The LTA will include an evaluation of project access, circulation, parking, Congestion Management Plan conformance, and multi-modal (bicycle and pedestrian) facilities. The EIR will summarize the results of the TA, including mitigation measures for significant impacts, as necessary. Consistent with City policy, the transportation analysis will evaluate project impacts on vehicle miles traveled (VMT). The analysis will also comply with Santa Clara County Congestion Management Agency requirements.

### **16. Utilities and Services Systems**

Implementation of the proposed project would result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of the project on public and private utilities such as sanitary sewer and storm drains, water supply/demand, and solid waste management, including district-wide utility systems that may be developed as part of the proposed project. The EIR will also identify demand for any additional utilities such as electrical infrastructure and telecommunications facilities and describe the manner in which these utilities would be implemented across the site.

## **17. Alternatives**

The EIR will examine alternatives to the proposed project including a “No Project” alternative and one or more alternative development scenarios depending on the impacts identified. Other alternatives that may be discussed could include reduced development alternatives (e.g., smaller project), alternative land uses, and/or alternative locations. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified basic objectives of the project.

## **18. Significant Unavoidable Impacts**

The EIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.

## **19. Cumulative Impacts**

The EIR will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area. Among other things, the cumulative analysis will consider anticipated growth in areas of the DSAP and Downtown outside of the site boundaries, growth anticipated in Urban Villages and other growth areas in the Envision San José 2040 General Plan.

## **20. Other CEQA Topics**

In conformance with the CEQA Guidelines, the EIR will also include discuss 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.