

CHAPTER 4

Other CEQA Issues

California Environmental Quality Act (CEQA) Guidelines Section 15126 requires that all phases of a project be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. Further, CEQA Guidelines Section 15126.2(a) requires that the evaluation of significant impacts consider direct and reasonably foreseeable indirect effects of the proposed project over the short term and long term. The EIR must identify all of the following:

- Significant environmental effects of the proposed project.
- Potentially feasible mitigation measures proposed to avoid or substantially lessen significant effects.
- Significant environmental effects that cannot be avoided if the proposed project is implemented.
- Significant irreversible environmental changes that would result from implementation of the proposed project.
- Growth-inducing impacts of the proposed project.
- Alternatives to the proposed project.

Chapter 3, *Environmental Setting, Impacts, and Mitigation*, Sections 3.1 through 3.14, of this EIR provide a comprehensive presentation of the proposed project’s environmental effects, potentially feasible mitigation measures, and conclusions regarding the level of significance of each impact both before and after mitigation. Effects found not to be significant are discussed in the introduction to Chapter 3. Chapter 5, *Alternatives*, presents a comparative analysis of alternatives to the proposed project.

In accordance with CEQA Section 21100(b)(2)(A) and CEQA Guidelines Sections 15126.2(c) and 15126.2(d), this chapter identifies significant impacts on the environment that cannot be avoided if the project is implemented and significant effects on the environment that would be irreversible if the project is implemented, following an analysis of “growth-inducing impacts” pursuant to CEQA Section 21100(b)(5) and CEQA Guidelines Section 15126.2(e).

4.1 Growth-Inducing Impacts

The CEQA Guidelines require that an EIR evaluate the growth-inducing impacts of a proposed action (Section 15126.2(e)), which are defined as:

[T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth ... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement results if a project involves construction of new housing that would result in new residents moving to the area. A project can have indirect growth-inducement potential if it establishes substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises) or if it involves a substantial construction effort with substantial short-term employment opportunities and indirectly stimulates the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project could indirectly induce growth if it expands roadway capacity or removes an obstacle to additional growth and development, such as removing a constraint on required public services or utilities (e.g., adding a sewage treatment plant that has capacity to serve demand beyond the associated project).

The project proposes to rezone and redevelop an approximately 81-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.

4.1.1 Removal of Obstacles to Growth

The elimination of physical obstacles to growth is considered a growth-inducing effect. Common factors that limit growth include limited capacities of local or regional utility infrastructure, such as storm drainage systems or wastewater conveyance and treatment systems. Transportation infrastructure can also be a factor that limits growth.

The Project Site is within a fully urbanized area, with extensive transportation and utility infrastructure designed to accommodate urban development. In general, the proposed circulation and utility components are localized improvements necessary to support the proposed project. As described in Chapter 2, *Project Description*, and Section 3.14, *Utilities and Service Systems*, the project proposes a district-systems approach to utilities, including handling of wastewater, energy, and solid waste. Proposed infrastructure improvements necessary to support the project would include:

- Up to two central utility plants that would provide all-electric thermal heating and cooling, distributing energy to buildings constructed on-site via a private utility corridor, or “utilidor,” serving the site.
- A centralized area for solid-waste collection, sorting, and off-hauling.

- Installation of new water lines where new street segments are proposed, relocation of several segments of existing water mains, and upgrades to some existing water lines serving the site to accommodate the increased demand.
- Upgrades to wastewater collection facilities, possibly including construction of a private sewage collection network with connections to the San José–Santa Clara Regional Wastewater Facility, and possible construction of one or two on-site wastewater treatment plants/water reuse facilities.
- Installation of facilities necessary to use recycled water generated on-site and potentially connect the site to the City’s recycled water system for backup supply.
- Reduction in impervious surfaces to reduce stormwater runoff, installation of new stormwater collection facilities in proposed streets, relocation or removal of existing infrastructure where streets would be closed, upgrades to existing storm drains, and installation of a new outfall to Los Gatos Creek.
- Upgrades to existing electrical transmission and distribution infrastructure serving the site, potentially including construction of an electrical microgrid to help meet and manage the additional electrical load.

A limited number of buildings could have “business as usual” heating, ventilation, and air conditioning and other utility systems installed in place of connections to district systems to accommodate opening of certain buildings prior to completion of the first central utility plants and/or because some new on-site residential buildings would be built by different developers. None of the on-site utility infrastructure improvements would involve extensions to serve future development outside of the project site or increase the capacity of services in the surrounding area, with the exception of recycled water. If the project constructs one or two on-site wastewater treatment plants and generates recycled water, or extends the City’s existing recycled water infrastructure to the Diridon Station Area Plan (DSAP) area, recycled water could be made available for irrigation of parks, open spaces, and parcels outside the project site. The ability to facilitate use of recycled water beyond the project boundaries is not in and of itself the elimination of an obstacle to growth that would be expected to result in growth-inducing effects.

As described and illustrated in Chapter 2, *Project Description*, the project proposes street network changes on the project site, including:

- Extension of Cahill Street to North Montgomery Street in the north and Park Avenue in the south
- Extension of North Montgomery Street to the site’s northern edge
- Possible extension of Lenzen Avenue to the east or west for emergency vehicle access
- Extension of West St. John Street to connect with the extended Cahill Street
- A new L-shaped street linking Royal Avenue and Auzerais Street through the project site
- Introduction of mid-block passages at several locations
- New/improved pedestrian and bicycle facilities on- and off-site to enhance linkages with the rest of Downtown

The street network changes are intended to address on-site circulation and access, and none would increase roadway capacity in a way that would induce growth along the roadway corridor. The only meaningful increases in roadway capacity would be for the access/connections offered to pedestrians and bicyclists. These improvements would increase safety and convenience, but would not in and of themselves be expected to induce growth or development.¹

The project also proposes to replace the West San Fernando Street bridge with a clear-span structure and restore Los Gatos Creek to remove the debris, logjams, invasive species, and dead trees. These components would improve floodwater conveyance to reduce the risk of flooding on-site. The replacement bridge would not expand roadway capacity, but it could reduce the risk of flooding for parcels located off-site. Specifically, it would remove 314 individual parcels or portions of parcels from Federal Emergency Management Agency flood hazard zones requiring flood protection for new buildings. This change could increase the ease of development on the affected parcels by eliminating the need for importing fill. However, the zoning and *Envision San José General Plan* (General Plan) land use designation of these parcels would not change as part of the proposed project, and thus the proposed project would not authorize growth on these parcels beyond what is currently allowed.

For the foregoing reasons, the proposed project would not eliminate obstacles to further growth within the meaning of CEQA Guidelines Section 15126.2(e).

4.1.2 Economic Effects

Direct Growth Inducement

As discussed in Chapter 2, *Project Description*, and Section 3.11, *Population and Housing*, the proposed project would include an amendment to the General Plan and a zoning change to increase the development potential of the project site and add up to 5,900 new market-rate and affordable residential units—increasing the potential residential population on the site by up to 12,980 persons. The number of residents in the City of San José as a whole is projected to increase from about 1.04 million in 2019 to 1.38 million by 2040 (Table 3.11-2), or approximately 334,000 more residents than in 2019. The estimated residential population introduced under the proposed project would constitute less than 4 percent of this population increase and is well within the planned growth for the City of San José, as established by the General Plan.

Also as discussed in Section 3.11, *Population and Housing*, employment-generating uses on the project site would result in up to an estimated 31,198 employees at full buildout and a net increase in employment on the project site of 30,551, a substantial increase in on-site employment. Construction would also involve temporary employment during the site's development. The total number of jobs in San José is projected to increase from 359,128 in 2015 to 751,650 by 2040

¹ To the extent that the LTA identifies physical improvements to address non-CEQA impacts beyond those described above under Impact TR-1, including study of and/or funding contributions towards multimodal improvements or those that would expand roadway capacity, these improvements have not been studied in detail, designed, or funded and are not considered part of the project.

(Table 3.11-4), representing an increase of 392,522 jobs.² The estimated increase in permanent employment (i.e., not construction workers) under the project would constitute approximately 8 percent of this increase in jobs, and is therefore within the planned growth for the City of San José, as established by the General Plan.

Indirect Growth Inducement

Indirect growth inducement would occur if employment on the project site would generate a demand for housing and if spending by new residents and employees would trigger additional job growth and therefore housing demand elsewhere in the City or the region.

As discussed in Impact PH-1, some new employees on-site would already have housing and some would create new demand for housing. This new housing demand could be met on site, elsewhere in the City, or elsewhere in the region, given the site's transit accessibility. In addition, spending by project residents and employees would indirectly benefit the local economy. An analysis of the proposed project by Economic & Planning Systems, Inc. indicates that project employment would result in labor income and spending increases such that more than 80,000 new jobs could be indirectly created or induced.³ Any of these new jobs that are filled by employees who are new to the region would result in new housing demand.

While it would be speculative to determine with any specificity where the new jobs stimulated by project spending would occur or where the demand for housing generated by these employees and those who work on site would be met and in what amounts, any new jobs that are located in the city would further the City's goal to improve the city's jobs housing balance. As discussed in Impact C-PH-1, a major strategy of the General Plan is to "support San José's growth as a center of innovation and regional employment," and a core objective of this strategy is achieving a jobs-to-employed-residents ratio of 1.1 to 1 by the year 2040. The addition of 30,552 net new jobs on site plus potentially over 80,000 additional jobs in the region, a portion of which would be within the City of San Jose, would improve the City's ratio of jobs-to-employed residents, although given that the City currently has more housing than jobs and a ratio of 0.82, it is unlikely that the City will reach its goal by 2040. Nonetheless, the General Plan EIR identified a significant and unavoidable cumulative growth-inducing impact as a result of the planned employment growth, indicating that an indirect effect of the job growth would be to induce population growth elsewhere. The EIRs prepared for the DSAP (2014) and the Downtown Strategy 2040 (2018), and the addendum prepared for the 2040 General Plan Four-Year Review (2016), each reached the same conclusion regarding those respective policies, adopted in furtherance of the General Plan's goals.

Because the proposed project would also advance the City's General Plan goal, introducing new employment and indirectly stimulating employment that could contribute to the demand for

² The numbers presented here reflect job growth anticipated under the General Plan and are sourced from the City of San José's *Downtown Strategy 2040 Integrated Final EIR*. ABAG projections predicted less job growth, with a total of 173,030 new jobs between 2010 and 2040. Project-related employment would represent up to about 18 percent of the ABAG total between 2010 and 2040.

³ Economic & Planning Systems, Inc., *Economic Impact of Operations at Downtown West*, EPS #201019, Memorandum to Lendlease at Google, July 14, 2020. The job estimate is made based on the IMPLAN "input/output" model of the local economy.

housing elsewhere in the city and the region, the project would contribute to the cumulative growth-inducing impact identified in the 2040 General Plan EIR.

4.1.3 Environmental Impacts of Induced Growth

While economic and employment growth at the project site is an intended consequence of the proposed project, growth induced directly and indirectly by the proposed project could also affect the greater region. Increased future employment generated by resident and employee spending ultimately results in physical development of space to accommodate those employees. It is the characteristics of this developed physical space at a specific location that determines the type and magnitude of environmental impacts associated with this additional economic activity. It would be speculative to identify the specific location of jobs created as an indirect result of the project. Therefore, it would also be speculative to identify any specific environmental impact other than those already identified for cumulative development under the City's general plan projections for 2040.

Depending on its location and design, potential effects caused by induced growth in the region could include: increased vehicle miles traveled (VMT); increased air pollutant emissions; loss of open space; loss of habitat and associated flora and fauna; increased demand on public utilities and services such as fire and police protection, water, recycled water, wastewater, solid waste, energy, and natural gas; and increased demand for housing.

An increase in housing demand in the South Bay region could cause significant environmental effects as new residential development occurs and requires additional governmental services, such as schools, libraries, and parks. Indirect and induced employment and population growth could further contribute to the loss of open space because it could encourage conversion of open space to urban uses for housing, commercial space, and infrastructure.

Local governments throughout the region are planning for additional residential and employment-generating land uses, some of which could meet the demands created indirectly by the proposed project. Through their planning and entitlement actions, the future actions of those local agencies would be subject to environmental review under CEQA, and would be required to be consistent with regional and state plans and regulations. To the extent that future development accommodating indirect and induced growth from the proposed project is undertaken in a manner consistent with the multitude of planning and regulatory documents referred to throughout the technical sections of Chapter 3 of this EIR, many of the potential adverse environmental consequences would be reduced in magnitude or avoided altogether.

Based on the discussions above, the proposed project would not remove physical obstacles to growth such that it would indirectly induce growth, nor would it result in significant direct growth inducement. However, as noted above, the project would result in indirect growth in the form of housing demand associated with project employment and employment generated as a result of new spending by project residents and employees. The City's General Plan EIR identified a significant and unavoidable cumulative growth-inducement impact as a result of employment growth, indicating that an indirect effect of the job growth would be to induce population growth elsewhere. The EIRs prepared for the DSAP (2014) and the Downtown Strategy 2040 (2018) and

the addendum prepared for the 2040 General Plan Four-Year Review (2016) each reached the same conclusion regarding those respective policies; thus, the cumulative effect of the proposed project in combination with buildout of the City's General Plan could result in the City having more jobs than housing, leading to a substantial increase in VMT per service population in the Bay Area and significant cumulative environmental impacts, including air pollution, noise, greenhouse gas (GHG) emissions, and biological resources (e.g., nitrogen deposition). It should be noted, however, that in the case of the proposed project, VMT per capita generated by project office development—the largest component of the project—would be reduced compared to existing conditions. Therefore, if the majority of new indirect/induced jobs created were in areas well-served by transit, and if some of the new employees were to live in or near San José, the impact identified in the General Plan EIR could be less severe.

4.2 Significant and Unavoidable Impacts

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As described in Chapter 3 and above, the impacts listed below would be considered significant and unavoidable, even with implementation of feasible mitigation measures. With the exception of the following impacts, all project impacts would be either less than significant or reduced to less-than-significant levels by implementation of the identified mitigation measures. If the project is approved, a statement of overriding considerations would be required for the following significant unavoidable impacts.

4.2.1 Air Quality

Impact AQ-2: The proposed project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

- Implementing Mitigation Measures AQ-2a, Construction Emissions Minimization Plan; AQ-2b, Construction Equipment Maintenance and Tuning; AQ-2c, Heavy-Duty Truck Model Year Requirement; AQ-2d, Super-Compliant VOC Architectural Coatings during Operations; AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators; AQ-2f, Operational Diesel Truck Emissions Reduction; AQ-2g, Electric Vehicle Charging; and AQ-2h, Enhanced Transportation Demand Management Program would reduce the severity of the impact, but not to a less-than-significant level.

Impact AQ-3: The proposed project would expose sensitive receptors to substantial pollutant concentrations.

- Implementing Mitigation Measures AQ-2a, Construction Emissions Minimization Plan; AQ-2b, Construction Equipment Maintenance and Tuning; AQ-2c, Heavy-Duty Truck Model Year Requirement; AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators; AQ-2f, Operational Diesel Truck Emissions Reduction; AQ-2g, Electric Vehicle Charging; AQ-2h, Enhanced Transportation Demand Management Program; and AQ-3, Exposure to Air Pollution—Toxic Air Contaminants, would reduce the severity of the impact, but not to a less-than-significant level.

Impact C-AQ-1: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area, would result in a cumulatively considerable contribution to significant cumulative regional air quality impacts.

- Implementing Mitigation Measures AQ-2a, Construction Emissions Minimization Plan; AQ-2b, Construction Equipment Maintenance and Tuning; AQ-2c, Heavy-Duty Truck Model Year Requirement; AQ-2d, Super-Compliant VOC Architectural Coatings during Operations; AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators; AQ-2f, Operational Diesel Truck Emissions Reduction; AQ-2g, Electric Vehicle Charging; AQ-2h, Enhanced Transportation Demand Management Program; and AQ-5, Hydrogen Sulfide and Odor Management Program for the Potential Water Reuse Facility(s), would reduce the severity of the impact, but not to a less-than-significant level.

Impact C-AQ-2: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area, would result in a cumulatively considerable contribution to significant cumulative health risk impacts on sensitive receptors.

- Implementing Mitigation Measures AQ-2a, Construction Emissions Minimization Plan; AQ-2b, Construction Equipment Maintenance and Tuning; AQ-2c, Heavy-Duty Truck Model Year Requirement; AQ-2e, Best Available Emissions Controls for Stationary Emergency Generators; AQ-2f, Operational Diesel Truck Emissions Reduction; AQ-2g, Electric Vehicle Charging; AQ-2h, Enhanced Transportation Demand Management Program; and AQ-3, Exposure to Air Pollution—Toxic Air Contaminants, would reduce the severity of the impact, but not to a less-than-significant level.

4.2.2 Cultural Resources

Impact CU-1: The proposed project would demolish historic resources, resulting in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

- Implementing Mitigation Measures CU-1a, Documentation; CU-1b, Relocation; CU-1c, Interpretation/Commemoration; and CU-1d, Salvage, would reduce the severity of the impact, but not to a less-than-significant level.

Impact CU-3: The proposed project would construct one or more additions to and adaptively reuse 150 South Montgomery Street (Hellwig Ironworks). The proposed additions and modifications would result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

- Implementing Mitigation Measure CU-1a, Documentation, and Mitigation Measure CU-1c, Interpretation/Commemoration, would reduce the severity of the impact, but would not prevent alterations or additions that are inconsistent with the Secretary of the Interior's Standards from affecting the 150 South Montgomery Street building's integrity.

Impact C-CU-1: The proposed project would contribute to a citywide cumulative adverse impact on historical resources as defined in CEQA Guidelines Section 15064.5.

- Implementing Mitigation Measures CU-1a, Documentation; CU-1b, Relocation; CU-1c, Interpretation/Commemoration; and CU-1d, Salvage, would reduce the severity of the project's contribution, but not to a less-than-significant level.

4.2.3 Land Use

Impact LU-2: 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.

- Implementing Mitigation Measure NO-3, Exposure to Airport Noise, would reduce the severity of the impact, but not to a less-than-significant level.

Impact C-LU-2: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in a significant cumulative impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

- Implementing Mitigation Measure NO-3, Exposure to Airport Noise, would reduce the project's contribution to this cumulative impact, which would remain significant and unavoidable.

4.2.4 Noise and Vibration

Impact NO-1b: Project-generated traffic noise would result in permanent increases in ambient noise levels in the vicinity of the project in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies.

- Implementing Mitigation Measure NO-1b, Traffic Noise Impact Reduction, would reduce roadside noise impacts at existing noise-sensitive receptors, but not to a less-than-significant level.

Impact NO-1c: Construction of the proposed project could result in temporary increases in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

- Implementing Mitigation Measure NO-1c, Master Construction Noise Reduction Plan, would implement a construction noise logistics plan to reduce the noise impact with respect to exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, specific plan, or other land use plan, but not to a less-than-significant level.

Impact NO-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the proposed project could expose people residing or working in the project area to excessive noise levels.

- Implementing Mitigation Measure NO-3, Exposure to Airport Noise, would reduce interior noise levels; however, because the project could include outdoor residential areas located within the airport's 65 dB CNEL contour, it could result in a land use that is not compatible with the CLUP and the impact would remain significant and unavoidable.

Impact C-NO-1: Construction activities of the proposed project combined with cumulative construction noise in the project area would result in substantial temporary or periodic increase in ambient noise levels in excess of standards established in the Envision San José 2040 General Plan (General Plan) or Noise Ordinance.

- Implementing Mitigation Measure NO-1c, Master Construction Noise Reduction Plan, would reduce the project's contribution to this cumulative impact, which would remain significant and unavoidable.

Impact C-NO-2: Operation of the proposed project when considered with other cumulative development would cause a substantial permanent increase in ambient noise levels in excess of standards established in the General Plan or Noise Ordinance.

- Implementing Mitigation Measure C-NO-2, Cumulative Traffic Noise Impact Reduction, would reduce the project's contribution to this cumulative impact, which would remain significant and unavoidable.

Impact C-NO-3: The proposed project would make a considerable contribution to exposure of people to excessive airport noise levels.

- Implementing Mitigation Measure NO-3, Exposure to Airport Noise, would reduce interior noise levels, reducing the project's contribution to this cumulative impact, which would remain significant and unavoidable due to outdoor residential areas within the airport's 65 dB CNEL contour.

4.2.5 Population and Housing

Impact C-PH-1: The proposed project would result in a cumulatively considerable contribution to the citywide significant and unavoidable cumulative impact related to the jobs/housing imbalance identified in the 2040 General Plan EIR.

- As described in the EIRs for the General Plan and Downtown Strategy 2040, there is no feasible mitigation for this impact.

4.3 Significant Irreversible Environmental Changes

CEQA Guidelines Section 15126.2(d) states that "Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, because a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously

inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

Generally, a project would result in significant irreversible environmental changes if:

- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.
- The project would involve a large commitment of nonrenewable resources or the proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).
- The primary and secondary impacts would generally commit future generations to similar uses.

Each of these three categories is discussed below.

4.3.1 Irreversible Damage from Environmental Accidents

The proposed project would require the use and disposal of hazardous materials during construction and operation. While not anticipated, there is always the potential for accidents that may damage the environment when hazardous materials are present. The presence and use of hazardous materials on-site and the remediation of existing hazardous materials anticipated within the project site are described in Section 3.7, *Hazards and Hazardous Materials*, along with existing regulations and mitigation measures that would reduce the possibility of significant environmental damage to **less than significant**. Based on this conclusion, any potential damage would not be irreversible.

4.3.2 Consumption of Non-Renewable Resources

In an urban context where there are no agricultural or forest lands or minerals and mines, consumption of non-renewable resources involves the use of non-renewable energy sources, including fossil fuels, natural gas, and electricity. The proposed project would use these resources for construction (e.g., fuel for construction equipment, steel products, cement, and glass) and operation (e.g., fuel for transportation, building heating and lighting), as described in Section 3.4, *Energy*, and summarized here.

Project Construction

Construction activities on the project site would involve demolition and site clearance, excavation and soil removal, foundation and sub-surface infrastructure, vertical construction, surface/street work, and streetscape and open space improvements. These activities would use electricity and transportation fuels as well as construction materials themselves, including cement, glass, steel products, paving materials, and more.

The project’s commitment that all off-road equipment with engines greater than 25 horsepower would adhere to Tier 4 Final off-road emission standards would reduce energy use during

construction; an estimate of annual average consumption of electricity, natural gas, gasoline fuel, and diesel fuel during construction is presented in Table 3.4-2 in Section 3.4, *Energy*. This energy use would be reduced with implementation of mitigation measures, which are detailed in Section 3.6, *Greenhouse Gas Emissions*, and Section 3.1, *Air Quality*, such as Mitigation Measure GR-1, GHG Emission Reduction Plan, and Mitigation Measure AQ-1a, Construction Emissions Minimization Plan, respectively.

Project Operation

Project operation, meaning the use of the proposed buildings and infrastructure, would result in the consumption of electricity, natural gas, and transportation fuels. Project features such as the project's commitments to meet Leadership in Energy and Environmental Design (LEED) Neighborhood Design (ND) Gold Certification requirements and to meet LEED Gold Certification requirements for office buildings would tend to reduce energy use, as would the commitment to all-electric buildings (with the exception of some ground-floor commercial), sourcing electricity from San Jose Clean Energy, and use of on-site solar photovoltaic panels.

Table 3.4-3 in Section 3.4, *Energy*, presents an estimate of the total annual use of electricity, natural gas, gasoline, and diesel fuel during operation of the project after buildout, demonstrating that the use of these resources by the project would represent a small percentage (generally less than 1 percent) of energy use in Santa Clara County as a whole. In addition, this energy use would be reduced with implementation of mitigation measures such as Mitigation Measure TR-7, Transportation Demand Management Program; Mitigation Measure AQ-1f, Electrified Loading Docks and Electric Truck Transportation Refrigeration Units; and Mitigation Measure AQ-1h, Electrical Vehicle Charging.

Overall, implementation of the proposed project would result in the long-term commitment of resources to continued urban development; however, as discussed in Section 3.4, *Energy*, it would not result in wasteful, inefficient, and/or unnecessary use of energy and would not conflict with adopted energy conservation plans or violate energy standards. Project features and mitigation measures included in Section 3.1, *Air Quality*, and Section 3.6, *Greenhouse Gas Emissions*, would limit non-renewable energy consumption and, therefore, consumption of non-renewable energy resources would not result in the unjustified consumption of resources.

4.3.3 Changes in Land Use that Commit Future Generations

Development under the proposed project would result in the intensification of underused properties, with development featuring a mix of residential, commercial, and other uses that are traditional in urban downtown settings. This would limit commitment of the project site to these uses for the useful life of the buildings, consistent with city, regional, and state policy encouraging development in transit-rich areas as discussed in Section 3.9, *Land Use* (Impact LU-2). For these reasons, the project would not commit future generations to changes in land use.