

CHAPTER 1

Introduction

1.1 Purpose of this Document & Contents of the Final EIR

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

1.1.1 Organization of This Document

The document is organized in five sections as follows:

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

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

1.1.2 The Final EIR

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

complies with California Environmental Quality Act (CEQA) Guidelines Section 15132, which specifies that a Final EIR shall consist of:

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

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

1.2 Environmental Review Process

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

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

1.2.1 Public Review of the Draft EIR

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

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

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

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

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

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

1.2.2 Revisions to the Proposed Project

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

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

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

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

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

- **Alterations to the Treatment of Some Historical Resources**

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

- The project applicant would salvage and retain on-site a metal hopper tower that rises above a non-historic portion of the Kearney Pattern Works and Foundry complex, to the rear of the historic building at 40 South Montgomery Street. The ca. 1958 hopper, added after the resource’s period of significance, would be retained and installed behind and above the historic building, to be relocated with 75 horizontal feet of the historical Kearney Pattern Works and Foundry building and maintaining the hopper’s height relative to the relocated historic building. This change would not alter the conclusions of the Draft EIR because it would incrementally reduce, but not eliminate, effects on historic architectural resources and would result in no new significant impacts, nor do these changes otherwise constitute “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-18 and 3.3-72.*
- The project applicant would relocate an existing residence at 35 Barack Obama Boulevard (formerly South Autumn Street) to a site at 74 Barack Obama Boulevard, where an existing non-historic building would be demolished (Block D13). The relocated building, which has been determined eligible as a Structure of Merit, would be designated for active use. This change would not alter the conclusions of the Draft EIR because it would have no effect on historic architectural resources under CEQA, nor do these changes otherwise constitute “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-18 and 3.3-41.*
- The project applicant would provide partial funding for off-site relocation of another Structure of Merit at 91 Barack Obama Boulevard, a former single-family residence that was relocated to its current location in the 1950s and currently houses the Poor House Bistro. The project applicant would coordinate with a local non-profit organization to move the Poor House building to a location at 317 West St. John Street, within the River Street City Landmark District. The receiver site is occupied by a non-contributing resource to the City Landmark district and therefore the demolition of that structure would not adversely affect the district. The Poor House building would be compatible with the period of significance for the district (1875–1925) and the architectural style and massing of the contributing resources within the district (some of which were themselves relocated to the district). A Historic Preservation Permit would be required for relocation into the landmark district. Therefore, no new significant impact would ensue from the relocation of the Poor House building, nor do these changes otherwise constitute “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. *Refer to revisions in Chapter 4 of this First Amendment with respect to Draft EIR pages 2-18 and 3.3-41.*
- **Block A1 Circulation and Northend Park reconfiguration:** The applicant no longer proposes a roadway on the southern or western sides of project’s Block A1. Additionally, Lenzen Avenue, north of Block A1, which is owned by Caltrain, is no longer part of the project site, as noted above, although the applicant would secure an access easement from Caltrain for use by service vehicles traveling to loading docks on the north side of Block A1.

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

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

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

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

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

1.2.3 Draft EIR Recirculation Not Required

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

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

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

1.2.4 Next Steps

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

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

The City of San José is the “Lead Agency” for environmental review of the Downtown West Mixed Use Plan and pursuant to CEQA Guidelines Section 15090(a), prior to a decision on the project, the Lead Agency shall certify that:

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

1.3 Draft EIR Recipients

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

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

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

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

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

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

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

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

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