Former City Hall Project
Environmental Impact Report

County of Santa Clara

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Executive Summary

This Environmental Impact Report is an informational document prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq., that is intended to disclose to the public and decision-makers the environmental consequences of the proposed Former San José City Hall Project (Project), proposed by the County of Santa Clara (County).

This executive summary highlights the major areas of importance in the environmental analysis for the Project, as required by Title 14, California Code of Regulations (CCR), Section 15123 of the CEQA Guidelines (CEQA Guidelines). This executive summary includes (1) a summary description of the proposed project, (2) a synopsis of environmental impacts and recommended mitigation measures (Table ES-1), a summary description of cumulative impacts (Table ES-1), (3) identification of the alternatives evaluated, and (4) a discussion of the areas of controversy associated with the project.

Summary of the Proposed Project

Project Location and Setting

The former San José City Hall is at 801 North First Street, approximately 1.5 miles north of downtown San José, on the northwest corner of North First and West Mission Streets. The former City Hall building is in the southeastern portion of an approximately 9.8-acre parcel, just south of the existing County Government Center, and within “Site D” of the County’s Civic Center Master Plan. The Project site is limited to that portion of the parcel that would be required to enable demolition of the former City Hall building, including the curved driveway and associated surface parking area to the south of the building and the surface parking area formerly occupied by the City Hall Annex building (demolished in 2019) to the north of the building.

Project Description

The Project involves the demolition of the former San José City Hall, a five-story, 113,430-square-foot office building. The building is currently vacant and is not in a usable condition, with ongoing maintenance and security costs borne by the County.

Demolition activities would include the following:

- Abatement of hazardous building materials;
- Site control and preparation for demolition;
- Demolition of the building and disposal of demolition debris; and
- Regrading and hydroseeding the site.

No future use has been identified for the site following demolition of the building. The former building footprint would be a flat, vegetated area surrounded by the same trees and landscaping that are currently present at the site (with the exception of those trees to be removed as part of the Project). The curved driveway and associated surface parking areas would not be removed and any damage to these surfaces during construction would be repaired and resealed as needed.

Project Objectives

The objectives of the Project are to:

1) Reduce the County's costs related to the former San José City Hall facility (e.g., maintenance, security, utilities).
2) Conduct demolition in a safe, cost-effective, environmentally responsible manner.
3) Leave the site in a clean and safe condition.

Summary of Environmental Impacts and Mitigation Measures

Table ES-1 summarizes all of the impacts of the proposed Project, identifies the significance determination of each impact, and presents the full text of the recommended mitigation measures for each impact. A complete discussion of impacts and associated mitigation measures is presented in Section 3, "Environmental Setting and Impact Assessment," of this EIR.

Potentially significant environmental impacts of the proposed Project have been identified in relation to air quality, biological resources, cultural resources, noise, and tribal cultural resources, as discussed further below. No impacts related to aesthetics, agricultural and forestry resources, land use and planning, mineral resources, public services, and wildfire would occur as a result of the Project. All other impacts related to the physical environment (e.g., energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, population and housing, recreation, transportation, and utilities and service systems) would be less than significant and would not require implementation of mitigation measures.

Potentially significant environmental impacts of the Project are summarized below and fall within two categories: significant impacts that would remain significant even with mitigation (significant and unavoidable), and potentially significant impacts that could be mitigated to a less-than-significant level. See Table ES-1 for a summary of all Project and cumulative impacts, and recommended mitigation measures.

- Significant and Unavoidable Impacts:
    - Project impacts that would cause an adverse change in the significance of a historical resource (Former City Hall) pursuant to Section 15064.5 would be significant and unavoidable;
    - Cumulative impacts to historical resources would be significant and unavoidable.

  Although mitigation measures have been proposed that would minimize or lessen these impacts, the impacts would not be reduced to a level that is less than significant.

- Potentially significant impacts that would be reduced to less than significant with mitigation:
    - Project impacts related to net increase of any criteria pollutant would be mitigated to less than significant;
    - Cumulative air quality impacts would be mitigated to less than significant;
    - Project impacts related to nesting birds would be mitigated to less than significant;
    - Project impacts related to as yet unrecorded subsurface prehistoric and historic-era archaeological resources would be mitigated to less than significant;
    - Cumulative impacts to archaeological resources would be mitigated to less than significant;
    - Project impacts related to increases in ambient noise levels during construction would be mitigated to less than significant;
    - Project impacts related as-yet unidentified buried archaeological resources, which may also be potentially eligible as tribal cultural resources under CEQA, would be mitigated to less than significant;
    - Cumulative impacts to tribal cultural resources would be mitigated to less than significant.

Summary of Project Alternatives

The alternatives discussion of this EIR was prepared in accordance with Section 15126(d) of the CEQA Guidelines and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the Project while feasibly attaining most of the basic objectives. The following discussion summarizes the alternatives evaluated in this EIR. See Chapter 4, "Alternatives," for additional detail.

- **No Project Alternative:** CEQA Guidelines Section 15126.6(e) requires that an EIR analyze a "No Project" alternative. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The No Project Alternative reflects the conditions that would reasonably be expected to occur in the foreseeable future if the project were not approved (CEQA Guidelines Section 15126.6(e)). Under the No Project Alternative, the demolition of the former San José City Hall would not occur and no grading or hydroseeding would be completed on the Project site. This alternative assumes that the former San José City Hall would undergo one-time stabilization activities ("mothballing treatment") in order to protect the building from further damage and deterioration. The former San José City Hall would remain unoccupied and the site would remain vacant and unused, as per existing conditions.

- **Alternative 1 – Office Re-Use:** Under this alternative, the former San José City Hall would remain in its current location. The County would reuse and rehabilitate the existing structure to accommodate approximately 113,430 square feet of Class B office space. The existing 97 parking spaces on the Project site would be retained. Landscaping and hardscaping around the building would also be retained, with minimal repair or replacement to meet ADA requirements. All upgrades would be undertaken in accordance with the Secretary of the Interior's (SOI) Standards for Rehabilitation (36 CFR Part 67) and would be overseen by an SOI-qualified Architectural Historian/Historic Architect.

- **Alternative 2 – Residential Re-Use:** Under this alternative, the former San José City Hall would remain in its current location. It is assumed that the County would lease the site to a developer who would rehabilitate and reuse the existing structure to accommodate affordable and/or supportive housing and related services. All repairs, rehabilitation, and upgrades would be undertaken in accordance with the SOI Standards for Rehabilitation, under the oversight of an SOI-qualified Architectural Historian/Historic Architect. Conceptual designs for this alternative indicate that the Former City Hall building could be adapted to provide approximately 57 larger dwelling units (one- to three-bedroom units) or up to 108 smaller dwelling units (studio and one-bedroom units), along with approximately 23,000 square feet of associated supportive services. The existing 97 parking spaces on the Project site would be retained.

- **Alternative 3 – Office Re-Use with New Residential Structure on Project Site:** Under this alternative, the former City Hall would remain in its original location. Similar to Alternative 1, the County would rehabilitate and reuse the existing structure, in accordance with the SOI Standards for Rehabilitation and under the oversight of an SOI-qualified Architectural Historian/Historic Architect, to accommodate Class B office space. Alternative 3 would also include construction of a new building to accommodate up to 100 affordable or supportive housing units with on-site parking. The new residential structure would be constructed in the area between the former City Hall building and Mission Street, within the semi-circular landscaped area and portions of the existing driveway. The new structure would have a footprint of approximately 34,000 square feet and would be up to five stories in height.

Environmentally Superior Alternative

CEQA requires that, among the alternatives, an "environmentally superior" alternative be selected and that the reasons for such selection be disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts. For the purposes of this EIR,

the No Project Alternative is environmentally superior, because it would have reduced impacts compared to the Project with regard to the greatest number of environmental impact areas and would avoid the Project's significant and unavoidable impact to historical resources.

When the No Project Alternative is the environmentally superior alternative, CEQA requires that an additional alternative be identified. In this case, the next environmentally superior alternative would be Alternative 1 – Office Reuse. Although all three alternatives would avoid the Project's significant and unavoidable impact to historical resources, Alternative 1 would retain more character-defining features of the former City Hall. Alternative 1 would also have fewer potentially significant impacts that can be mitigated to a less than significant level than the Project (see Table 4.4-1 in Section 4).

Areas of Controversy

Section 15213 of the CEQA Guidelines requires that the lead agency identify areas of controversy and issues to be resolved, including issues raised by other agencies and the public. The Notice of Preparation and comments received in response to the Notice of Preparation are included in Appendix A and are discussed in Section 1.2.1, "Notice of Preparation and Scoping Meeting" of this Draft EIR.

The following issues were raised through scoping and comments on the Notice of Preparation that could be considered controversial:

- A request to include mitigation measures to reduce potential impacts to nesting birds in the vicinity of the Project site.
- Concern that the proposed demolition would constitute an irreversible, substantial adverse change to the historical resource.
- Concern regarding cumulative effects related to the previous loss of, and current/future threats to, mid-century buildings in San José, many of which have not been inventoried or protected.
- Concern for the lost embodied energy and the adverse impact to the waste stream that demolition would cause.
- Request for consultation under AB52 and SB18 with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project.
- Recommendations on the content and method of cultural resource assessments to adequately assess the existence and significance of tribal cultural resources.
- Concern regarding the scope of the alternatives analysis; in particular, consideration of an alternative that would retain the former City Hall and incorporate new development on the project site was requested.
- Request to consider other alternative re-uses of the former City Hall aside from office, such as a hotel or community/arts center.

Issues to be Resolved

The State CEQA Guidelines require that an EIR present issues to be resolved by the lead agency. These issues include the choice among alternatives and whether or how to mitigate potentially significant impacts. The major issues to be resolved by the County regarding the Project are whether:

- recommended mitigation measures should be adopted or modified;
- additional mitigation measures need to be applied to the proposed Project; and
- the proposed Project should or should not be approved or an alternative approved.

Table ES-1: Summary of Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Air Quality (AIR)			
Impact AIR-1: Conflict with Applicable Air Quality Plan The Project would implement BAAQMD's Basic Construction Mitigation Measures as identified in Mitigation Measure MM-AIR-2. If any hazardous materials are found, construction worker health and safety regulations and hazardous materials removal and disposal protocols would be implemented in accordance with BAAQMD Regulation 11, Rule 2. Project demolition activities would be consistent with 2017 Clean Air Plan Measure WA4, Recycling and Waste Reduction. This construction-related impact would be less than significant.	LTS	No mitigation required.	LTS
Impact AIR-2: Net Increase in Criteria Pollutants The BAAQMD does not have quantitative mass emissions thresholds for fugitive PM_{10} and $PM_{2.5}$ dust. Instead, the BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable best management practices, including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines. Fugitive dust emissions are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust control during construction. Construction-related impacts from the Project would therefore be potentially significant.	PS	**MM-AIR-2: Fugitive Dust Reduction Measures** The construction contractor shall comply with the following BAAQMD BMPs for reducing construction emissions of uncontrolled fugitive dust (PM10 and PM2.5): a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, stockpiles, graded areas, and unpaved access roads) shall be watered twice daily, or as often as needed, treated with non-toxic soil stabilizers, or covered to control dust emissions. Watering should be sufficient to prevent airborne dust from the leaving the site. b) All haul trucks transporting soil, sand, or other loose material off site shall be covered. c) All visible mud or dirt track-out onto adjacent public roads and paved access roads shall be removed using wet power (with reclaimed water, if possible) vacuum street sweepers at least once per day, or as often as needed. The use of dry power sweeping is prohibited. d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. f) Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points. g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. h) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number also shall be visible to ensure compliance with applicable regulations. The County of Santa Clara project manager or his/her designee shall verify compliance that these measures have been implemented during normal construction site inspections.	LTS
Impact AIR-3: Exposure of Sensitive Receptors to Pollutants Considering the intermittent nature of the emissions, the short duration of the exposure period, and the distance of sensitive receptors from the demolition footprint and staging areas, the Project is not anticipated to expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants. Thus, the construction-related impact would be less than significant.	LTS	No mitigation required.	LTS
Impact AIR-4: Other Emissions Including Those Leading to Odors During Project-related construction activities, construction equipment exhaust and hazardous materials abatement activities may temporarily generate odors. Odors would be confined to the immediate vicinity of the construction equipment. Furthermore, nuisance odors are regulated under the BAAQMD's Regulation 7, Odorous Substances, which places general limitations on odorous substances and specific emission limitations on certain odorous compounds and requires abatement of any nuisance generating an odor complaint. Therefore, the Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and impacts during construction would be less than significant.	LTS	No mitigation required.	LTS
Impact C-AIR-1: Conflict with Air Quality Plan or Net Increases in Criteria Pollutants The SFBAAB is in nonattainment of ozone, PM_{10}, and $PM_{2.5}$ with respect to the CAAQS. The nonattainment status of regional pollutants is a result of past and present development in the SFBAAB, and this regional impact is cumulative rather than attributable to any one source and is potentially significant. Construction-related emissions of criteria pollutants from the Project would not exceed the thresholds	**PS**	**Implement MM-AIR-2**	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
of significance recommended by the BAAQMD. The BAAQMD does not have quantitative mass emissions thresholds for fugitive PM_{10} and $PM_{2.5}$ dust. Instead, the BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable best management practices, including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines. Fugitive dust emissions are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust control during construction. Cumulative impacts from the Project would therefore be potentially significant.			
Impact C-AIR-2: Exposure of Sensitive Receptors to Pollutants or Other Emissions None of the cumulative projects would involve construction within one-half mile of the Project site during the Project's 10- to 12-month construction period; therefore, there is no potential for criteria pollutant, toxic air contaminants, or odorous emissions from the Project to combine with other nearby construction emissions to adversely affect nearby sensitive receptors. Therefore, the potential for the cumulative projects, including the proposed Project, to result in a cumulative impact with regard to C-AIR-2 would be less than significant.	LTS	No mitigation required.	LTS
Biological Resources (BIO)			
Impact BIO-1: Impacts to Candidate, Sensitive, or Special Status Species The project site is developed, and the entirety of the site is either paved or landscaped. There is no potential for special-status plant species to occur in the sod present on site. The Project site does not provide suitable habitat for any of the special-status animal species. Because there is no suitable habitat for special-status species, the Project would have no impact on special status wildlife species**.**	NI	No mitigation required.	NI
Impact BIO-2: Impacts to Riparian Habitat or Other Sensitive Natural Communities No riparian habitat or other sensitive natural communities are located on the project site. No impact on riparian habitat or other sensitive natural communities would occur.	NI	No mitigation required.	NI
Impact BIO-3: Impacts to State or Federally Protected Wetlands No state or federally protected wetlands are located on the project site. The Project would therefore have no impact on state or federally protected wetlands.	NI	No mitigation required.	NI
Impact BIO-4: Impacts to Fish or Wildlife Movement, Migration or Nursery Sites The various ornamental shrubs, ornamental trees, sycamore trees, coast redwood trees, and pine trees on the project site may provide suitable habitat for common nesting birds, such as house finch, mourning dove, common raven, and other birds that typically occupy urban environments. These birds, their nests, and eggs are protected under the Migratory Bird Treaty Act. Noise and vibration from proposed demolition activities associated with the Project could disturb birds that are nesting on and near the Project site. The impact to nesting birds would be potentially significant.	PS	**MM-BIO-4: Nesting Bird Avoidance Measures** To the extent practicable, demolition activities and any tree trimming/removal shall be performed from September 16 through January 14 to avoid the general nesting period for birds. If demolition or construction cannot be performed during this period, nesting bird surveys and active nest buffers (as necessary) will be implemented as follows: • Nesting Bird Surveys: If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist will conduct two surveys for active nests of such birds within 14 days prior to the beginning of project construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 50 feet for passerines; ii) 300 feet for raptors. Surveys should be conducted at the appropriate times of day and during appropriate nesting times. • Active Nest Buffers: If the qualified biologist documents active nests within the project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction should be established. The buffer should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should conduct baseline monitoring of the nest to characterize "normal" bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist should monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman should have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.	LTS
Impact BIO-5: Conflict with Local Policies or Ordinances Protecting Biological Resources Existing trees would be protected from damage during demolition, except for 10 ornamental trees immediately adjacent to the westernmost portion of the building, which would be removed to allow access for demolition equipment. None of the trees planned for	NI	No mitigation required.	NI

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
removal are oak trees or would be defined as heritage trees. None of these trees are within County easements or road rights-of-way, but are on property owned by the County. Therefore, the County's Tree Ordinance would require issuance of an administrative permit prior to removing any tree that measures over 37.7 inches in circumference (12 inches or more in diameter), measured 4.5 feet above the ground, or that exceeds 20 feet in height. The administrative permit application would include a replanting plan for all trees to be removed, which must include a detailed description of replacement trees. Because the Project would not conflict with any applicable local policies or ordinances protecting biological resources, there would be no impact.			
Impact BIO-6: Conflict with Habitat Conservation Plans or Natural Community Conservation Plans The Project site is within the Santa Clara Valley Habitat Plan permit area. However, because the project site is already developed and is within an urban area, the Project would not be a "covered project" under the Habitat Plan. As such, the project is not expected to conflict with the Santa Clara Valley Habitat Plan. There would be no impact.	NI	No mitigation required.	NI
Impact C-BIO-1: Impacts to Fish or Wildlife Movement, Migration or Nursery Sites The cumulative projects that may result in potential impacts to common resident and nesting birds would be subject to applicable federal, state, regional, and local regulations and would also be required to implement typical nesting bird avoidance measures, similar to those described for the project in MM-BIO-4. Because these standard avoidance measures would reduce the impacts of all cumulative projects, the overall cumulative impact to common resident and nesting birds in the City of San José would be less than significant.	LTS	No mitigation required.	LTS
Cultural Resources (CUL)			
Impact CUL-1: Adverse Change to Historical Resources One historical resource, former City Hall, is located in the CEQA Study Area. The Project would demolish the entire building, and therefore would destroy those physical characteristics of former City Hall that convey its historical significance and justify its eligibility for inclusion in the CRHR. Therefore, the Project would cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. This impact would be potentially significant.	PS	**MM-CUL-1a: Historical Resource Mitigation Plan** Prior to issuance of any grading, demolition, or building permits or any other approval that would allow disturbance of the Project site, an SOI-qualified Architectural Historian/Historic Architect shall prepare a Historical Resource Mitigation Schedule (Mitigation Schedule) demonstrating that the requirements listed in mitigation measures MM-CUL-1b, MM-CUL-1c, MM-CUL-1d, and MM-CUL-1e have been satisfied in accordance with the Mitigation Schedule. The Mitigation Schedule shall include a plan and schedule for the implementation of mitigation measures and describe the roles and responsibilities of the County, qualified consultants, and third parties. The Mitigation Schedule shall be supplemented with an addendum that documents the implementation of the following mitigation measures, once completed. **MM-CUL-1b: Archival Documentation (HABS)** Former City Hall and its associated features on the Project site shall be documented in accordance with the guidelines established for a Level III Historic American Building Survey (HABS) consistent with the SOI Standards for Architectural and Engineering Documentation and shall consist of the following components: • Drawings – Sketch floor plans. • Photographs – Digital photographs of the interior, exterior, and setting of the building in compliance with the National Register Photo Policy Fact Sheet (National Park Service 2013). • Written Data – HABS written documentation. An SOI-qualified Architectural Historian/Historic Architect shall oversee the preparation of the sketch plans, photographs, research and written data. The Level III HABS-equivalent documentation shall cover the former City Hall building along with associated features, spaces, and landscaping. The draft documentation shall be submitted to the County Department of Planning and Development for review and approval. After approval, full archival-quality copies of the final Level III HABS-equivalent documentation shall be filed with the County and the San José Library's California Room. Additional print copies shall be made available to other local research institutions including History San José, the Preservation Action Council of San José, and the Northwest Information Center at Sonoma State University. Documentation of the implementation of MM-CUL-1b shall be included in the addendum to the Mitigation Schedule. **MM-CUL-1c: Offer for Third Party Relocation** Prior to issuance of any demolition permits, the County shall advertise the availability of the building for relocation by an interested third party for a period of no less than 60 days. The advertisements must include notification in a newspaper of general circulation, on a website, and notice placed on the Project	SU

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		site. The County shall provide evidence (i.e., receipts, date and time stamped photographs, etc.) that this condition has been met prior to the issuance of demolition permits. If a third party agrees to relocate the building, the following measures must be followed: • The County must determine that the receiver site is feasible for the building. • Prior to relocation, the third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study that establishes the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the County prior to the structure being moved. • To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine how the building needs to be reinforced/stabilized before the move. • Once moved, the building shall be repaired and rehabilitated, as needed, by the third party in conformance with the SOI Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be retained in a manner that preserves the integrity of the building for the long-term preservation and reuse. Upon completion of the repairs, an SOI-qualified Architectural Historian/Historic Architect shall document and confirm that work to the structure(s) was completed in conformance with the SOI Standards for the Treatment of Historic Properties and that character-defining features were preserved. Documentation of the implementation of MM-CUL-1c shall be included in the addendum to the Mitigation Schedule. **MM-CUL-1d: Architectural Salvage** If no third party agrees to relocate the building in compliance with MM-CUL-1c, the building shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the County in accordance with the Mitigation Schedule. The County shall verify that this condition has been met prior to demolition. Documentation of the implementation of MM-CUL-1d, if necessary, shall be included in the addendum to the Mitigation Schedule. **MM-CUL-1e: Commemoration and Interpretive Program** Former City Hall and its associated features on the Project site shall be commemorated and curated in an interpretive program that may include: • Physical remnants from the site • Oral histories • Additional research • Historic photographs • Historic maps • Historical displays • Historical marker Details of the commemoration and interpretive program shall be determined in consultation with the County Historical Heritage Commission. Documentation of the implementation of MM-CUL-1e shall be included in the addendum to the Mitigation Schedule.	
Impact CUL-2: Adverse Change to Archaeological Resources Although the Project site is largely disturbed and ground-disturbing activities would be limited to removing the existing building foundations and associated utility connections, implementation of the Project could uncover as yet unrecorded subsurface prehistoric and historic-era archaeological resources on the Project site. Such impacts could be potentially significant.	PS	**MM-CUL-2: Inadvertent Discoveries** In the event that prehistoric or historic resources are encountered during demolition, excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the County Project Manager or designee shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall: 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to resuming project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to the Director of Planning. If the find(s) are human remains or grave goods, the procedures outlined in County Ordinance Code B6-18 through BC-20 shall be followed. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.	
Impact CUL-3: Disturbance of Human Remains The Project site has a moderate to high sensitivity for buried Native American archaeological deposits and cultural materials, which could include human remains, based on its proximity to the Guadalupe River and documented archaeological sites. If human remains were uncovered during demolition activities, the procedures in County Ordinance Code Sections B6-18 through B6-20 would be followed, which would reduce potential impacts to less than significant.	LTS	No mitigation required.	LTS
Impact C-CUL-1: Impacts to Historical Resources In the case of the former City Hall, demolition would be a total loss of the historical resource, which is listed in the County Heritage Resource Inventory and is individually eligible for listing in the NRHP and CRHR, and as a City and County Landmark. It is not located in a contiguous or discontiguous historic district, which could be cumulatively impacted if contributors were removed or materially altered incrementally. However, because the demolition would result in the irreversible loss of an important example of the International Style and the Modern movement in San José, the Project would have a cumulatively significant contribution to cumulative impact C-CUL-1.	S	**Implement MM-CUL-1a to MM-CUL-1e**	CC
Impact C-CUL-2: Impacts to Archaeological Resources or Human Remains Past, present, and future developments within the City could impact known or unknown archaeological resources and/or human remains, depending on the proximity to known resources, sensitivity of the project area, and the extent of the proposed ground-disturbing activities. Such impacts would be potentially significant; however, each of the cumulative projects would be subject to its own environmental review under CEQA, either at a project-level or as part of a programmatic CEQA analysis, and therefore appropriate mitigation measures to avoid or reduce potential impacts would be required, similar to the Project. Furthermore, existing laws relating to the treatment of human remains would apply to all projects. With implementation of such mitigation measures, the cumulative effects on archaeological resources or human remains would be less than significant. Therefore, the overall cumulative impact due to the Project and probable future development would be less than significant with mitigation.	PS	**Implement MM-CUL-2: Inadvertent Discoveries**	LTS
Energy (ENE)			
Impact ENE-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources Based on the anticipated phasing of the Project demolition activities, the anticipated equipment and construction work staff, the temporary nature of construction, and the project type, the Project would not include unusual characteristics that would necessitate the use of construction equipment that is less energy-efficient than the equipment used at comparable construction sites. In addition, construction contractors are required, in accordance with MM-AIR-2 and the CARB Airborne Toxic Control Measure for Diesel-Fueled Commercial Motor Vehicle Idling. Because the Project would only involve the demolition of the former City Hall building, there would be no ongoing energy use at the site. In addition, one of the objectives of the Project is to reduce the County's costs related to the former City Hall facility which currently includes costs for maintenance, security, and utilities. With implementation of the Project and demolition of the Former City Hall building, the associated energy consumption related to maintenance and security activities, and energy usage associated with utilities, would no longer occur. Therefore, the Project would have a net operational benefit with respect to energy use. Thus, the impact would be less than significant.	LTS	No mitigation required.	LTS
Impact ENE-2: Conflict with or Obstruct a Renewable Energy or Energy Efficiency Plan Since the Project involves demolition of a building that was constructed in 1956 through 1958, the Project would also reduce the County's energy consumption for maintenance, security, and utilities associated with the Former City Hall building. Therefore, construction of the Project would not obstruct any state or local plans for renewable energy and or energy efficiency. This impact would be less than significant.	LTS	No mitigation required.	LTS
Impact C-ENE-1: Wasteful, Inefficient or Unnecessary Consumption of Energy or Conflict with Energy Plan Past, present and probable future projects throughout the state would result in the irreversible use of diesel and gasoline resources during construction, as well as from operational traffic associated with those projects. However, the use of such resources would be subject to the same regulatory framework relating to energy and fuel efficiency as the Project and would be anticipated to become more energy efficient over time as regulatory requirements change and technological advancements are made. Therefore, the overall	LTS	No mitigation required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
cumulative impact relating to the use of gasoline and diesel energy resources and consistency with energy plans would be less than significant.			
Geology and Soils (GEO)			
Impact GEO-1: Substantial Adverse Effects from Seismic Hazards The Project site is in a seismically active area. However, because the project would only involve the demolition of the former City Hall building and basement, removal of associated underground utilities, and subsequent site grading (to ensure a uniformly flat surface) and landscaping, there would be no impact related to seismic ground shaking or liquefaction. In addition, the Project site is located on a flat alluvial plain with nearly level topography, and there are no off-site areas with steep slopes adjacent to the Project site that could result in on-site landslide hazards. Thus, there would be no impact related to landslides.	NI	No mitigation required.	NI
Impact GEO-2: Substantial Soil Erosion or Loss of Topsoil Because the County would prepare and implement a SWPPP and implement BMPs designed to control construction-related stormwater runoff and reduce erosion, this construction impact on soil erosion or loss of topsoil would be less than significant.	LTS	No mitigation required.	LTS
Impact GEO-3: Unstable or Expansive Soils Soils at the Project site are likely the same as those encountered in soil borings obtained by Cornerstone for other parcels in the Santa Clara Civic Center Master Plan area. Cornerstone determined that the sandy soil layers are subject to liquefaction, and the clay soil layers are subject to expansion. However, since the Project only involves the demolition of the former City Hall building, removal of associated underground utilities, and subsequent site grading and landscaping, there would be no impact.	NI	No mitigation required.	NI
Impact GEO-4: Soil Suitability for Septic Systems The Project involves only the demolition of the former City Hall Building, and no septic system or other type of alternative wastewater system would be required. Portable restrooms would be provided for construction workers. Thus, there would be no impact.	NI	No mitigation required.	NI
Impact GEO-5: Damage or Destruction of Unique Paleontological Resources The Project site is located within Holocene-age rock formations. Holocene deposits contain only the remains of extant, modern taxa (if any resources are present), which are not considered “unique” paleontological resources. There are no other unique geologic features within or adjacent to the Project site. Therefore, no impact would occur.	NI	No mitigation required.	NI
Impact C-GEO-2: Substantial Soil Erosion or Loss of Topsoil All of the cumulative projects that disturb 1 acre or more are required by law to prepare a SWPPP and implement site-specific BMPs that are specifically designed to prevent construction-related erosion. Cumulative projects would also be required to obtain a County or City (as applicable) grading permit, which requires submittal of an erosion control plan for County or City review and approval. Permit conditions would be imposed to reduce potential erosion impacts. Therefore, the overall cumulative impact related to substantial construction-related soil erosion would be less than significant.	LTS	No mitigation required.	LTS
Greenhouse Gas Emissions (GHG)			
Impact GHG-1: Generation of GHG Emissions Construction of the Project would not exceed the annual SMAQMD threshold of 1,100 MT CO_2e adopted for the construction phase of projects. Therefore, Project construction impacts related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment would be less than cumulatively considerable.	LTCC	No mitigation required.	LTS
Impact GHG-2: Conflict with an Applicable GHG Plan, Policy, or Regulation The Project would not generate GHG emissions that would have a significant impact on the environment. Thus, the Project would not conflict with the AB 32 and SB 32 Scoping Plans or any other relevant plans, policies, or regulations for the purpose of reducing GHG emissions. As a result, the Project’s GHG impact would be less than cumulatively considerable.	LTCC	No mitigation required.	LTCC
Impact C-GHG-1: Generation of GHG Emissions or Conflicts with GHG Plan, Policy, or Regulation The GHG emissions impact analysis above constitutes a cumulative analysis, in that it considers global, statewide, and regional projections of GHG emissions, as well as the contribution of the Project, to GHG emission impacts. Therefore, the significance conclusions reached above for project-level impacts GHG-1 and GHG-2 also constitute this EIR’s significance conclusions with respect to cumulative GHG emissions impacts and the Project’s incremental contribution to GHG emissions would not be cumulatively considerable.	LTCC	No mitigation required.	LTCC

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Hazards and Hazardous Materials (HAZ)			
Impact HAZ-1: Hazards from Routine Use, Transport, Disposal, or Accidental Release of Hazardous Materials Implementation of the SWPPP and associated BMPs; adherence to regulations related to the handling and disposal of hazardous building materials, including BAAQMD Regulation 11, Rule 2; and adherence to the Airborne Toxics Control Measure and worker safety regulations, all of which were enacted to protect humans and the environment from accidental release or other hazards associated with the use, transportation and disposal of hazardous materials, would limit potential impacts from Project construction to less than significant.	LTS	No mitigation required.	LTS
Impact HAZ-2: Result in Hazardous Emissions within One-Quarter Mile of a School The Muwekma Ohlone Middle School is approximately 500 feet east of the Project site. Adherence to applicable regulations and implementation of measures to protect construction workers and the general public from hazardous emissions during project construction, including BMPs for spill and leak prevention and dust control, would also serve to protect sensitive receptors at the nearby school. Therefore, the impact of hazardous material emissions or handling of hazardous materials or wastes on schools within 0.25 mile would be less than significant.	LTS	No mitigation required.	LTS
Impact HAZ-3: Result in Hazards from Construction in a Cortese-Listed Site Based on a review of hazardous materials site databases maintained by SWRCB, DTSC, and USEPA, the Project site is not located on a known hazardous materials site that is on the Cortese List. Thus, there would be no potential for significant hazards to the public or the environment from disturbance of soils or groundwater at the site, and there would be no impact.	NI	No mitigation required.	NI
Impact HAZ-4: Airport-related Safety or Noise Hazards The Project site is located approximately 0.5 mile southeast of the San José International Airport, and is within the airport influence area, but is not within the identified aircraft noise contours or safety zones of the airport's Comprehensive Land Use Plan. Furthermore, demolition activities would not occur at night and therefore nighttime construction lighting that could be mistaken for airport lighting would not be used, and tall cranes (i.e., over 100 feet) would not be used during the demolition process. Thus, the Project would not result in any airport-related hazards, and there would be **no impact**.	NI	No mitigation required.	NI
Impact HAZ-5: Interfere with an Emergency Response or Evacuation Plan Adopted emergency response plan or emergency evacuation plan do not identify specific evacuation routes, but rather define responsibilities among the multitude of interested and affected agencies and organizations and identify general response strategies. All demolition activities and construction staging would occur on the Project site. Therefore, the Project would not impede access for emergency vehicles and personnel, and would not impede emergency evacuation routes or emergency plans created by local or regional agencies. Thus, Project construction would have no impact.	NI	No mitigation required.	NI
Impact HAZ-6: Exposure to Wildland Fires The Project site is not within or near a CAL FIRE State Responsibility Area. The Santa Clara Valley, including the Project site, is designated as a Local Responsibility Area, and not in or near high or very high fire severity zones (CAL FIRE 2020). The Project site is in a developed, urban area in the City of San José. Thus, the Project would not expose people or structures to hazards from wildland fires, and there would be no impact.	NI	No mitigation required.	NI
Impact C-HAZ-1: Hazards from Routine Use, Transport, Disposal, or Accidental Release of Hazardous Materials All cumulative projects, including the Former City Hall Project, are required to comply with local, state, and federal regulations for transport, use, disposal, and accidental release of hazardous materials, which would address impacts associated with both construction- and operation-related handling of hazardous materials. Therefore, these projects would not result in hazardous emissions that would affect residents near the Project site, and the overall cumulative impact from routine use of hazardous materials and accidental releases would be less than significant.	LTS	No mitigation required.	LTS
Hydrology and Water Quality (HYD)			
Impact HYD-1: Violate Water Quality Standards Project construction activities would require vegetation removal, excavation, grading, material stockpiling, and staging within the project footprint that temporarily would disturb surface soils. These activities would expose soil to the erosive forces of wind and water. The soil ultimately could be transported via the storm drainage system or overland sheet flow to the Guadalupe River and the San Francisco Bay, increasing turbidity and degrading water quality. Because the County would comply with the provisions of the NPDES Construction General Permit to prepare and implement a SWPPP with associated BMPs, as well as comply with the San Francisco Basin Plan, the project's construction impact on surface water and groundwater quality would be less than significant.	LTS	No mitigation required.	LTS
Impact HYD-2: Substantially Decrease Groundwater Supplies or Interfere with Groundwater Recharge	LTS	No mitigation required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Construction dewatering activities, in the event that groundwater is encountered, would be handled through WDRs issued through the SCVURPPP NPDES permit by the San Francisco Bay RWQCB, and would be minor in volume and of short duration. The building footprint would be revegetated, with the majority of adjacent landscaping and surface hardscaping left in place. The project would improve groundwater recharge at the site because the increased pervious surface area would allow a greater amount of rainfall and landscape irrigation water to percolate through to the groundwater aquifer. Thus, the Project's effect on groundwater supplies or groundwater recharge and on implementation of the Alternative Groundwater Sustainability Plan would be less than significant.			
Impact HYD-3: Substantially Alter Drainage Patterns Resulting in Erosion and Sedimentation, Flooding, Pollution, or Impedance of Flood Flows The County would continue to implement the requirements of the MS4 Permit issued by the San Francisco Bay RWQCB, which requires the SCVURPPP and its member agencies (including Santa Clara County and the City of San José) to reduce pollutants in stormwater discharges to the maximum extent practicable and to effectively prohibit non-stormwater discharges. The minor alterations to drainage patterns at the project site would also not redirect or impede flood flows due to the flat topography of the site. Therefore, the project's operational impact on the drainage patter and runoff would be less than significant.	LTS	No mitigation required.	LTS
Impact HYD-4: Release of Pollutants in Flood, Tsunami, or Seiche Hazard Zones The Project site is not within a 100-year flood hazard zone, but is within Zone X (shaded), which could be subject to moderate flood hazards, such as a 0.2% annual exceedance probability flood hazard or a 1% annual exceedance probability flood with average depths of less than 1 foot. Thus, inundation of the Project site is possible, but is unlikely to occur often or to substantial depths. Furthermore, standard measures taken by contractors to reduce the release of pollutants to stormwater during construction (e.g., proper storage of hazardous chemicals) would also serve to reduce the likelihood of release of pollutants in the unlikely event of flooding at the site during construction. For these reasons, construction-related impacts on water quality from transport of pollutants during inundation of the site would be less than significant.	LTS	No mitigation required.	LTS
Impact HYD-5: Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan The Project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan or the Santa Clara Valley Water District's Alternative Groundwater Sustainability Plan (Santa Clara Valley Water District 2016). Thus, the impacts of the Project on these plans would be less than significant.	LTS	No mitigation required.	LTS
Impact C-HYD-1: Impacts to Water Quality and Hydrology Because the cumulative projects are required by law to implement a SWPPP and BMPs (or a stormwater drainage plan with BMPs that meets County or City requirements), and to comply with the SCVURPPP's MS4 Permit, the overall cumulative impact on water quality would be less than significant.	LTS	No mitigation required.	LTS
Noise (NOI)			
Impact NOI-1: Increase In Ambient Noise Levels Construction noise received at the nearest receptors would vary considerably throughout the construction period, as well as throughout each work day, depending on the types of equipment being operated at any one time, and the actual distance between the equipment and the receptor. Although construction-generated noise would be temporary and short-term, it could exceed applicable thresholds established in the County Noise Ordinance, the impact would be potentially significant.	PS	**MM-NOI-1: Minimize Construction Noise** The County shall include the following measures in contractor specifications for the Project, and such measures shall be implemented during all construction phases: • In accordance with Chapter 20.100.450 of the City of San José Municipal Code, the hours of construction, including the loading and unloading of materials and truck movements, shall be limited to 7 a.m. to 7 p.m. Monday through Friday. No constructions activities shall be permitted on weekends or holidays. • Locate staging areas and stationary noise-generating equipment, such as compressors, as far away from noise-sensitive uses as feasible, and/or provide temporary noise barriers if necessary. • Minimize idling times of equipment by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. • Select "quiet" models of construction equipment, particularly air compressors, generators, pumps and other stationary noise sources, whenever possible; fit motorized equipment with proper mufflers in good working order. • Maintain and operate construction equipment in a manner to reduce or avoid high levels of noise emissions (e.g., to the extent practical, lower—rather than drop—loads into trucks or onto platforms to reduce noise-generating impacts of contacting surfaces). • Designate a disturbance coordinator and conspicuously post this person's number around the project site and in construction notifications. The disturbance coordinator shall receive complaints about	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		construction disturbances and, in coordination with the County, shall determine the cause of the complaint and implementation of feasible measures to alleviate the problem.	
Impact NOI-2: Exposure of People to Groundborne Noise and Vibration Levels Vibration generated by heavy-duty construction equipment at the Project site or along haul routes would not exceed the FTA standard for potential human annoyance or damage to buildings at the nearest sensitive receptors. It is not expected that sleep disturbance would occur because no nighttime construction or heavy truck hauling activities would occur. Although there would be individuals who may notice the construction vibration, the vibration levels are such that they would not result in a high percentage of complaints. Therefore, this impact would be less than significant.	LTS	No mitigation required.	LTS
Impact NOI-3: Exposure of People within the Project Area to Excessive Noise Levels in the Vicinity of an Airport The Project site is outside the identified 65 dBA aircraft noise contour, and therefore would not expose workers or residences to excessive noise levels from the airport and Project construction. In addition, construction workers would be required to take adequate precautions to protect their hearing from construction-generated noise at the Project site, in accordance with occupational safety and health regulations, which would also serve to reduce their exposure to other existing noise sources. Therefore, the Project would have no impact on people living or working near the airport.	NI	No mitigation required.	NI
Impact C-NOI-1: Generation of Noise and Vibration None of the cumulative projects would involve construction within half a mile of the Project site and overlap with the Project's 10- to 12-month construction period. Therefore, there is no potential for noise or vibration emissions from the Project to combine with other nearby construction emissions to cause a significant cumulative impact on nearby sensitive receptors. The overall cumulative impact for noise and vibration would be less than significant.	LTS	No mitigation required.	LTS
Population and Housing (POP)			
Impact POP-1: Inducement of Unplanned Population Growth Project construction activities would generate temporary and short-term employment. Due to its proximity to large urban centers, the Project would be expected to draw from the existing local workforce. In addition, if some nonlocal construction workers were employed for the Project, because of the temporary and short-term nature of the work, these workers would not reasonably be expected to relocate to the City while working at the Project site. Furthermore, because the Project would only involve the demolition of the former City Hall building, there would be no substantial direct or indirect population growth in the City of San José. No impact would occur.	NI	No mitigation required.	NI
Impact POP-2: Displacement of People or Housing The Project site is occupied by the former City Hall building, which has been vacant since the City of San José moved its City Hall operations from the site in 2005. The County intends to create a Temporary Housing Shelter within the driveway of the Project site prior to commencement of the Former City Hall Project. Due to the proximity of the proposed temporary shelters to the Former City Hall building, the County would cease operations of the shelter during demolition activities and the temporary residents of the shelter would be temporarily relocated. The relocation of these temporary residents to different temporary or permanent abodes, would not represent a permanent displacement of people or housing that would necessitate the construction of replacement housing elsewhere, as the Temporary Housing Shelter project was never intended to provide permanent housing for residents. Therefore, there the impact of the Project would be less than significant.	LTS	No mitigation required.	LTS
Impact C-POP-3: Inducement of Unplanned Population Growth The less-than-significant effects on population and housing described for the Project would not combine with the impacts of other past, present, or foreseeable future projects to directly or indirectly induce growth, remove any existing constraints to future unplanned growth or displace people or housing necessitating the construction of replacement housing elsewhere. Therefore, the Project's contribution to cumulative impacts would be less than significant.	LTS	No mitigation required.	LTS
Recreation (REC)			
Impact REC-1: Increased Use of Recreational Facilities Because the Project would not result in any increased use of existing recreational facilities, there would be no impact to recreational resources.	NI	No mitigation required.	LTS
Impact REC-2: Construction or Expansion of New Recreational Facilities Because the Project would not include new recreational facilities or require construction or expansion of existing facilities, there would be no impact to recreational resources.	NI	No mitigation required.	LTS
Impact C-REC-1: Increased Use or the Construction or Expansion of Recreational Facilities	LTS	No mitigation required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
If the site was ultimately redeveloped in the future, such a proposal would be evaluated as a separate project under CEQA at that time. If the future use would generate an increase in the demand for recreational facilities that would cause or accelerate physical deterioration of the facilities, appropriate avoidance or mitigation measures would be required by the project proponent, such as provision of recreational space or payment of applicable park impact fees. Because past, present, and future projects would also be required to meet the City's parkland standards through provision of recreational space or payment of fees in lieu thereof, the overall cumulative impact to recreational resources would be less than significant.			
Transportation (TRA)			
Impact TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy Because the Project would not generate construction-related traffic in excess of industry-standard screening thresholds for construction traffic and would implement a traffic control plan to limit potential conflicts with roadway, pedestrians, bicyclist, and transit traffic during construction, there would be no conflict with applicable transportation-related programs, plans, ordinances, or policies and the impact would be less than significant.	LTS	No mitigation required.	LTS
Impact TRA-2: Consistency with CEQA Guidelines relating to Vehicle Miles Traveled Because the Project would only involve the demolition of the former City Hall building, there would be no operational traffic generated from the site once demolition activities are complete. The few existing traffic trips associated with the Former City Hall building, such as security or maintenance trips, would cease once the building is demolished. As such, there would be a small net decrease in VMT over existing conditions and the Project would have a less-than-significant impact.	LTS	No mitigation required.	LTS
Impact TRA-3: Potential for Creation of Substantial Traffic-Related Hazards The Project would involve demolition of the Former City Hall building, and all demolition and staging activities would be contained within the Project site, with no encroachment onto or alteration of public rights-of way. As such, the Project would not create any hazardous geometric design features or incompatible uses that would substantially increase traffic-related hazards. There would be no impact.	NI	No mitigation required.	NI
Impact TRA-4: Project-Related Interference with Emergency Access All demolition activities and construction staging would occur on the Project site, and construction activities would not fundamentally alter emergency access to the Project site or other properties in the vicinity. the Project would not impede access for emergency vehicles and personnel, and would not impede emergency evacuation routes or emergency plans created by local or regional agencies. Thus, Project construction would have no impact.	NI	No mitigation required.	NI
Impact C-TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy None of the cumulative projects would involve construction within half a mile of the Project site and overlap with the Project's 10- to 12-month construction period. Therefore, there is no potential for construction-related traffic from the Project site to combine with traffic from nearby construction sites to cause a significant cumulative impact on local roadways in the Project vicinity. Therefore, the overall cumulative impact for transportation would be less than significant.	LTS	No mitigation required.	LTS
Tribal Cultural Resources (TCR)			
Impact TCR-1: Impacts to Tribal Cultural Resources Although no tribal cultural resources were identified as part of the background research for this Project, records maintained by the Northwest Information Center and the NAHC are not exhaustive and negative results do not preclude the presence of tribal cultural resources at the project site. Given that the Project consists of the demolition of an existing building in a highly developed urban setting, it is highly unlikely that as-yet unidentified tribal cultural resources could be impacted by the Project. However, there is the potential for the project to impact as-yet unidentified buried archaeological resources, which may also be potentially eligible as tribal cultural resources under CEQA. Disturbance of such resources, if present, during Project demolition and regrading activities would be a potentially significant impact.	PS	**MM TCR-1: Inadvertent Discovery of Tribal Cultural Resources** In the event that potential tribal cultural resources are identified during the implementation of the requirements under Mitigation Measure MM-CUL-2, the qualified expert performing the cultural resources study, along with the County, will contact California Native American tribe(s) that have expressed interest and begin or continue consultation procedures with that tribe(s). If, as a result of the consultation, the County determines that the resource is a tribal cultural resource and the Project will have a potentially significant impact, additional mitigation measures as discussed with the tribe to avoid or reduce impacts to the resource shall be required and implemented. If the find(s) are human remains or grave goods, the procedures outlined in County Ordinance Code B6-18 through BC-20 shall be followed.	LTS
Impact C-TCR-1: Impacts to Tribal Cultural Resources Past, present, and future development, in conjunction with the Project, would have the potential to cumulatively impact tribal cultural resources. Such impacts would be potentially significant; however, each of the cumulative projects would be subject to its own environmental review under CEQA, either at a project-level or as part of a programmatic CEQA analysis, and therefore appropriate mitigation measures to avoid or reduce potential impacts to tribal cultural resources such as MM-TCR-1 would be required, similar to the Project. With implementation of such mitigation measures, the cumulative effects on tribal cultural resources would be less than significant. Therefore, the overall cumulative impact due to the Project and probable future development would be less than significant with mitigation.	PS	**Implement MM-TCR-1: Inadvertent Discovery of Tribal Cultural Resources**	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Utilities and Service Systems (UTI)			
Impact UTI-1: New or Expanded Utility Services The Project would involve demolition of the Former City Hall building. As such, the Project would not require connecting to, or the construction of, new or expanded water, wastewater treatment, storm drainage, electric, natural gas, or telecommunications facilities. During construction, power would be provided by portable generators, and existing utility services to the building would be safely disconnected prior to demolition. There would be no impact.	NI	No mitigation required.	NI
Impact UTI-2: Water Supply Availability During demolition of the Former City Hall, minimal water would be needed for activities such as soil compaction and dust control. This water would be obtained from the City's existing water supply and the quantity would be negligible compared with the available water quantities. After demolition and site restoration is completed, there would be a small amount of water used to establish and maintain the new landscaping within the demolition footprint. However, this additional water use would not substantially increase the existing irrigation volumes for the Project site, and would be negligible compared to available water quantities. There would be no impact.	NI	No mitigation required.	NI
Impact UTI-3: Wastewater Treatment Capacity During construction, portable restrooms would be provided for construction workers over the 10- to 12-month construction period. Wastewater from portable restrooms would be disposed of at an appropriately licensed local facility with adequate capacity to accommodate project needs. No wastewater would be generated after the Project is completed. Thus, there would be no impact.	NI	No mitigation required.	NI
Impact UTI-4: Solid Waste Capacity The Project would generate approximately 37,500 cubic yards of demolition debris. The total approximate remaining capacity of the landfills in San José is approximately 49,446,600 cubic yards; therefore, the Project would be unlikely to generate solid waste that would exceed the capacity of any receiving landfill or in excess of State or local standards. As a result, the impact would be less than significant.	LTS	No mitigation required.	LTS
Impact UTI-5: Solid Waste Statues and Regulations The Project would comply with all statutes and regulations related to solid waste, including the 2019 California Green Building Standards Code and the City's Construction & Demolition Diversion Program. In addition, prior to commencement of demolition activities, the Project contractor would submit a Demolition Plan, a Debris Recovery Plan, a Waste Management and Recycling Plan, and a Debris Recovery Report that comply with all local, state and federal laws, regulations, and ordinances related to solid waste. No solid waste would be generated after Project completion. Therefore, this impact would be less than significant.	NI	No mitigation required.	NI
Impact C-UTI-1: Impacts to Solid Waste Capacity All of the cumulative projects would be evaluated at a project-level to determine increase in demand for solid waste services and to ensure compliance with relevant solid waste statutes and regulations. Such regulations and statutes have been adopted in order to protect the environment, and projects that would exceed available landfill capacity would not be approved without appropriate mitigation or plans to address disposal of solid waste. Therefore, the overall cumulative impact related to solid waste would be less than significant.	LTS	No mitigation required.	LTS
Mandatory Findings of Significance (MFS)			
Impact MFS-1: Effects to Wildlife or Plant Species or Important Examples of California History or Prehistory Construction of the Project could disturb common birds that are nesting on or near the project site (see Impact BIO-1), and this impact would be potentially significant. All other construction-related biological resources impacts would be less than significant. The Project would have potentially significant impacts related to a substantial adverse change in the significance of a historical resource (see Impact CUL-1) or unrecorded subsurface prehistoric and historic-era archeological resources (see Impact CUL-2). The Project site has a moderate to high sensitivity for buried Native American archaeological deposits and cultural materials based on its proximity to the Guadalupe River and documented nearby archaeological sites, as well as historic-era archaeological resources associated with the original Pueblo de San José del Guadalupe. This impact is potentially significant.	PS (Biological Resources) PS (Historical Resource) PS (Cultural Resources)	**Implement MM-BIO-1** **Implement MM-CUL-1a to MM-CUL-1e** **Implement MM-CUL-2** **Implement MM-TCR-1**	LTS (Biological Resources) SU (Historical Resource) LTS (Cultural and Tribal Resources)
Impact MFS-2: Individually Limited Cumulative Considerable Impacts The Project in combination with other past, current, and probable future projects would result in less-than-significant cumulative impacts, except for the loss of historical resources. The cumulative impact for built historical resources (Impact C-CUL-1) would be significant and unavoidable, and the Project's contribution to the cumulative impact would be cumulatively considerable.	SU (historical resources) NI or LTS (All other resource topics)	**Implement MM-CUL-1a to MM-CUL-1e** (historical resources) No mitigation required. (All other resource topics)	CC (Historical resources) LTS (All other resource topics)

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact MFS-3: Direct or Indirect Adverse Effects on Human Beings All construction-related environmental impacts that might cause substantial adverse effects on human beings, such as dust, hazardous materials, noise, water quality, or disturbance to local circulation would be less than significant.	LTS	No mitigation required.	LTS

Acronyms:
NI = No Impact
LTS = Less Than Significant
LTSM = Less Than Significant with Mitigation
PS = Potentially Significant
SU = Significant and Unavoidable
CC = Cumulatively Considerable
LTCC = Less than Cumulatively Considerable

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Appendices

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Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
BAAQMD	Bay Area Air Quality Management District
BMP	best management practices
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CH_4	Methane
CHL	California Historical Landmark
CHRIS	California Historical Resources Information System
CNDDB	California Natural Diversity Data Base
CNEL	community noise equivalent level
CO	carbon monoxide
CO_2	carbon dioxide
County	County of Santa Clara
CRHR	California Register of Historical Resources
dBA	A-weighted dB
dBA/DD	A-weighted decibel per doubling of distance
DPR	Department of Parks and Recreation
DTSC	Department of Toxic Substances Control
DWR	California Department of Water Resources
EIR	environmental impact report
ESA	Federal Endangered Species Act of 1973
ESLs	Environmental Screening Limits
FAA	Federal Aviation Administration
Farmland	Prime Farmland, Unique Farmland, or Farmland of State-wide Importance
FHWA	Federal Highway Administration
former City Hall	former City of San José City Hall
FTA	Federal Transit Administration
GHG	greenhouse gas
GSP	groundwater sustainability plan
HUD	United States Department of Housing and Urban Development
iPAC	Information for Planning and Consulting
ITE	Institute of Transportation Engineers
L_{dn}	day-night noise level
L_{eq}	equivalent noise level
L_{max}	maximum noise level
L_{min}	minimum noise level
LTS	less than significant impact
LTSM	less than significant impact with mitigation
MMT	million metric tons
Mph	miles per hour
MT	metric tons
MTC	Metropolitan Transportation Commission
N_2O	Nitrous Oxide
NAAQS	National Air Quality Ambient Standards
NAHC	Native American Heritage Commission

NHTSA	National Highway Traffic Safety Agency
NI	no impact
NO_2	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_3	Ozone
PG&E	Pacific Gas & Electric Company
PM_{10}	particulate matter less than 10 microns in diameter
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
PPV	peak particle velocity
PRC	Public Resources Code
Project	Former San José City Hall Project
PS	potentially significant impact
RMS	root-mean-square
ROGs	Reactive organic gases
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel Efficient
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SFBAAB	San Francisco Bay Area Air Basin
SMAQMD	Sacramento Metropolitan Air Quality Management District
SO_2	sulfur dioxide
SO_X	oxides of sulfur
SOI	Secretary of the Interior
SU	significant and unavoidable impact
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
TMDL	Total Maximum Daily Load
USEPA	United States Environmental Protection Agency
VdB	vibration decibels
VMT	Vehicle Miles Traveled
VTA	Santa Clara Valley Transportation Authority
WDR	waste discharge reports

1 Introduction

This environmental impact report (EIR) for the proposed former San José City Hall Project (the Project) has been prepared in accordance with, and complies with, all criteria, standards, and procedures of the California Environmental Quality Act (CEQA) of 1970 as amended (Public Resources Code [PRC] Section 21000 et seq.) and State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.). Per Section 21067 of CEQA and Sections 15367 and 15050 through 15053 of the State CEQA Guidelines, the County of Santa Clara (County) is the lead agency under whose authority this document has been prepared. As an informational document, this EIR is intended for use by the County decision makers and members of the general public in evaluating the potential environmental effects of the Project.

1.1 Purpose of the EIR and CEQA Process

An EIR is an informational document used by a lead agency (in this case, the County of Santa Clara) when considering approval of a project. The purpose of an EIR is to provide public agencies and members of the general public with detailed information concerning the environmental effects associated with the implementation of a project, prior to taking action on a project.

An EIR should analyze the environmental consequences of a project, identify ways to reduce or avoid potential environmental effects resulting from the project, and identify alternatives to the project that are capable of avoiding or reducing impacts. CEQA requires that all State and local government agencies consider the environmental consequences of projects over which they have discretionary authority. This EIR provides information to be used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project.

Prior to approval of the Project, the County, as lead agency and the decision-making entity, is required to certify that the EIR has been completed in compliance with CEQA, that the information in this EIR has been considered, and that the EIR reflects the independent judgment of the County. CEQA requires decision makers to balance the benefits of a project against its unavoidable environmental consequences. If environmental impacts are identified as significant and unavoidable, the lead agency may still approve the project if it finds that social, economic, legal, technological or other benefits outweigh the unavoidable impacts. The lead agency would then be required to state in writing the specific reasons for approving a project, based on information in the EIR and other information sources in the administrative record. This reasoning is called a “statement of overriding considerations” (PRC Section 21081 and State CEQA Guidelines Section 15093).

In addition, the County as lead agency must adopt a Mitigation Monitoring and Reporting Program describing the measures that were made a condition of project approval in order to avoid or mitigate significant effects on the environment (PRC Section 21081.6; State CEQA Guidelines Section 15097). The Mitigation Monitoring and Reporting Program is adopted at the time of project approval and is designed to ensure compliance with the project description and mitigation measures of the EIR during and after project implementation. If the County decides to approve the Project, it would be responsible for verifying that implementation of the Mitigation Monitoring and Reporting Program for this Project occurs.

The EIR will be used by the County during its consideration and potential approval of the Project.

1.2 Environmental Review Process

Consistent with CEQA Guidelines Sections 15080 to 15097, the CEQA process has multiple phases, many of which require notification to, and opportunity for comments from, the public. The main steps in this process are described below.

1.2.1 Notice of Preparation and Scoping Meeting

Consistent with the requirements of CEQA, a good-faith effort has been made during the preparation of the EIR to contact all responsible and trustee agencies; organizations; persons who may have an interest in the Project; and all government agencies, including the Governor's Office of Planning and Research, State Clearinghouse. This includes the circulation of a Notice of Preparation on June 22, 2020, which began a 30-day comment period that ended on July 22, 2020. Four comment letters were received on the Notice of Preparation during this time. The Notice of Preparation and the comment letters are included in this document as Appendix A.

A public scoping meeting was held by the County on July 7, 2020, starting at 6:30 p.m., to inform the public about the Project and receive comments. Due to the restrictions on public gatherings that were in effect in Santa Clara County at that time (due to the Covid-19 global pandemic), the meeting was held virtually with options for joining by phone or computer. At least six individuals attended the scoping meeting and two provided verbal comments on the content of the Draft EIR. A summary of the comments received is provided at the beginning of each environmental topic discussion within Chapter 3.0, "Environmental Setting and Impacts Assessment."

1.2.2 Draft EIR Public Review

The County filed a Notice of Completion with the State Clearinghouse on Friday September 25, 2020, indicating that this Draft EIR has been completed and is available for review. A Notice of Availability of the EIR has been published concurrently with distribution of this document. This Draft EIR is being circulated for a 45-day public review and comment period, commencing on Friday September 25, 2020 and concluding at 5:00 p.m. on Monday November 9, 2020.

During this period, comments from the general public, organizations, and agencies regarding environmental issues identified in the EIR and the EIR's accuracy and completeness may be submitted to the lead agency at the following address:

> County of Santa Clara Facilities and Fleet Department
> Attention: Emily Chen
> 2310 North First Street, Suite 200
> San José, CA 95131
> E-mail: Emily.F.Chen@faf.sccgov.org

The Draft EIR, related technical appendices, and all documents incorporated by reference in the Draft EIR are available for review online at: https://www.sccgov.org/fch. An electronic copy of the Draft EIR has been emailed to parties that have previously expressed an interest in the Project and is available to others upon request by contacting Melissa Sifuentes at melissa.sifuentes@faf.sccgov.org or 408-993-4813.

A hard copy of the Draft EIR is also available for public review during normal business hours (8:00 a.m. to 5:00 p.m.) at:

> County of Santa Clara, Office of the County Clerk-Recorder lobby
> 70 West Hedding Street, East Wing, 1st Floor,
> San José, CA 95110

During the public review period for the Draft EIR, the County of Santa Clara will conduct a public meeting at the following time and location:

> 6:30 p.m. on Wednesday October 14, 2020
> Virtual meeting via Zoom, details available at https://www.sccgov.org/fch.

Comments on the Draft EIR must be received before the end of the comment period (5:00 p.m. on Monday November 9, 2020) in order for those comments to be responded to in the Final EIR. The Final EIR may not include responses to comments received after this date and time. Oral comments made at the October 14, 2020 public meeting will be responded to in the Final EIR.

1.2.3 Responses to Comments Document and Final EIR

Upon completion of the public review and comment period for the Draft EIR, the County will prepare a Response to Comments document that addresses all substantive written and oral comments received on the Draft EIR, and identify text revisions to the Draft EIR as a result of those responses or other changes initiated by the County. This Response to Comments document, together with the Draft EIR, will constitute the Final EIR. The County of Santa Clara Board of Supervisors will consider the adequacy of the Final EIR in accordance with the requirements of CEQA when it considers the proposed Project during a public meeting.

The County of Santa Clara Board of Supervisors must certify the Final EIR before making a decision to approve the Project. Prior to approval of a project that would have a significant environmental effect, CEQA requires the adoption of certain findings (PRC Section 21081; CEQA Guidelines, Sections 15091 through 15093). If the Final EIR identifies significant adverse impacts that cannot be mitigated to less-than-significant levels, the findings must include a Statement of Overriding Considerations for those impacts (CEQA Guidelines, Section 15093(b)).

1.2.4 Mitigation Monitoring and Reporting Program

Throughout this EIR, mitigation measures have been recommended in a format that will facilitate preparation of a Mitigation Monitoring and Reporting Program. As required under CEQA (see CEQA Guidelines, Section 15097), a Mitigation Monitoring and Reporting Program will be prepared and presented to the County of Santa Clara Board of Supervisors at the time of certification of the Final EIR for the Project and will identify the specific timing and roles and responsibilities for implementation of adopted mitigation measures if the Project is approved.

1.3 Project Background

The former City of San José City Hall building (former City Hall) was constructed in 1956 through 1958. It was used by the City as its City Hall until 2005, when the City moved to its current location on East Santa Clara Street, leaving the former City Hall building vacant.

The County acquired the vacant former San José City Hall in 2011 as payment for a portion of the City's past-due redevelopment obligations owed to the County. Due to the deteriorated state of the facility when acquired, the County has never occupied the structure. As of November 2019, the County has spent approximately $204,000 on utilities for the facility and approximately $604,000 on maintenance costs and custodial operations. The facility costs an estimated $100,000 per year in its current state to maintain and secure, is not in usable condition, generates no revenue, and provides no public benefit (County of Santa Clara 2019).

The former City Hall is within the boundaries of the County's Civic Center campus that was the subject of a Civic Center Campus Master Plan prepared in 2018 (Master Plan). The Master Plan did not identify the former City Hall as usable space and did not propose reuse of the building or its redevelopment. In September 2018, the County approved the Santa Clara County Civic Center Master Plan and certified the associated EIR (SCH#2017032024).[1]

In November 2019, the Board of Supervisors directed the County Administration to assess the feasibility of reusing the former City Hall. The Feasibility Study was provided to the Board of Supervisors on May 5 2020,[2] and is included in Appendix B of this DEIR. The Board directed staff to prepare an environmental analysis for the removal of the former City Hall for the Board's future consideration.

[1] Santa Clara County Civic Center Master Plan and EIR: https://www.sccgov.org/sites/faf/capital-projects/cc/pages/ccmp.aspx
[2] Feasibility Study included in May 5, 2020 Agenda Packet, Item 19: http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=11472&Inline=True

1.4 Document Organization

This EIR is divided into the following sections and appendices:

- Section 1, “Introduction,” provides introductory information, including the history of the Project, the purpose of this document, and the lead agency for the Project.
- Section 2, “Project Description,” presents a detailed discussion of the location, setting, and characteristics of the Project site, the Project objectives, the Project features, and environmental review requirements.
- Section 3, “Environmental Setting and Impact Assessment,” describes the approach to the environmental impact assessment, including the cumulative impact assessment, and contains individual sections that reflect the CEQA Appendix G recommended environmental resource areas and describe existing conditions, detail the regulatory framework, and assess the potential environmental impacts of the Project. When the analysis identifies potentially significant effects, mitigation measures are presented to lessen the impacts. Implementing these measures would reduce potentially significant impacts to less-than-significant levels whenever feasible.
- Section 4, “Alternatives,” describes a reasonable range of alternatives to the Project, evaluates the extent to which those alternatives could substantially lessen the Project’s significant impacts while attaining most of the Project objectives, and compares the effects of the alternatives to those of the Project. This section also identifies the environmentally superior alternative, as required by CEQA.
- Section 5, “Other CEQA Considerations,” describes the significant and unavoidable environmental impacts of the Project, as well as the significant irreversible environmental changes that would result from Project implementation.
- Section 6, “References,” lists the documents and other sources of information cited within the EIR.
- Section 7, “List of Preparers,” identifies County staff and consultants who helped prepare this document.

Appendices provide additional information regarding multiple issues discussed throughout this document.

2 Project Description

2.1 Project Summary

The Project involves the demolition of the former San José City Hall, a five-story, 113,430-square-foot office building. The building is currently vacant and is not in a usable condition, with ongoing maintenance, utilities, and security costs borne by the County. Demolition activities would include the following:

- Abatement of hazardous building materials;
- Site control and preparation for demolition;
- Demolition of the building and disposal of demolition debris; and
- Regrading and hydroseeding the site.

No future use has been identified for the site following demolition of the building. Additional details regarding the Project are provided in Section 2.4.1 below.

2.2 Project Location and Setting

The former San José City Hall is at 801 North First Street, approximately 1.5 miles north of downtown San José, on the northwest corner of North First and West Mission Streets (Figure 2.2-1). The former City Hall building is in the southeastern portion of an approximately 9.8-acre parcel, just south of the existing County Government Center, and within “Site D” of the County’s Civic Center Master Plan. The Project site is limited to that portion of the parcel that would be required to enable demolition of the former City Hall building (Figure 2.2-2), including the curved driveway and associated surface parking area to the south of the building and the surface parking area formerly occupied by the City Hall Annex building (demolished in 2019) to the north of the building. The curved driveway and associated surface parking areas would not be removed, but may be used as staging areas for the Project. The western portion of the parcel, outside of the Project site, contains the County’s Reentry Resource Center and a surface parking lot, while the northeastern portion contains a lawn area with mature trees.

The Project site is on County-owned property but within the limits of the City of San José. Generally, cities and counties are exempt from each other’s land use and building permit regulations for public projects. Therefore, the County is generally not subject to City of San José regulations. The City of San José zoning and general plan designations apply to the surrounding non-County-owned land uses.

2.3 Project Objectives

The objectives of the Project are to:

1) Reduce the County's costs related to the former San José City Hall facility (e.g., maintenance, security, utilities).
2) Conduct demolition in a safe, cost-effective, environmentally responsible manner.
3) Leave the site in a clean and safe condition.

The Project site is within the boundaries of the Civic Center Master Plan, which is summarized in Section 3.1.2.

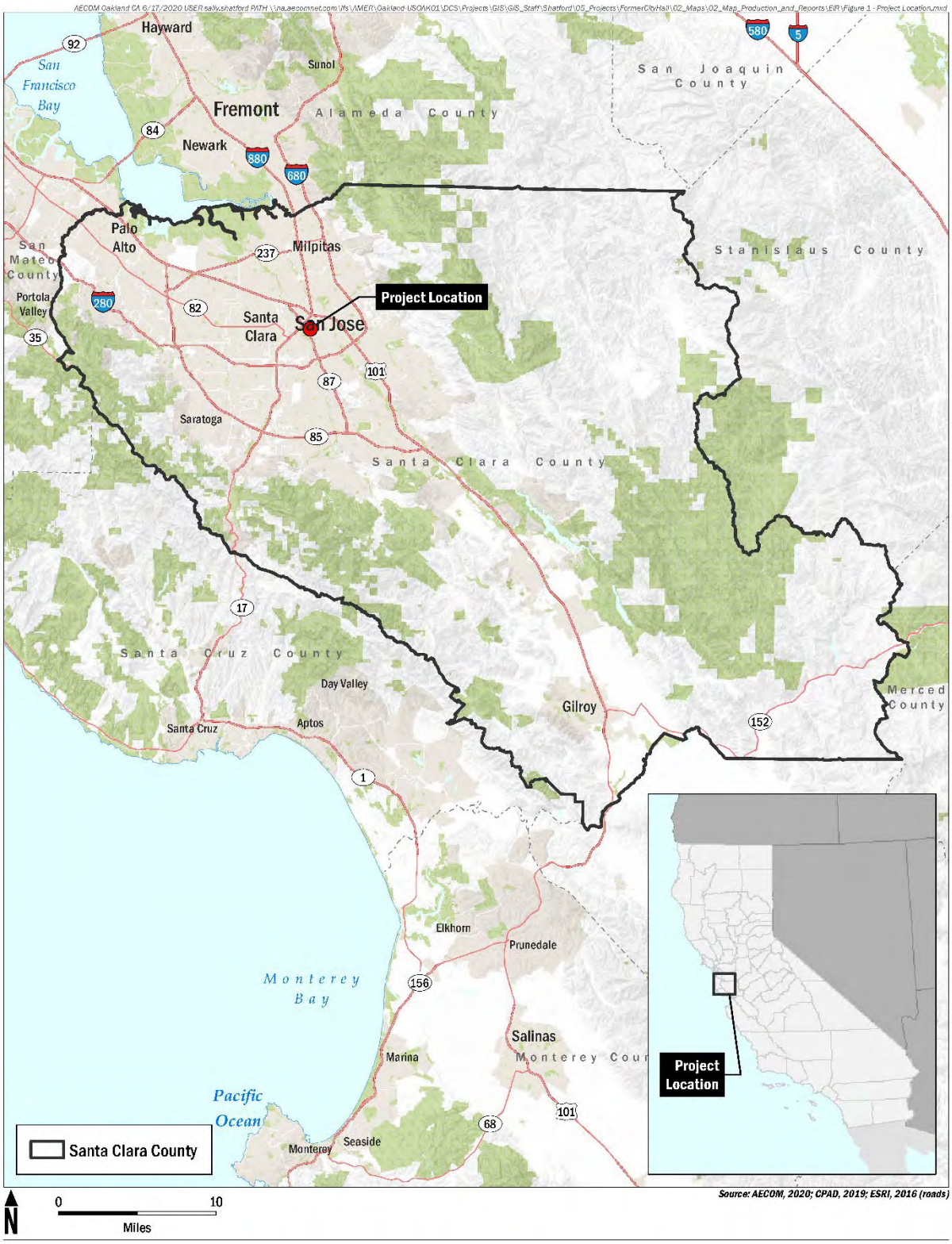


Figure 2.2-1 Site Location

Figure 2.2-2 Project Site

2.4 Proposed Project Characteristics

2.4.1 Construction Phase Activities

Hazardous Materials Abatement

The Project would include the abatement of hazardous materials including asbestos-containing materials, lead-based paint, electrical equipment containing polychlorinated biphenyls, and fluorescent tubes containing mercury vapors and lights. Construction worker health and safety regulations and hazardous materials removal and disposal protocols would be implemented in accordance with applicable federal and state standards, including the California Division of Occupational Safety and Health and the Bay Area Air Quality Management District (BAAQMD) regulations. The Project contractor would comply with all local, state, and federal requirements regarding hazardous materials. Hazardous materials would be disposed of in an approved facility.

Site Control and Preparation for Demolition

The Project contractor would install site fencing, traffic controls, tree protection (e.g., fencing off trees that are to be retained on the Project site to avoid accidental damage during construction) and other site controls in preparation for demolition. The Project contractor would also remove exposed piping, valves, meters, equipment, supports, and foundations of disconnected and abandoned utilities, and would prepare for building demolition by disconnecting and capping utilities. The existing driveway and parking lot and associated landscaping and hardscaping would be left in place to the extent practicable.

Before construction begins, the County and/or its construction contractor would prepare and implement a traffic control plan as part of the Project, in consultation with the City of San José. It is not expected that construction activities would require closure of any publicly accessible roadway in the Project vicinity. The traffic control plan (TCP) would include the following:

- Development and implementation of a process for communicating with affected residents and landowners about the Project before the start of construction. The public notice shall include the posting of notices and the installation of appropriate signage regarding construction activities. The written notification shall include the construction schedule, the exact location and duration of activities on each roadway, alternative routes that may be available to avoid delays, and contact information for questions and complaints.
- Identification of work hours and haul routes, work areas, staging areas, worker parking areas, and determination of any traffic control methods to reduce conflicts, if needed.
- Posting of appropriate warning signs in advance of construction activities, alerting bicyclists and pedestrians to any closures of nonmotorized facilities.
- Notification of administrators of any affected police and fire stations, ambulance service providers, transit providers, and recreational facility managers regarding the timing, location, and duration of construction activities and the locations of detours and lane closures, where applicable. Access for emergency vehicles in and/or adjacent to roadways affected by construction activities would be maintained at all times.
- The repair and restoration of any damaged or deteriorated roadway rights-of-way to their pre-construction condition after construction is completed.
- Scheduling equipment/deliveries during off-peak vehicular commuter hours and use of flaggers for large equipment.

Demolition and Disposal

Demolition would be performed in a manner that maximizes salvage and recycling of materials. A minimum of 50 percent, by weight, of the solid waste generated would be diverted from landfill disposal through re-use and recycling as required by the most current version of the California Green Building

Standards Code. Materials to be recycled or re-used would be stored onsite in non-combustible containers. All demolition materials, waste, and debris that are not designated to be salvaged would become the Project contractor's property and would be removed and disposed of in compliance with all local, state, and federal regulations. It is estimated that approximately 37,500 cubic yards of demolition debris would be hauled from the Project site, requiring approximately 2,500 truck loads (i.e., 5,000 truck trips) (AECOM 2020).

Demolition would be of the building and its foundations only – the existing driveway and associated parking area would be retained. Existing trees would be protected from damage during demolition, except for 10 trees immediately adjacent to the 2-story "Council Chambers" portion of the building, which would be removed to allow access for demolition equipment.

Site Regrading

Following removal of all demolition and debris, the building footprint would be backfilled with clean fill, graded level, and hydroseeded with grass. An estimated 2,500 cubic yards of clean fill would be imported to the Project site, requiring approximately 160 truck loads (i.e., 320 truck trips). No redevelopment of the site is proposed.

Construction Phasing, Equipment, Personnel

Based on the size of the building, the following estimates for demolition phasing, equipment, and personnel needs have been established, as shown in Table 2.4-1. Construction phases may overlap, with the construction anticipated to begin in 2021 and the construction period expected to last approximately 12 to 15 months in total.

Table 2.4-1 Estimated Demolition Phasing, Equipment and Personnel

Construction Phase	Estimated Duration	Equipment Type	Construction Personnel
Hazardous Materials Abatement	6 to 9 months	Telehandler Forklift Aerial Lifts/Scissor Lifts Skidsteer Loader Dump Truck(s)	20 per day, on average 30 per day, maximum
Site Control and Preparation	2 to 3 months	Aerial Lifts/Scissor Lifts Loader Bobcat Backhoe Water Truck(s) Dump Truck(s)	30 per day, on average 40 per day, maximum
Demolition and Debris Removal	3 to 4 months	Crane Aerial Lifts/Scissor Lifts Excavator – demo shears Excavator – demo hammer Excavator – demo thumb Loader(s) Concrete Crusher Plant Bobcat Backhoe Water Truck(s) Dump Truck(s) Street Sweeper	20 per day, on average 30 per day, maximum
Site Rehabilitation	2 to 4 weeks	Grader Dozer Compactor Backhoe Water Truck(s) Dump Truck(s) Street Sweeper	12 per day, on average 20 per day, maximum

Construction Staging and Haul Routes

The former City Hall driveway and parking lot to the south of the building, and/or the surface parking lot to the north of the building (the site of the former Annex building, which was demolished in 2018) would be used for demolition staging. Construction access to the former City Hall driveway would be obtained from West Mission Street, while construction access to the former Annex site would be obtained via North San Pedro Street or the existing temporary driveway on North First Street that was constructed for the Annex demolition project. Construction traffic and haul routes would likely take North San Pedro or North First to West Taylor Street, to State Route 87 (Guadalupe Freeway); or West Mission, to North First, to Interstate-880.

2.4.2 Project Operation

The Project involves the demolition of the former City Hall building. Following completion of demolition and site rehabilitation, the former building footprint would be a flat, vegetated area surrounded by the same trees and landscaping that are currently present at the site (with the exception of those trees to be removed as part of the Project, as described in Section 2.4.1) and the site would be left unfenced.

While some form of redevelopment or future use of the Project site following demolition could occur at some point in the future, the County has no current plans for the site and no funding is available for such a future use. Therefore, there is insufficient information regarding the potential uses and structures that might be constructed at the site. (See CEQA Guidelines Section 15145; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376.) For these reasons, future redevelopment of the site is not considered to be part of this Project. If and when any such future use is proposed, further environmental review under CEQA would be required. Nevertheless, the potential for redevelopment of the Project site is discussed with respect to potential cumulative impacts (Section 3.1.2) and potential growth-inducing impacts (Section 5.3).

2.5 Required Permits and Approvals

Implementation of the Project would require review and approval from the County of Santa Clara Board of Supervisors. Other permits and/or approvals may also be required by the following agencies:

- County of Santa Clara building permit, demolition permit, tree removal permit, and Landmark Alteration Permit;
- City of San José encroachment permit;
- Bay Area Air Quality Management District (BAAQMD) asbestos dust mitigation plan;
- Regional Water Quality Control Board (RWQCB) National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit); and
- Santa Clara Valley Transportation Authority (VTA) oversight permit.

3 Environmental Setting and Impact Assessment

3.1 Methodology

3.1.1 Impact Assessment Methodology

Appendix G of the CEQA Guidelines provides a sample initial study checklist that identifies a number of factual inquiries related to various environmental topics. CEQA grants lead agencies discretion to develop their own thresholds of significance. Although lead agencies are not required to use the Appendix G inquiries as thresholds of significance, it is a common practice for lead agencies to do so and the County has done so for this Project.

3.1.2 Cumulative Impact Assessment Methodology

CEQA requires that an EIR include an assessment of the cumulative impacts that could be associated with Project implementation. This assessment involves examining Project-related effects in connection with the environmental effects of past, current, and probable future projects. An EIR must discuss the cumulative impacts of a Project when its incremental effect would be cumulatively considerable contribution to a significant cumulative impact (CEQA Section 21083(b)(2)).

Although Project-related impacts may be individually minor, in combination with other past, present and probable future producing related impacts, effects that could be cumulatively significant under CEQA must be addressed (CEQA Guidelines Section 15130(a)). CEQA Guidelines Section 15130(b) indicates that the level of detail for the cumulative impact analysis need not be as great as for the Project impact analyses, but that it should reflect the severity of the impacts and their likelihood of occurrence, and that it should be focused, practical, and reasonable.

CEQA Guidelines Section 15130(b)(1) identifies two approaches to analyzing cumulative impacts. The first is the list approach, through which a defined set of past, present, and probable future projects producing related or cumulative impacts is considered for analysis. The second is the summary approach (also known as the “plan” approach), wherein the relevant projections, as contained in an adopted general plan or related planning document that evaluates regional or area wide conditions, are summarized. This EIR’s cumulative impact analysis is based on a combination of these approaches, as described below, depending on the resource area being analyzed. Please also see the individual resources sections of this EIR (Sections 3.2 through 3.17) for additional information.

The geographic study area and method for conducting the cumulative analysis also varies by resource area. For example, air quality impacts are evaluated against conditions in the air basin. Other cumulative analyses, such as cultural resources, consider the potential loss of resources in a broader, more regional context. Cumulative impacts for each resource area are discussed within the specific resource sections. The cumulative projects and growth discussed in the subsequent sections is considered conservative as many of these projects will not be completed or fully constructed within the 2022 horizon year of this Project.

List of Cumulative Projects

The effects of past and present projects on the environment are reflected by the existing conditions in the Project area. A list of probable future projects is provided below in Table 2.6-1. The table is not intended to be an all-inclusive list of projects in Santa Clara County or the City of San José, but rather probable future projects in the project vicinity that have the possibility of combining with the Project to generate a cumulative impact (based on proximity and construction schedule) and either:

- are partially occupied or under construction at the time of the Notice of Preparation,
- have received final discretionary approvals at the time of the Notice of Preparation, or

- have applications accepted as complete by local agencies and are currently undergoing review at the time of the Notice of Preparation.

Table 3.1-1 identifies probable future projects that were considered in the development and analysis of the Project's potential cumulative impacts.

Table 3.1-1 List of Cumulative Projects

Project Name	Status	Project Location	Details
Adobe	Under Construction	33 West San Fernando Street	18-story tower; 1,329,231 SF office
Japantown Corp Yard Residences	Under Construction	653 North 7th Street	5,540 SF/gallery space/8,913 SF music practice and performance space/65 units
Miro Towers	Under Construction	39 North 5th Street	Two 28-story towers; 630 units/ 15,000 SF retail/10,000 SF office
Silvery Towers	Under Construction	188 West Saint James Street	Two towers (20- and 22-stories); 643 units/30,228 SF retail
SJSC Towers Mixed-Use Project	Under Construction	39 North 5th Street	Two towers (each 28 stories); 630 residential units/15,000 SF retail/10,000 SF office space.
27 West	Approved	27 South 1st Street	New 22-story tower; 374 units/35,712 SF retail
Almaden Corner Hotel	Approved	8 North Almaden Avenue	New 19-story hotel with 272 guest rooms
Aviato	Approved	199 Bassett Street	New 8-story towers with 803 units/3,800 SF retail
Civic Center Temporary Housing	Approved	In the parking lot adjacent to the former City Hall	New 100 SF shelters for up to 25 unhoused families
Davidson Building	Approved	255 West Julian Street	Demolition of an existing 56,400 SF office; construction of 14-story tower with 23,402 SF commercial
Garden Gate Tower	Approved	600 South First Street	New 27-story tower with 285 units or co-living with 793 rooms, and 4,840 SF commercial
Greyhound	Approved	70 South Almaden Avenue	New Two towers (23- and 24-stories); 708 units/13,974 SF retail
North San Pedro Tower 3	Approved	323 Terraine Street	New 18-story building; 313 units/1,400 SF retail
Parkview Towers	Approved	252 North 1st Street	New Two towers (18- and 12-stories); 220 units/18,537 SF retail
Post and San Pedro Towers	Approved	171 Post Street	New 21-story tower; 228 units/10,863 SF retail
San José Tribute Hotel	Approved	211 South 1st Street	24-story, 279 room hotel integrated into a historic building
The Kelsey	Approved	447 North 1st Street	New 115 units
961 Meridian	Under Review	961 Meridian Avenue	Proposed 6-story building with 230 units
Avenues School	Under Review	529 Race Street	Proposed 354,332 SF in seven buildings for a school
Cambrian Plaza	Under Review	14200 Union Avenue	Proposed mixed use with up to 238 hotel rooms, up to 150,000 SF office, up to 115,000 SF retail, up to 280 residential units, 84 townhomes, and up to 130,000 SF of convalescent hospital.

Project Name	Status	Project Location	Details
Cityview Plaza	Under Review	150 Almaden Boulevard	Proposed 3.4 million SF office Includes demolition of 1970s “Brutalist” building, known as “The Sphinx Building”.
Communications Hill	Under Review	0 Curtner	Proposed Phases 3 and 4 of the Communications Hill project to construct 815 residences
Invicta Towers	Under Review	529 S 2nd St	Proposed three towers (26-, 25-, and 24-stories); 667 units
Museum Place	Under Review	180 Park Avenue	Proposed 19-story building with 988,203 SF office, retail and museum addition
Sd	Under Review	3161,3162 and 3164 Olsen Dr., 449 S. Winchester Bldg	Proposed 1 million SF office and retail
Stockton Avenue Hotel and Condominiums	Under Review	292 Stockton	9-story hotel and 19 units
Sunset Mixed-Use Complex	Under Review	2101 Alum Rock Ave	Proposed 5-story building with 792 units and 33,841 SF retail
Winchester Ranch	Under Review	555 South Winchester	Proposed Planned Development Rezoning for up to 687 units
Woz Way	Under Review	South Corner of South Almaden Boulevard and Woz Way	Proposed two towers (each 20-stories); 1.8 million SF office
St. James Park Capital Vision and Performing Arts Pavilion	Unknown	North Second St	Renovate and revitalize St. James Park

Sources: City of San José 2020a, County of Santa Clara 2020; data compiled by AECOM in 2020.
Acronyms: SF = square feet

Projected Cumulative Growth

The following discussion is based on an understanding of anticipated growth within the region that would affect the severity of Project impacts identified in this EIR, based on the North 1st Street Local Transit Village Plan, the adopted Civic Center Master Plan (Master Plan), and potential future redevelopment of the former City Hall site itself. Further discussion is also provided in relation to the cumulative context and impact analysis for each resource topic in Sections 3.2.4 through 3.15.4 of this EIR.

North 1st Street Local Transit Village Plan

The City of San José North 1st Street Local Transit Village Plan is currently being prepared and is anticipated to be adopted by the City Council in late-2020. The Project site is within the boundaries of the City of San José’s North 1st Street Local Transit Village Plan area, which extends along North 1st Street from roughly West Julian Street to Interstate 880. The North 1st Street Local Transit Village Plan covers approximately 132 acres, and will establish goals, policies, standards, and guidelines to guide the plan area's future private development, streetscape, and public areas. The North 1st Street Local Transit Village is envisioned to promote local businesses and amenities, provide affordable housing opportunities, integrate community gathering and open spaces, preserve existing historic assets, and offer a well-connected and safe transportation system (City of San José 2020b).

The urban village plan is a long-range policy document with no planned construction schedule. As private developments are proposed and built, the City of San José anticipates that the North 1st Street Local Transit Village Plan area would accommodate 1,678 housing units and approximately 756,000 square feet of development that would generate 2,520 jobs (City of San José 2020b).

Civic Center Master Plan

The former City Hall facility is within the boundaries of the Civic Center Master Plan area. The Master Plan provides for near-term and long-term redevelopment of the Civic Center Complex (County of Santa Clara 2018a). The Master Plan is intended to provide the County with a conceptual roadmap for maximizing the potential of the Civic Center through replacement of many outdated government facilities with new buildings designed to consolidate services to the community.

The Civic Center Master Plan EIR considered redevelopment of approximately 40 acres of the 55-acre Civic Center Complex (County of Santa Clara 2018b). The Civic Center Complex was divided into four areas: Sites A, B, C and D. The former City Hall facility was located within Site D.

The Master Plan EIR considered full buildout of the Master Plan, which would include up to 3.13 million square feet of new office development in four phases over what was anticipated to be an approximately 20-year period (see Figure 3.1-1). The Master Plan EIR analyzed Phase 1 of the Master Plan at a project level and subsequent implementation phases at a programmatic level. Phase 1 included demolition of the former City Hall Annex (completed 2019) and the development of a new Public Safety Justice Center on the site of the former Private George L. Richey Armory. Phases 2, 3 and 4 included the future demolition of existing buildings and development of new office space dependent on the County's needs. Development of Site D, which included the former City Hall, was expected to be implemented during the last phase (Phase 4). The Master Plan EIR did not propose any changes to the former City Hall.

The Master Plan was approved by the County Board of Supervisors in September 2018 during a period of unprecedented growth in the County. However, recent developments, including the Covid-19 pandemic, the economic downturn, and the potential for long-term employee remote working, have significantly affected the County's financial resources and facility needs. Therefore, whether the Master Plan components are still feasible or desirable and whether and when the Master Plan may be implemented is uncertain. Nevertheless, the cumulative analysis in this EIR assumes implementation of the Master Plan.

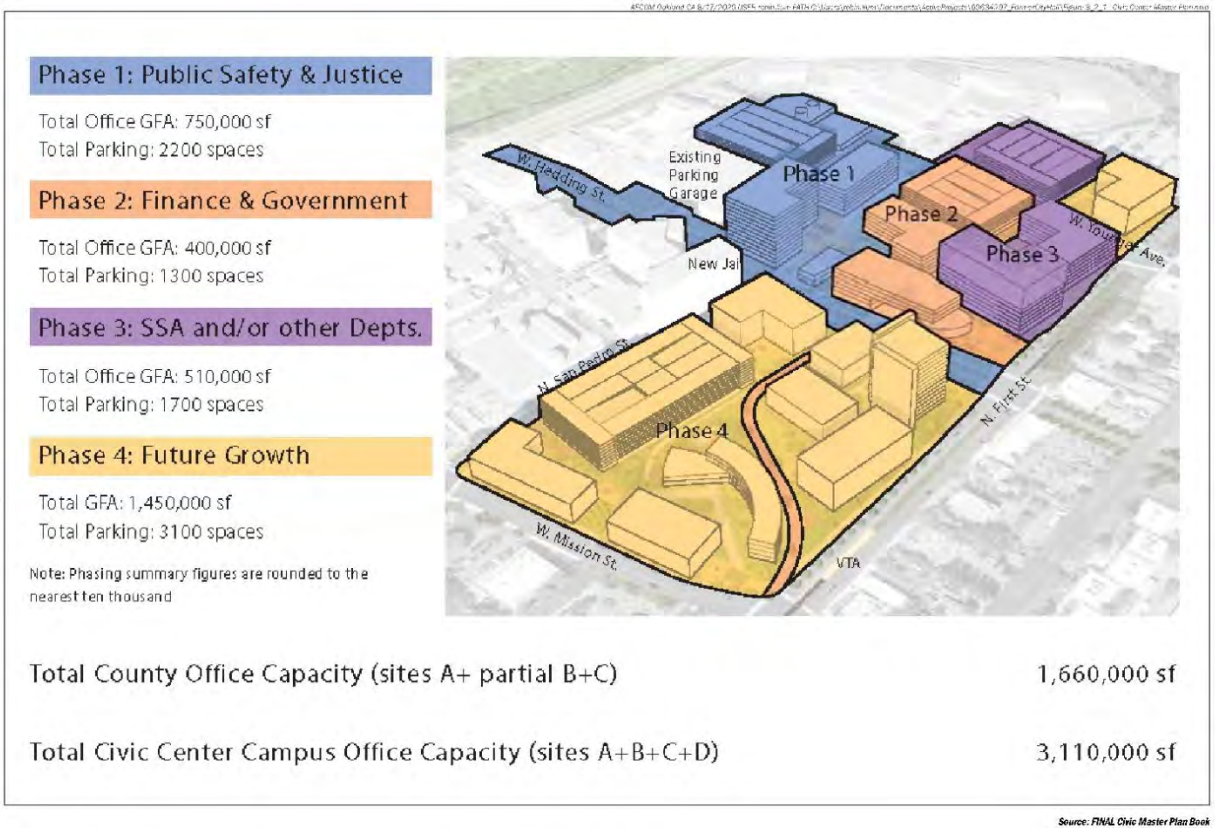


Figure 3.1-1 Civic Center Master Plan Overview

Former City Hall Project Site

The proposed demolition of the former City Hall would create a vacant site, and some form of redevelopment could occur in the future. Potential future uses of the Project site could include redevelopment of the site for office or residential uses, but the County has no current plans or funding for such a future use.

In May 2020, the County Board of Supervisors received a report regarding the feasibility of potentially reusing of the former City Hall (Gensler 2020, see Appendix B), which included conceptual “maximized housing” and “maximized office” scenarios for the Project site. Those maximum redevelopment scenarios indicated that the former City Hall Project site could support up to 410 dwelling units or up to 762,000 SF of office space.

This future development potential for the Project site has been included as part of the cumulative analysis in this EIR, which is incorporated into the impact analysis for each environmental topic in this section of the EIR.

BAAQMD 2017 Bay Area Clean Air Plan

As described in more detail in Section 3.2.3 below, the Bay Area Clean Air Plan developed by the BAAQMD is the 2017 control strategy to reduce emissions of ozone precursors (ROG and NOx) to fulfill state and federal ozone planning requirements and set a strategy for reaching attainment of the standards (BAAQMD 2017a). Emissions of ozone precursors have been greatly reduced in recent decades. As a result, Bay Area ozone levels and population exposure to harmful levels of smog have decreased substantially. Despite this progress, the Bay Area does not yet fully attain state and national ozone standards. This is primarily due to the progressively tightened national ozone standard, but also to the amount of population and economic growth occurring within the Bay Area. The Air Quality analysis in Section 3.2.3 utilizes the recommended BAAQMD CEQA thresholds of significance (BAAQMD 2017a), which were developed considering the emission levels for which a project’s individual emissions would be cumulatively considerable, considering the region’s existing air quality conditions and strategies from the Bay Area Clean Air Plan which was designed to continue the BAAQMD’s progress toward attaining all state and federal air quality standards.

3.2 Air Quality

This section describes the regulatory framework and existing conditions of the Project area related to air quality and evaluates whether the Project would result in adverse effects on air quality. This analysis is based on the methodology recommended by BAAQMD for project-level review, using information available. Mitigation measures are recommended, as necessary, to reduce potentially significant adverse air quality impacts. No comments relating to air quality were received during the public scoping period in response to the Notice of Preparation.

3.2.1 Environmental Setting

Topography, Meteorology, and Climate

Regional

The Project is located in the City of San José, within Santa Clara County. The City of San José is in the San Francisco Bay Area Air Basin (SFBAAB), which consists of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the western portion of Solano County; and the southern portion of Sonoma County. Air quality is determined by natural factors such as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. These factors along with applicable regulations are discussed below.

The SFBAAB is characterized by complex terrain consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns. The Coast Range is not continuous, resulting in a western coast gap, Golden Gate, and an eastern coast gap, Carquinez Strait, which allow air to flow in and out of the SFBAAB and the Central Valley. The climate is dominated by the strength and location of a semi-permanent, subtropical high pressure cell. During the summer, the Pacific high pressure cell is centered over the northeastern Pacific Ocean resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below to the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold water band resulting in condensation and the presence of fog and stratus clouds along the Northern California coast. In the winter, the Pacific high-pressure cell weakens and shifts southward resulting in wind flow offshore, the absence of upwelling, and the occurrence of storms. Weak inversions coupled with moderate winds result in a low air pollution potential (BAAQMD 2017a).

Local

The Santa Clara Valley is bounded by the San Francisco Bay to the north and by mountains to the east, south and west. During the summer, mostly clear skies result in warm daytime temperatures and cool nights. Winter temperatures are mild, except for very cool but generally frost-less mornings. Further inland where the moderating effect of the bay is not as strong, temperature extremes are greater. Wind patterns are influenced by local terrain, with a northwesterly sea breeze typically developing during the daytime. Winds are usually stronger in the spring and summer. Annual rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills (BAAQMD 2019a).

Air Pollutants of Concern

Criteria Air Pollutants

The United States Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have identified six air pollutants that can cause harm to human health and the environment: ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter less than 10 microns in diameter (PM_{10}) and less than 2.5 microns in diameter ($PM_{2.5}$), and lead. Because the ambient air quality standards for these air pollutants are regulated using human health and environmentally based criteria, they are commonly referred to as “criteria air pollutants.” Reactive organic gases (ROGs) and oxides of nitrogen (NO_X) are criteria pollutant precursors that form ozone through

chemical and photochemical reactions in the atmosphere. In general, the State of California's standards, particularly those for ozone and PM (PM_{10} and $PM_{2.5}$), are more stringent than the federal standards.

This section provides a brief description of criteria air pollutants and health effects of exposure:

- **Ozone (O_3)** is a colorless gas that is odorless at ambient levels. Ozone is the primary component of urban smog. It is not emitted directly into the air, but is formed through a series of reactions involving ROGs and NO_X in the presence of sunlight. ROG and NO_X are referred to as "ozone precursors." Because ozone is not directly emitted, air quality regulations focus on reducing the ozone precursors of ROG and NO_X. Meteorology and terrain play a major role in ozone formation. Generally, low wind speeds or stagnant air coupled with warm temperatures and clear skies provide the optimum conditions for formation. As a result, summer is generally the peak ozone season. Because of the reaction time involved, peak ozone concentrations often occur far downwind of the precursor emissions. Therefore, ozone is a regional pollutant that often affects large areas. Individuals exercising outdoors, children, and people with lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible subgroups for ozone effects. Short-term ozone exposure (lasting for a few hours) can result in changes in breathing patterns, reductions in breathing capacity, increased susceptibility to infections, inflammation of lung tissue, and some immunological changes. Chronic exposure to high ozone levels can permanently damage lung tissue (BAAQMD 2017a).
- **Carbon Monoxide (CO)** is a colorless and odorless gas that, in the urban environment, is produced primarily by the incomplete burning of carbon in fuels; primarily, from mobile (transportation) sources. Relatively high concentrations are typically found near crowded intersections and along heavily used roadways carrying slow-moving traffic. Even under the most severe meteorological and traffic conditions, high concentrations of CO are limited to locations within a relatively short distance (300 to 600 feet) of heavily traveled roadways. Vehicular traffic emissions can cause localized CO impacts, and severe vehicle congestion at major signalized intersections can generate elevated CO levels, called "hot spots," which can be hazardous to human receptors adjacent to the intersections. CO enters the bloodstream through the lungs by combining with hemoglobin, which normally supplies oxygen to the cells. However, CO combines with hemoglobin much more readily than oxygen does, drastically reducing the amount of oxygen available to the cells. Adverse health effects from exposure to high CO concentrations, which typically can occur only indoors or within similarly enclosed spaces, include dizziness, headaches, and fatigue. CO exposure is especially harmful to individuals who suffer from cardiovascular and respiratory diseases (USEPA 2019a).
- **Nitrogen Dioxide (NO_2)** is one of a group of highly reactive gases known as oxides of nitrogen, or NO_X. NO_2 is formed when ozone reacts with nitric oxide (i.e., NO) in the atmosphere, and is listed as a criteria pollutant because NO_2 is more toxic than nitric oxide. The major human-made sources of NO_2 are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Inhalation is the most common route of exposure to NO_2. Breathing air with a high concentration of NO_2 can lead to respiratory illness. Short-term exposure can aggravate respiratory diseases, particularly asthma, resulting in respiratory symptoms (such as coughing, wheezing, or difficulty breathing), hospital admissions, and visits to emergency rooms. Longer exposures to elevated concentrations of NO_2 may contribute to the development of asthma, and potentially increase susceptibility to respiratory infections (USEPA 2019b).
- **Sulfur Dioxide (SO_2)** is one component of the larger group of gaseous oxides of sulfur (SO_X). SO_2 is used as the indicator for the larger group of SO_X because it is the component of greatest concern and found in the atmosphere at much higher concentrations than other gaseous SO_X. SO_2 is typically produced by such stationary sources as coal and oil combustion facilities, steel mills, refineries, and pulp and paper mills. The major adverse health effects associated with SO_2 exposure pertain to the upper respiratory tract. On contact with the moist mucous membranes, SO_2 produces sulfurous acid, a direct irritant. Concentration rather than duration of exposure is an important determinant of respiratory effects. Children, the elderly, and those who suffer from asthma are particularly sensitive to effects of SO_2 (USEPA 2019c).
- **Suspended Particulate Matter (PM_{10} and $PM_{2.5}$)** is a complex mixture of extremely small particles and liquid droplets made up of a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles. Natural sources of particulates include

windblown dust and ocean spray. The major areawide sources of $PM_{2.5}$ and PM_{10} are fugitive dust, especially from roadways, agricultural operations, and construction and demolition. Other sources of PM_{10} include crushing or grinding operations. $PM_{2.5}$ sources also include all types of combustion, including motor vehicles, power plants, residential wood burning, forest fires, agricultural burning, and some industrial processes. Exhaust emissions from mobile sources contribute only a very small portion of directly emitted $PM_{2.5}$ and PM_{10} emissions; however, they are a major source of ROGs and NO_X, which undergo reactions in the atmosphere to form PM, known as secondary particles. These secondary particles make up the majority of PM pollution. Effects from short- and long-term exposure to elevated concentrations of PM_{10} include respiratory symptoms, aggravation of respiratory and cardiovascular diseases, and cancer (World Health Organization 2018). $PM_{2.5}$ poses an increased health risk because these very small particles can be inhaled deep in the lungs and may contain substances that are particularly harmful to human health.

- **Lead** is a highly toxic metal that may cause a range of human health effects. Lead is found naturally in the environment and is used in manufactured products. Previously, the lead used in gasoline anti-knock additives represented a major source of lead emissions to the atmosphere. Metal processing is currently the primary source of lead emissions. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Although the ambient lead standards are no longer violated, lead emissions from stationary sources still pose “hot spot” problems in some areas. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotients. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death, although it appears that lead does not directly affect the respiratory system.
- **Reactive Organic Gases (ROGs)/Volatile Organic Compounds** are compounds composed primarily of hydrogen and carbon atoms. Internal combustion associated with motor vehicle usage is the major source of ROGs. Other sources of ROGs include evaporative emissions from paints and solvents, the application of asphalt paving, and the use of household consumer products such as aerosols. Adverse effects on human health are not caused directly by ROGs, but rather by reactions of ROGs to form secondary pollutants such as O_3. There are no AAQS established for ROGs. However, because they contribute to the formation of O_3, the BAAQMD has established a significance threshold for this pollutant.

Toxic Air Contaminants

In addition to criteria air pollutants, concentrations of toxic air contaminants are also used as indicators of air quality conditions that can harm human health. Air pollutant human exposure standards are identified for many toxic air contaminants including the following common toxic air contaminants relevant to development projects: particulate matter, fugitive dust, lead, and asbestos. These air pollutants are termed toxic air contaminants, because they are air pollutants that may cause or contribute to an increase in mortality or in serious illness or that may pose a hazard to human health. Toxic air contaminants are usually present in minute quantities in the ambient air; however, their high toxicity or health impact may pose a threat to public health even at low concentrations. Toxic air contaminants can cause long-term health effects (such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage) or short-term acute affects (such as eye watering, respiratory irritation, runny nose, throat pain, or headaches).

Toxic air contaminants are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to a particular toxic air contaminant. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. Cancer risk is typically expressed as excess cancer cases per million exposed individuals, typically over a lifetime exposure or other prolonged duration. For noncarcinogenic substances, there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels may vary depending on the specific pollutant. Acute and chronic exposure to noncarcinogens is expressed as a hazard index (HI), which is the ratio of expected exposure levels to acceptable reference exposure levels.

Diesel Particulate Matter

The majority of the estimated health risks from toxic air contaminants can be attributed to relatively few compounds, the most important being particulate matter from diesel-fueled engines. In 1998, CARB identified diesel particulate matter as a toxic air contaminant based on evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. Almost all diesel exhaust particles are 10 microns or less in diameter. Because of their extremely small size, these particles can be inhaled, and eventually trapped in the bronchial and alveolar regions of the lungs.

Air Quality

Regional – San Francisco Bay Area Air Basin

The determination of whether a region's air quality is healthful or unhealthful is made by comparing contaminant levels in ambient air samples to the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS).

Ambient air concentrations are monitored throughout the SFBAAB to designate the Basin's attainment status with respect to the NAAQS and CAAQS for criteria air pollutants. The purpose of these designations is to identify areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are "nonattainment," "attainment," and "unclassified" (the latter is used in an area that cannot be classified on the basis of available information as meeting or not meeting the standards). Table 3.2-1 lists the CAAQS and NAAQS values for each pollutant, and Table 3.2-2 presents the recent attainment designations for the SFBAAB. With respect to the NAAQS, the SFBAAB is designated as a nonattainment area for ozone and $PM_{2.5}$, and as an attainment or unclassified area for all other pollutants. With respect to the CAAQS, the SFBAAB is designated as a nonattainment area for ozone, PM_{10}, and $PM_{2.5}$, and as an attainment area for all other pollutants.

Table 3.2-1 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	CAAQS[1]	NAAQS[2,3]	
			Primary	Secondary
CO	1-Hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	NA
	8-Hour	9.0 ppm (10 mg/m^3)	9 ppm (10 mg/m^3)	NA
NO_2	1-hour	0.18 ppm (339 µg/m^3)	100 ppb (188 µg/m^3)	NA
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	0.053 ppm (100 µg/m^3)	Same as Primary
Ozone	1-hour	0.09 ppm (180 µg/m^3)	NA[5]	NA
	8-hour	0.070 ppm (137 µg/m^3)[8]	0.070 ppm (137 µg/m^3)[4]	Same as Primary
PM_{10}	24-hour	50 µg/m^3	150 µg/m^3	Same as Primary
	Annual Arithmetic Mean	20 µg/m^3 [6]	NA	NA
$PM_{2.5}$	24-hour	NA	35 µg/m^3	Same as Primary
	Annual Arithmetic Mean	12 µg/m^3 [6]	12 µg/m^3 [10]	15.0 µg/m^3
SO_2	1-hour	0.25 ppm (655 µg/m^3)	0.075 ppm (196 µg/m^3)	NA
	24-hour	0.04 ppm (105 µg/m^3)	0.14 ppm (365 µg/m^3)	NA
	Annual Arithmetic Mean	NA	0.030 ppm (80 µg/m^3)	NA
Sulfates	24-hour	25 µg/m^3	NA	NA
H_2S	1-hour	0.03 ppm (42 µg/m^3)	NA	NA
Lead	30-day Average	1.5 µg/m^3	NA	NA
	Calendar quarter	NA	1.5 µg/m^3	Same as Primary
	Rolling 3-month Average	NA	0.15 µg/m^3 [9]	
Vinyl Chloride	24-hour	0.01 ppm (26 µg/m^3)	NA	NA
Visibility-Reducing Particles	8-hour	See Note 7	NA	NA

Source: BAAQMD 2017c

Key: µg/m^3 = micrograms per cubic meter; mg/m^3 = milligrams per cubic meter; CO = carbon monoxide; NO_2 = nitrogen dioxide; O_3 = ozone; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns in diameter or less; ppm = parts per million; ppb = parts per billion; SO_2 = sulfur dioxide; H_2S = hydrogen sulfide

[1] California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM10, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM10 annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.

[2] National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m^3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m^3. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.

[3] National air quality standards are set by the USEPA at levels determined to be protective of public health with an adequate margin of safety.

[4] On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. USEPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.

[5] The national 1-hour ozone standard was revoked by the USEPA on June 15, 2005.

[6] In June 2002, CARB established new annual standards for PM2.5 and PM10.

[7] Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

[8] The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.

[9] National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.

[10] In December 2012, USEPA strengthened the annual PM 2.5 National Ambient Air Quality Standards (NAAQS) from 15.0 to 12.0 micrograms per cubic meter (µg/m3). In December 2014, USEPA issued final area designations for the 2012 primary annual PM 2.5 NAAQS. Areas designated “unclassifiable/attainment” must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

Table 3.2-2 San Francisco Bay Area Basin Attainment Status

Pollutant	State Attainment Status	Federal Attainment Status
CO (1-hour and 8-hour)	Attainment	Attainment
Ozone (1-hour)	Nonattainment	--
Ozone (8-hour)	Nonattainment	Nonattainment
NO_2 (1-hour)	Attainment	--
NO_2 (Annual)	--	Attainment
PM_{10} (24-hour)	Nonattainment	Unclassified
PM_{10} (Annual)	Nonattainment	--
$PM_{2.5}$ (24-hour)	--	Nonattainment [1]
$PM_{2.5}$ (Annual)	Nonattainment	Unclassified/Attainment
SO_2 (1-hour and 24-hour)	Attainment	Unclassified/Attainment [2]
Lead (30-Day)	Attainment	Attainment
Lead (Quarter)	--	Attainment
Lead (3-month)	--	--
H_2S (1-hour)	Unclassified	--
Vinyl Chloride	No information available	--
Visibility Reducing Particles	Unclassified	--

Source: BAAQMD 2017c

[1] On January 9, 2013, USEPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. Despite this action, the Bay Area will continue to be designated as "non-attainment" for the national 24-hour $PM_{2.5}$ standard until such time as the BAAQMD submits a "redesignation request" and a "maintenance plan" to USEPA, and USEPA approves the proposed redesignation.

[2] On June 2, 2010, the USEPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO_2 NAAQS, however, must continue to be used until 1 year following USEPA initial designations of the new 1-hour SO_2 NAAQS.

Local - Project Vicinity

The BAAQMD maintains multiple air quality monitoring stations that continually measure the ambient concentrations of major air pollutants throughout the SFBAAB. Table 3.2-3 summarizes published monitoring data for 2016 through 2018. The nearest monitoring station to the Project site is the San José—Jackson Street monitoring station, approximately 0.5 mile to the southeast. Due to its proximity, the ambient air quality measurements from this station are considered representative of the air quality in the Project vicinity. As shown in Table 3.2-3, the ozone standard was exceeded in 2017 and the PM_{10} and $PM_{2.5}$ standards were exceeded in 2017 and 2018.

Local - Project Site

As described in Section 2, "Project Description," the Project site is limited to that portion of the parcel that would be required to enable demolition of the former City Hall building. The building is currently vacant and is not in a usable condition; therefore, existing emissions are limited to occasional vehicle trips from County security and maintenance staff and equipment usage associated with the ongoing maintenance activities.

Table 3.2-3 Local Air Quality Monitoring Summary San José—Jackson Street Monitoring Station, 2016 - 2018

Air Pollutant	Averaging Time	Item	2016	2017	2018
Ozone	1 Hour	Max 1 Hour (ppm)	0.087	0.121	0.078
		Days > State Standard (0.09 ppm)	0	3	0
	8 Hour	Max 8 Hour (ppm)	0.067	0.099	0.061
		Days > State Standard (0.070 ppm)	0	4	0
		Days > National Standard (0.070 ppm)	0	4	0
NO_2	Annual	Annual Average (ppm)	11	-	12
	1 Hour	Max 1 Hour (ppm)	0.051	0.068	0.086
		Days > State Standard (0.18 ppm)	0	0	0
PM_{10}	Annual	Annual Average (µg/m^3)	18.3	21.3	23.1
	24 hour	Max 24 Hour (µg/m^3)	41.0	69.8	155.8
		Days > State Standard (50 µg/m^3)	0	19.2	12.2
		Days > National Standard (150 µg/m^3)	0	0	3.1
$PM_{2.5}$	Annual	Annual Average (µg/m^3)	8.4	-	12.9
	24 hour	Max 24 Hour (µg/m^3)	22.7	49.7	133.9
		Days > National Standard (35 µg/m^3)	0	6	15

Source: CARB 2020
Notes: ppm = parts per million; µg/m^3 = micrograms per cubic meter; - = insufficient data

3.2.2 Regulatory Framework

Federal

Clean Air Act

The USEPA's air quality mandates are drawn primarily from the federal Clean Air Act, which was enacted in 1970 and amended in 1977 and 1990 (Clean Air Act Amendments). The Clean Air Act requires the USEPA to establish the NAAQS, as shown in Table 3.2-1 above. NAAQS have been established for the six major air pollutants described in Section 3.2.1: ozone, CO, NO_2, SO_2, lead, PM_{10} and $PM_{2.5}$. The Clean Air Act identifies two types of NAAQS. Primary standards provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

The Clean Air Act requires each state with regions that have not attained the NAAQS to prepare a State Implementation Plan, detailing how these standards are to be met in each local area. The State Implementation Plan is a legal agreement between each state and the federal government to commit resources to improving air quality. It serves as the template for conducting regional and project-level air quality analyses. The State Implementation Plan is not a single document, but a compilation of new and previously submitted attainment plans, emissions reduction programs, district rules, state regulations, and federal controls.

Nonroad Sources and Emission Standards

Before 1994, there were no standards to limit the amount of emissions from off-road equipment. In 1994, the USEPA established emission standards for hydrocarbons, NO_X, CO, and PM to regulate new pieces of off-road equipment. These emission standards came to be known as Tier 1. This rule was issued under the USEPA's authority in Section 213 of the Clean Air Act. Since that time, increasingly more stringent Tier 2, Tier 3, and Tier 4 (interim and final) standards were adopted by the USEPA, as well as by CARB. Tier 1 emission standards became effective in 1996. The more stringent Tier 2 and Tier 3 emission standards became effective between 2001 and 2008, with the effective date dependent on engine horsepower. Tier 4 interim standards became effective between 2008 and 2012, and Tier 4 final standards became effective in 2014 and 2015. Each adopted emission standard was phased in over time. New engines built

in and after 2015 across all horsepower sizes must meet Tier 4 final emission standards. In other words, new manufactured engines cannot exceed the emissions established for Tier 4 final emissions standards (USEPA 2018a).

Regulations for On-road Vehicles and Engines

The USEPA also has certain regulations for on-road vehicles and engines, including passenger vehicles, commercial trucks and buses, and motorcycles (USEPA 2017a). In 2001, the USEPA issued a Final Rule on Controlling Emissions of Hazardous Air Pollutants from Mobile Sources. This rule was issued under the USEPA's authority in Section 202 of the Clean Air Act. Passenger cars and trucks are regulated by the USEPA under "light-duty" vehicle programs. The USEPA regulates passenger vehicles to reduce the amount of harmful emissions. There are regulations for multiple aspects of passenger vehicles, including: standards for exhaust and evaporative emissions; control of hazardous air pollutants and air toxics; National Low Emission Vehicle Program; Compliance Assurance Program 2000; onboard refueling vapor recovery; and inspection and maintenance.

Safer Affordable Fuel Efficient Vehicle Rule

In September 2019, the National Highway Traffic Safety Agency (NHTSA) and the USEPA published the Safer Affordable Fuel Efficient (SAFE) Vehicle Rule Part One: One National Program. The SAFE Part One Rule revokes California's authority and vehicle waiver to set its own emissions standards and set zero emission vehicle mandates in California for passenger cars and light trucks and establish new standards, covering model years 2021 through 2026. In April 2020, the USEPA and NHTSA issued the second part of the proposed SAFE Vehicles Rule. This final rule was made effective on June 29, 2020. During the period the federal action is in effect, CARB will administer the affected portions of its program on a voluntary basis.

State

CARB is the lead agency responsible for developing the State Implementation Plan in California. Local air districts and other agencies prepare air quality attainment plans or air quality management plans, and submit them to CARB for review, approval, and incorporation into the applicable State Implementation Plan.

California Clean Air Act

CARB is also responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act. The California Clean Air Act was adopted in 1988 and requires CARB to establish CAAQS, as shown in Table 3.2-1 above. In most cases, CAAQS are more stringent than NAAQS.

Other CARB responsibilities include, but are not limited to, overseeing local air district compliance with state and federal laws; approving local air quality plans; submitting State Implementation Plans to the USEPA; monitoring air quality; determining and updating area designations and maps; and setting emission standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels. CARB maintains air quality monitoring stations throughout the state in conjunction with local air districts. Data collected at these stations are used by CARB to classify air basins as being in attainment or nonattainment with respect to each pollutant and to monitor progress in attaining air quality standards.

California Health and Safety Code Section 40914

The California Clean Air Act requires that each area exceeding the CAAQS for ozone, CO, SO_2, and NO_2 develop a plan aimed at achieving those standards. California Health and Safety Code Section 40914 requires air districts to design a plan that achieves an annual reduction in district-wide emissions of 5 percent or more, averaged every consecutive 3-year period. To satisfy this requirement, the local air districts have to develop and implement air pollution reduction measures, which are described in their air quality attainment plans, and outline strategies for achieving the CAAQS for any criteria pollutants for which the region is classified as nonattainment.

In-Use Off-Road Diesel Vehicle Regulation, On-Road Light-Duty Certification, and California Reformulated Gasoline Program

CARB has established emission standards for vehicles sold in California and for various types of equipment. California gasoline specifications are governed by both state and federal agencies. During the past decade, federal and state agencies have imposed numerous requirements on the production and sale of gasoline in California. CARB has also adopted control measures for diesel PM and more stringent emissions standards for various on-road mobile sources of emissions, including transit buses and off-road diesel equipment (e.g., tractors, generators).

Tanner Air Toxics Act and the Air Toxics Hot Spots Information and Assessment Act

In addition to criteria pollutants, both federal and state air quality regulations also focus on toxic air contaminants. Toxic air contaminants in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807, Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act (Chapter 1252, Statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as toxic air contaminants. Research, public participation, and scientific peer review must occur before CARB can designate a substance as a toxic air contaminant. The Air Toxics Hot Spots Information and Assessment Act requires that toxic air contaminant emissions from stationary sources be quantified and compiled into an inventory according to criteria and guidelines developed by CARB, and if directed to do so by the local air district, a health risk assessment must be prepared to determine the potential health impacts of such emissions.

CARB has adopted a Diesel Risk Reduction Plan, which recommends control measures to achieve a diesel PM reduction of 85 percent by 2020 from year 2000 levels. Recent regulations and programs include the low-sulfur diesel fuel requirement and more stringent emission standards for heavy-duty diesel trucks and off-road in-use diesel equipment. As emissions are reduced, it is expected that the risks associated with exposure to the emissions will also be reduced.

Air Quality and Land Use Guidance

CARB developed the *Air Quality and Land Use Handbook: A Community Health Perspective* to provide guidance on land use compatibility with sources of toxic air contaminants (CARB 2005). These sources include freeways and high-traffic roads, commercial distribution centers, rail yards, refineries, dry cleaners, gasoline stations, and industrial facilities. The handbook is not a law or adopted policy, but offers advisory recommendations for the siting of sensitive receptors near uses associated with toxic air contaminants. The handbook acknowledges that land use agencies must balance health risks with other considerations, including housing and transportation needs, economic development priorities, and quality of life issues. The recommendations include avoidance of siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day.

In response to new research demonstrating benefits of compact, infill development along transportation corridors, CARB released a technical supplement, *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (Technical Advisory; CARB 2017a), to the 2005 Air Quality and Land Use Handbook. This Technical Advisory was developed to identify strategies that can be implemented to reduce exposure at specific developments or as recommendations for policy and planning documents. It is important to note that the Technical Advisory is not intended as guidance for a specific project and does not discuss the feasibility of mitigation measures for the purposes of compliance with the California Environmental Quality Act (CEQA). Some of the strategies identified in the Technical Advisory include implementation of speed reduction mechanisms, including roundabouts, traffic signal management, and speed limit reductions; design that promotes air flow and pollutant dispersion along street corridors, such as solid barriers and vegetation for pollutant dispersion; and indoor high efficiency filtration (CARB 2017a).

Local

In the County of Santa Clara, BAAQMD is the agency responsible for protecting public health and welfare through the administration of federal and state air quality laws and policies. Included in BAAQMD's tasks are monitoring of air pollution, preparation of air quality plans, and promulgation of rules and regulations.

BAAQMD 2017 Bay Area Clean Air Plan

BAAQMD adopted the *Bay Area Clean Air Plan: Spare the Air, Cool the Climate* (Bay Area Clean Air Plan) on April 19, 2017, to provide a regional strategy to improve Bay Area air quality and meet public health goals (BAAQMD 2017b). The control strategy described in the Bay Area Clean Air Plan includes a wide range of control measures designed to reduce emissions and decrease ambient concentrations of harmful pollutants in the region, safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, and reduce greenhouse gas (GHG) emissions to protect the climate. To protect public health, the Bay Area Clean Air Plan describes how BAAQMD will continue progress toward attaining all state and federal air quality standards in the region and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The Bay Area Clean Air Plan addresses four categories of pollutants: (1) ground-level ozone and its key precursors, ROGs and NO_X; (2) PM, primarily $PM_{2.5}$, and precursors to secondary $PM_{2.5}$; (3) air toxics; and (4) GHGs. The control measures are categorized based upon the economic sector framework including stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, and water measures (BAAQMD 2017b).

BAAQMD Particulate Matter Plan

To fulfill federal air quality planning requirements, BAAQMD adopted a $PM_{2.5}$ emissions inventory for year 2010 at a public hearing on November 7, 2012. The Bay Area 2017 Clean Air Plan also included several measures for reducing PM emissions from stationary sources and wood burning. On January 9, 2013, the USEPA issued a final rule determining that the San Francisco Bay Area has attained the 24-hour $PM_{2.5}$ NAAQS, suspending federal State Implementation Plan planning requirements for the SFBAAB. Despite this USEPA action, the SFBAAB will continue to be designated as nonattainment for the national 24-hour $PM_{2.5}$ standard until such time as BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation.

BAAQMD Regulation 11, Rule 2

BAAQMD Regulation 11, Rule 2 (adopted December 15, 1976) regulates hazardous pollutants from asbestos demolition, renovation, and manufacturing activities. The purpose of the rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures.

3.2.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to air quality:

- **Impact AIR-1:** Would the Project conflict with or obstruct implementation of an applicable air quality plan?
- **Impact AIR-2:** Would the Project result in a cumulative considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?
- **Impact AIR-3:** Would the Project expose sensitive receptors to substantial pollutant concentrations?
- **Impact AIR-4:** Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Impact AIR-1: Conflict with Applicable Air Quality Plan

Impact AIR-1 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in a conflict with or obstruct implementation of the applicable air quality plan.

The applicable air quality plan for the SFBAAB is the 2017 Clean Air Plan developed by BAAQMD. The Project would not result in a conflict with the 2017 Clean Air Plan if it supports the goals of the Clean Air Plan, includes applicable control measures from the Clean Air Plan, and would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

Impact Analysis

The primary goals of the Bay Area 2017 Clean Air Plan are to protect public health and protect the climate by reducing emissions, decreasing concentrations of harmful pollutants, and reducing exposure to air pollutants that pose the greatest health risk. To meet the primary goals, the 2017 Clean Air Plan includes individual control measures that describe specific actions to reduce emissions of air and climate pollutants categorized into various categories including but not limited to mobile and stationary sources, and land use and local impacts.

Consistency with the 2017 Clean Air Plan also is determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations, or contribute to a new violation of the NAAQS or CAAQS. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment (BAAQMD 2017a). Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans.

The Project demolition activities would involve the temporary use of off-road equipment, haul trucks, and worker commute trips. As discussed for Impact AIR-2 below, construction-related emissions of the Project would not exceed the thresholds of significance recommended by the BAAQMD. In addition, consistent with Stationary Source Control Measures SS36 (PM from Trackout) and SS38 (Fugitive Dust) of the 2017 Clean Air Plan, the Project would implement BAAQMD's Basic Construction Mitigation Measures as identified in Mitigation Measure MM-AIR-2, which would reduce fugitive dust emissions during construction.

In addition, prior to demolition, the County or its contractors would retain appropriately-qualified personnel to perform a comprehensive building materials survey for hazardous materials including but not limited to asbestos-containing materials and lead-based paint. If any hazardous materials are found, construction worker health and safety regulations and hazardous materials removal and disposal protocols would be implemented in accordance with BAAQMD Regulation 11, Rule 2. This would be consistent with one of the primary goals the 2017 Clean Air Plan of protecting public health. Further, Project demolition activities would be consistent with 2017 Clean Air Plan Measure WA4, Recycling and Waste Reduction, which calls for the recycling of construction and demolition materials in commercial and public construction projects. As described in Section 2.0, Project Description, a minimum of 50 percent, by weight, of the solid waste generated would be diverted from landfill disposal through re-use and recycling. Therefore, construction of the Project would not conflict with the BAAQMD 2017 Clean Air Plan. This construction-related impact would be **less than significant.**

Impact AIR-2: Net Increase in Criteria Pollutants

Impact AIR-2 would be **potentially significant**. However, with implementation of mitigation measure MM-AIR-2 the impact would be reduced to **less than significant with mitigation**.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

The BAAQMD has prepared CEQA Air Quality Guidelines to assist in the evaluation of air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements; and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and GHG emissions. In June 2010, the BAAQMD's Board of Directors adopted CEQA thresholds of significance and an update of the BAAQMD CEQA Guidelines. These thresholds are designed to establish the level at which the BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA.

In May 2011, the updated BAAQMD CEQA Air Quality Guidelines were amended to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts; however, this later amendment regarding risk and hazards was the subject of the December 17, 2015 California Supreme Court decision California Building Industry Association v BAAQMD, which clarified that CEQA does not require an evaluation of impacts of the environment on a project. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA. To account for these updates, the BAAQMD published a newer version of its CEQA Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The BAAQMD is also currently in the process of updating its CEQA Guidelines.

The following sections describe the BAAQMD thresholds of significance to analyze the Project's impact with respect to air quality per the BAAQMD May 2017 CEQA Guidelines. BAAQMD has stated that its CEQA Guidelines are for informational purposes only and should be followed by local governments at their own discretion (BAAQMD 2017a). The BAAQMD CEQA Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or the BAAQMD to any specific course of action. The thresholds for criteria pollutants were developed through a quantitative examination of the efficacy of fugitive dust mitigation measures and a quantitative examination of statewide nonattainment emissions and are used for the analysis of project-generated emissions.

Table 3.2-4 presents the BAAQMD-recommended thresholds of significance for construction-related and operations-related criteria air pollutant and precursor emissions. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If daily average or annual emissions of construction-related or operational criteria air pollutants or precursors would exceed any applicable threshold listed in Table 3.2-4, the Project would result in a cumulatively significant impact.

Table 3.2-4 Average Daily and Annual Criteria Pollutant Emissions Thresholds

Pollutant	Construction Phase	Operational Phase	
	Average Daily Emissions (lb/day)	Average Daily Emissions (lb/day)	Maximum Annual Emissions (tons/year)
ROG [1]	54	54	10
NO_x [1]	54	54	10
PM_{10}	82 (exhaust)[2]	82	15
$PM_{2.5}$	54 (exhaust)[2]	54	10

Source: BAAQMD 2017a

Notes: ROG = reactive organic gases; NO_x = nitrogen oxides; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter.; lb/day = pounds per day

[1] ROG and NOx are not criteria air pollutants; however, they are criteria pollutant precursors that form ozone through chemical and photochemical reactions in the atmosphere. Since ozone is not directly emitted, thresholds of significance have been established for these ozone precursors.

[2] The BAAQMD does not have quantitative mass emissions thresholds for fugitive PM_{10} and $PM_{2.5}$ dust. Instead, the BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable best management practices, including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines (BAAQMD 2017a).

Impact Analysis

By its very nature, air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development within the SFBAAB, and this regional impact is cumulative rather than being attributable to any one source. A project's emissions may be individually limited, but cumulatively considerable when taken in combination with past, present, and future development projects.

Construction emissions are described as "short-term" or temporary; however, they have the potential to represent a significant impact with respect to regional and localized air quality. Project demolition would temporarily generate emissions of ROGs, NO_X, PM_{10}, and $PM_{2.5}$. ROGs and NO_X emissions are associated primarily with mobile equipment exhaust, including off-road construction equipment and on-road motor vehicles. Fugitive PM dust emissions are associated primarily with site preparation and materials handling and vary as a function of parameters such as soil silt content, soil moisture, wind speed, acreage of disturbance area, and the miles traveled by construction vehicles on- and off-site. Earthmoving and material-handling operations would be the primary sources of fugitive PM dust emissions from project construction activities.

As described in more detail in Section 2, "Project Description," demolition is expected to begin in 2021 and last approximately 12 to 15 months. Emissions associated with typical construction activities were modeled using the California Emissions Estimator Model (CalEEMod), Version 2016.3.2. CalEEMod allows the user to enter project-specific construction information, such as types, number, and horsepower of construction equipment, and number and length of off-site motor vehicle trips. Based on the anticipated demolition activities, it is estimated that approximately 37,500 cubic yards of demolition debris would be hauled from the Project site, requiring approximately 2500 trucks and generating 5,000 truck trips. Following removal of all demolition and debris, the building footprint would be backfilled with clean fill, graded level, and hydroseeded with grass. An estimated 2,500 cubic yards of clean fill would be imported to the Project site, requiring approximately 160 trucks and generating 320 truck trips. It is estimated that demolition activities would require between 20 and 40 construction personnel per day. Additional modeling assumptions and details are provided in Appendix C.

As shown in Table 3.2-5, construction-related emissions associated with the Project would not exceed the average daily thresholds of significance. Because construction-related exhaust emissions would not exceed the significance thresholds, the Project would not result in a cumulatively considerable net

increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

Table 3.2-5 Construction-Related Total and Average Daily Criteria Air Pollutant Emissions

Construction Year	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Total Emissions (tons)	0.87	3.05	0.10	0.09
Average Daily Emissions (lb/day)[1]	**6.93**	**24.22**	**0.80**	**0.75**
Thresholds of Significance	54	54	82	54
Exceeds Threshold?	No	No	No	No

Notes: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
[1] Average daily emission estimates are based on approximately 252 construction workdays (12 months of construction, 21 working days per month). As a conservative approach, the maximum construction period (15 months) was used to calculate total emissions, and the minimum construction period was used to calculate average daily emissions.
lb/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter.

As described above, the BAAQMD does not have quantitative mass emissions thresholds for fugitive PM_{10} and $PM_{2.5}$ dust. Instead, the BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable best management practices (BMPs), including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines (BAAQMD 2017a). Fugitive dust emissions are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust control during construction. Construction-related impacts from the Project would therefore be **potentially significant**. Mitigation Measure MM-AIR-2 is recommended to address this potentially significant impact.

Mitigation Measures

The following mitigation measure is recommended to reduce impacts to criteria pollutants:

MM-AIR-2: Fugitive Dust Reduction Measures

The construction contractor shall comply with the following BAAQMD BMPs for reducing construction emissions of uncontrolled fugitive dust (PM_{10} and $PM_{2.5}$):

a) *All exposed surfaces (e.g., parking areas, staging areas, soil piles, stockpiles, graded areas, and unpaved access roads) shall be watered twice daily, or as often as needed, treated with non-toxic soil stabilizers, or covered to control dust emissions. Watering should be sufficient to prevent airborne dust from the leaving the site.*

b) *All haul trucks transporting soil, sand, or other loose material off site shall be covered.*

c) *All visible mud or dirt track-out onto adjacent public roads and paved access roads shall be removed using wet power (with reclaimed water, if possible) vacuum street sweepers at least once per day, or as often as needed. The use of dry power sweeping is prohibited.*

d) *All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.*

e) *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*

f) *Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 13 CCR Section 2485). Clear signage shall be provided for construction workers at all access points.*

g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

h) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number also shall be visible to ensure compliance with applicable regulations.

The County of Santa Clara project manager or his/her designee shall verify compliance that these measures have been implemented during normal construction site inspections.

As explained previously, fugitive dust emissions are considered to be significant unless the Project implements the BAAQMD's BMPs for fugitive dust control during construction. MM-AIR-2 would require implementation of the BAAQMD's BMPs to minimize fugitive dust emissions from Project-related construction activities; therefore, Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard. Implementation of MM-AIR-2 would therefore reduce Project impacts from fugitive dust emissions to **less than significant with mitigation.**

Impact AIR-3: Exposure of Sensitive Receptors to Pollutants

Impact AIR-3 would be **less than significant**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would expose sensitive receptors to substantial pollutant concentrations.

Some members of the population are especially sensitive to air pollutant emissions and should be given special consideration when evaluating air quality impacts from projects. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants, such as schools and residences. The nearest sensitive receptors would be residences[3] located approximately 150 feet east across North 1st Street. Other sensitive receptors in the area include the Muwekma Ohlone Middle School, approximately 500 feet to the west of the Project site.

Impact Analysis

Construction-related Project activities would result in emissions of criteria air pollutants and toxic air contaminants.

As shown in Table 3.2-5, construction-related activities would result in emissions of criteria air pollutants, but at levels that would not exceed the BAAQMD regional thresholds of significance. The regional thresholds of significance were designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards. The ambient air quality standards were established using health-based criteria to protect the public with a margin of safety from adverse health impacts due to exposure to air pollution.

The Project is estimated to generate 3 tons of NO_x in 2021. As discussed above, NO_x is an ozone precursor. Individuals exercising outdoors, children, and people with lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible subgroups for ozone effects. Short-term ozone exposure (lasting for a few hours) can result in changes in breathing patterns, reductions in breathing capacity, increased susceptibility to infections, inflammation of lung tissue, and some immunological changes. Chronic exposure to high ozone levels can permanently damage lung tissue (BAAQMD 2017a). Because of the reaction time and other factors involved in ozone formation,

[3] Although the County intends to create a Temporary Housing Shelter within the driveway of the Project site (i.e., within 50 feet of construction operations) prior to commencement of the Former City Hall Project, the County would cease operations at the shelter during Project construction and the temporary residents of the shelter would be relocated (Barry, 2020).

ozone is considered a regional pollutant that is not linearly related to emissions (i.e., ozone impacts vary depending on the location of the emissions, the location of other precursor emissions, meteorology, and seasonal impacts). Peak ozone concentrations often occur far downwind of the precursor emissions. Thus, ozone is considered a regional pollutant that often affects large areas. There currently is no way to accurately quantify ozone-related health impacts from NOx emissions from small projects. These limitations are due to photochemistry and regional model limitations; it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels. However, because the BAAQMD regional thresholds of significance for NO_x and other ozone precursors were established with these factors in mind, the Project's compliance with the BAAQMD thresholds indicates that the Project's NO_x emissions would not expose sensitive receptors to substantial concentrations of ozone.

As discussed previously, construction activities associated with the Project would also result in toxic air contaminant emissions. The greatest potential for toxic air contaminant emissions would be related to diesel particulate matter (diesel PM) emissions associated with heavy-duty construction equipment operations. The Office of Environmental Health Hazard Assessment developed a *Guidance Manual for Preparation of Health Risk Assessments* (Office of Environmental Health Hazard Assessment 2015). According to the guidance manual's methodology, health impacts from carcinogenic toxic air contaminants are usually described in terms of individual cancer risk, which is based on a 30-year lifetime exposure to toxic air contaminants. Construction activities are anticipated to last approximately 10 to 12 months (less than 4 percent of the total exposure period used for typical health risk calculations [i.e., 30 years]) and would cease following completion of demolition and site rehabilitation activities. Further, construction activities would occur intermittently throughout the day and would not serve as a constant source of emissions from the Project site. As discussed previously, construction activities would occur at a minimum of 150 feet from the nearest residences and approximately 500 feet from Muwekma Ohlone Middle School. Emissions associated with construction activities would vary day to day and would also occur at varying distances from the nearest sensitive receptors, depending of the location of machinery and equipment within the Project site. For example, the center of the proposed staging area within the former footprint of the demolished Annex building is approximately 500 feet from the nearest residence and more than 800 feet from the middle school property. Concentrations of mobile source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet from freeways, which are continuous emission sources (CARB 2005), unlike the Project construction activities. Studies also indicate that diesel PM emissions and the relative health risk can decrease substantially within 300 feet (CARB 2005; Zhu et al. 2002). Thus, considering the intermittent nature of the emissions, the short duration of the exposure period, and the distance of sensitive receptors from the demolition footprint and staging areas, the Project is not anticipated to expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants. Thus, the construction-related impact would be **less than significant**.

Impact AIR-4: Other Emissions Including Those Leading to Odors

Impact AIR-4 would be **less than significant**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Impact Analysis

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. Although offensive odors rarely cause any physical harm, they can be very unpleasant, leading to considerable distress among the public, and causing citizens to submit complaints to local governments and regulatory agencies. Typical

facilities that generate odors include wastewater treatment facilities, sanitary landfills, composting facilities, petroleum refineries, chemical manufacturing plants, and food processing facilities.

During Project-related construction activities, construction equipment exhaust and hazardous materials abatement activities may temporarily generate odors. The Project would use typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Additionally, odors would be confined to the immediate vicinity of the construction equipment. Furthermore, nuisance odors are regulated under the BAAQMD's Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. Regulation 7 places general limitations on odorous substances, and specific emission limitations on certain odorous compounds. Therefore, the Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and impacts during construction would be **less than significant**.

3.2.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts[4] relating to Air Quality:

- **Impact C-AIR-1:** Contribution to cumulative effects related to conflict with or obstruct implementation of an applicable air quality plan or net increases of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.
- **Impact C-AIR-2:** Contribution to cumulative effects related to exposure of sensitive receptors to substantial pollutant concentrations or other emissions (such as those leading to odors).

Cumulative Impact C-AIR-1: Conflict with Air Quality Plan or Net Increases in Criteria Pollutants

The overall cumulative impact for C-AIR-1 would be **potentially significant**. However, with implementation of MM-AIR-2, the Project's contribution would be **less than significant with mitigation.**

Cumulative Context

This section describes the potential cumulative air quality impacts resulting from the Project in conjunction with past, present, and future projects. The geographic scope for the cumulative analysis of air quality impacts C-AIR-1 is considered to be the SFBAAB. It is appropriate to consider the entire air basin because air emissions can travel substantial distances and are not confined by jurisdictional boundaries; rather, they are influenced by large-scale climatic and topographical features. Although some air quality emissions can be localized, such as a CO hot spot or odor, the overall consideration of cumulative air quality is typically more regional. By its very nature, air pollution is largely a cumulative impact.

Cumulative Impact Analysis

As described above, the SFBAAB is in nonattainment of ozone, PM_{10}, and $PM_{2.5}$ with respect to the CAAQS. The nonattainment status of regional pollutants is a result of past and present development in the SFBAAB, and this regional impact is cumulative rather than attributable to any one source and is **potentially significant.**

Cumulative projects throughout the air basin would generate construction and operational air emissions that could contribute to regional air quality impacts. Generally, projects that are consistent with the applicable planning documents used to formulate the Clean Air Plan and State Implementation Plan would not produce emissions beyond what is forecast and would not hinder the ability to meet air quality standards.

A project's emissions may be individually limited, but cumulatively considerable when taken in combination with past, present, and future development projects. As discussed in relation to project-level

[4] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-AIR-1 addresses the same issues as project-level impacts AIR-1 and AIR-2, while cumulative impact C-AIR-2 addresses the same issues as project-level impacts AIR-3 and AIR-4.

impacts AIR-1 and AIR-2, the thresholds of significance are relevant to whether a project's individual emissions would result in a cumulatively considerable incremental contribution to the existing cumulative air quality conditions. If a project's emissions would be less than those threshold levels, the project would not be expected to result in a cumulatively considerable incremental contribution to the significant cumulative impact (BAAQMD 2017a).

Construction-related emissions of the Project would not exceed the thresholds of significance recommended by the BAAQMD. These thresholds are designed to identify those projects that would result in significant levels of air pollution, and to assist the region in attaining the applicable CAAQS and NAAQS. As mentioned in the BAAQMD CEQA Guidelines, the thresholds represent levels above which a project's individual emissions would be a cumulatively considerable contribution to the SFBAAB's existing air quality conditions (BAAQMD 2017a). In addition, with implementation of MM-AIR-2, the Project would also not generate any substantial fugitive dust emissions. Furthermore, after demolition of the building, ongoing operational emissions at the Project site associated with maintenance and security activities would cease. Therefore, in relation to the potentially significant cumulative impacts on criteria air pollutants or conflicts with applicable air quality plans, the Project's incremental contribution would not be cumulatively considerable. Therefore, the Project would have a **less than significant with mitigation** cumulative impact with regard to C-AIR-1.

Cumulative Impact C-AIR-2: Exposure of Sensitive Receptors to Pollutants or Other Emissions

The overall cumulative impact for C-AIR-2 would be **less than significant.** No mitigation is required.

Cumulative Context

The geographic context for the cumulative analysis of air quality impact C-AIR-2 would be the immediate vicinity of the Project site. The temporal context would include those probable future projects that have the potential to emit pollutants or other emissions that could result in exposure of the same sensitive receptors as the Project during the same time period.

Cumulative Impact Analysis

None of the cumulative projects identified in Section 3.1.2 would involve construction within one-half mile of the Project site during the Project's 10- to 12-month construction period; therefore, there is no potential for criteria pollutant, toxic air contaminants, or odorous emissions from the Project to combine with other nearby construction emissions to adversely affect nearby sensitive receptors. Therefore, the potential for the cumulative projects, including the proposed Project, to result in a cumulative impact with regard to C-AIR-2 would be **less than significant.**

3.3 Biological Resources

This section describes the existing biological setting of the project area and evaluates whether the Project would result in adverse effects on biological resources. The following comment relating to biological resources was received during the public scoping period in response to the Notice of Preparation:

- A request to include suggested mitigation measures to reduce potential impacts to nesting birds in the vicinity of the Project site (refer to Letter 1 in Appendix A for full text of scoping comment).

3.3.1 Environmental Setting

The Project site is situated on flat land in an urban portion of the City of San José and is completely developed with buildings, hardscape, and landscape areas. Vegetation within landscaped areas is comprised of sod, various ornamental shrubs, various ornamental tree species, as well as sycamore trees (*Platanus occidentalis*), coast redwood trees (*Sequoia sempervirens*), and pine trees (*Pinus* spp.). No natural habitats occur on site. The Project site is surrounded by developed land. The nearest natural habitat and National Wetland Inventory feature to the Project site, approximately 0.3 mile west, is the Guadalupe River, which is separated from the Project site by Highway 87 (Guadalupe Parkway). No other hydrologic features occur within the project area.

3.3.2 Regulatory Framework

Federal

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 makes it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter any migratory bird, or the parts, nests, or eggs of such bird, except under the terms of a valid federal permit. Migratory bird species protected by the act are listed in the Code of Federal Regulations (CFR) in 50 CFR Part 10.13. The U.S. Fish and Wildlife Service has statutory authority for enforcing the Migratory Bird Treaty Act (16 United States Code Sections 703-712).

Federal Endangered Species Act Section 7

The Federal Endangered Species Act of 1973 (ESA) (16 United States Code Section 1531 et seq.) provides a regulatory program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The U.S. Fish and Wildlife Service and National Marine Fisheries Service are the lead agencies responsible for implementing the ESA. The U.S. Fish and Wildlife Service maintains a list of endangered species that includes birds, insects, fish, reptiles, mammals, crustaceans, plants, and trees. Section 7 of the ESA requires federal agencies to consult with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service for any actions that they authorize, carry out, or fund, that may jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. The ESA prohibits any action that would cause the take of any listed species of endangered fish or wildlife.

State

California Endangered Species Act

The California Endangered Species Act (CESA) conserves and protects animals at risk of extinction. Plants and animals may be designated as threatened or endangered under CESA after a formal listing process by the California Fish and Game Commission. A CESA-listed species may not be killed, possessed, purchased, or sold without authorization from the California Department of Fish and Wildlife.

California Fish and Game Code Fully Protected Species

Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code designate 37 species of wildlife as Fully Protected in California. Fully Protected species may not be taken or possessed at any time, and no licenses or permits may be issued for their take, except for the authorized collection of these species for necessary scientific research and relocation of bird species for the protection of livestock.

California Fish and Game Code Section 2081 Incidental Take Permits

Section 2081(b) of the California Fish and Game Code allows the California Department of Fish and Wildlife to authorize take of CESA-listed species categorized as endangered, threatened, candidate, or rare plant species if that take is incidental to otherwise lawful activities, and if certain conditions are met. Section 2081(b) permits are commonly referred to as an Incidental Take Permit.

Local

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities pursuant to ESA and CESA (Santa Clara Valley Habitat Agency 2012). The plan provides Endangered Species Act and California Endangered Species Act compliance for specific activities within the plan area, which includes the Project site. The plan is administered by the Santa Clara Valley Habitat Agency and is a regional partnership among six local partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two wildlife agencies (California Department of Fish and Wildlife and U.S. Fish and Wildlife Service). The plan enables local agencies to allow covered projects and activities to occur in endangered species' habitats. In exchange, those projects and activities must incorporate prescribed measures to avoid, minimize, or compensate for adverse effects on natural communities and endangered species.

County of Santa Clara Tree Ordinance

The County of Santa Clara Ordinance Code, Division C16, *Tree Preservation and Removal,* requires an administrative permit or encroachment permit for removal of any protected tree on any private or public property in unincorporated Santa Clara County or on any other land owned or leased by the County. The ordinance defines a protected tree as including the following:

- Any heritage tree that the County Board of Supervisors has included on the County's heritage resource inventory.
- Any tree on any property owned or leased by the County that measures over 37.7 inches in circumference (12 inches or more in diameter) measured 4.5 feet above the ground, or which exceeds 20 feet in height.
- Any tree, regardless of size, within road rights-of-way and easements of the County anywhere in Santa Clara County.

3.3.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to biological resources:

- **Impact BIO-1:** Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species?
- **Impact BIO-2:** Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community?
- **Impact BIO-3:** Would the Project have a substantial adverse effect on state or federally protected wetlands?

- **Impact BIO-4:** Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species?
- **Impact BIO-5:** Would the Project conflict with any local policies or ordinances protecting biological resources?
- **Impact BIO-6:** Would the Project conflict with the provisions of an approved local, regional, or state habitat conservation plan?

Impact BIO-1: Impacts to Candidate, Sensitive, or Special Status Species

Impact BIO-1 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Impact Analysis

Special-Status Plants

As discussed previously, the project site is developed, and the entirety of the site is either paved or landscaped. There is no potential for special-status plant species to occur in the sod present on site. Therefore, the project would have **no impact** on special-status plant species.

Special-Status Wildlife

A desktop analysis was conducted to identify suitable special-status wildlife species in the vicinity of the project site. Google Maps and Google Earth were used to aerially identify potential habitats that may be affected by the Project. In addition, the following online resources were used to identify special-status wildlife species with the potential to occur on or near the project site:

- Information for Planning and Consulting (iPAC) (U.S. Fish and Wildlife Service 2020)
- California Natural Diversity Database (CNDDB 2020): The search area consisted of a 5-mile buffer on the project site.

Table 3.3-1 lists those special-status animal species with potential to occur at the project site, their status under federal and state law, and whether suitable habitat for each species is present at the Project site. As shown in Table 3.3-1, the Project site does not provide suitable habitat for any of the special-status animal species identified during the records search. Because there is no suitable habitat for special-status species, the Project would have **no impact** on special status wildlife species**.**

Table 3.3-1 Special-Status Species Potential to Occur in the Project Area

Common Name	Scientific Name	Status	Habitat Present
Invertebrates			
Western bumble bee	*Branchinecta conservatio*	SE (Candidate)	None
San Bruno elfin butterfly	*Callophrys mossii bayensis*	FE	None
Birds			
Tricolored blackbird	*Agelaius tricolor*	ST, SSC	None
Burrowing owl	*Athene cunicularia*	SSC	None
California ridgeway's rail	*Rallus obsoletus*	FE, SE	None
California least tern	*Sternula antillarum browni*	FE, SE	None
Reptiles			
Western pond turtle	*Emys marmorata*	SSC	None
Amphibians			
California tiger salamander	*Ambystoma californiense*	FT, ST	None
California red-legged frog	*Rana draytonii*	FE, SSC	None
Fish			
Delta smelt	*Hypomesus transpacificus*	FT, ST	None
Steelhead – Central California Coast DPS	*Oncorhynchus mykiss irideus*	FT	None

Status:

Federal

FE – listed as Endangered under the Federal Endangered Species Act

FT – listed as Threatened under the Federal Endangered Species Act

State

SE – Listed as Endangered under the California Endangered Species Act

ST – Listed as Threatened under the California Endangered Species Act

SSC – State species of special concern

FP – Fully protected under California Fish and Game Code

Impact BIO-2: Impacts to Riparian Habitat or Other Sensitive Natural Communities

Impact BIO-2 would be **no impact**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Impact Analysis

No riparian habitat or other sensitive natural communities are located on the project site; therefore, Project construction or operation would not disturb any such areas. The Project would not alter or impact the Guadalupe River, which is the nearest natural area to the project site, because the Guadalupe River is 0.3 mile from the project and is separated from the project by Highway 87 (Guadalupe Parkway). The project would therefore have **no impact** on riparian habitat or other sensitive natural communities.

Impact BIO-3: Impacts to State or Federally Protected Wetlands

Impact BIO-3 would be **no impact**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Impact Analysis

No state or federally protected wetlands are located on the project site; therefore, Project construction or operation would not disturb any such areas. The project would not alter or impact the Guadalupe River, which is the nearest National Wetland Inventory feature to the project site because the Guadalupe River is 0.3 mile from the project and is separated from the project site by Highway 87 (Guadalupe Parkway). The Project would therefore have **no impact** on state or federally protected wetlands.

Impact BIO-4: Impacts to Fish or Wildlife Movement, Migration or Nursery Sites

Impact BIO-4 would be **potentially significant**. With implementation of mitigation measure MM-BIO-4 the impact would be reduced to **less than significant with mitigation**.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Impact Analysis

There are no water bodies, documented migratory wildlife corridors, or wildlife nursery sites on the project site or in the vicinity of the project site. The nearest wildlife corridor is the Guadalupe River, which is approximately 0.3 mile west of the Project site and separated from the project by Highway 87 (Guadalupe Parkway). Resident and migratory waterfowl are not anticipated to use the Project site because it is already developed and contains no waterbodies or other habitat frequented by such species.

Bat Species
None of the windows in the former City Hall are missing or broken and there are no eaves or overhanging architectural features. Therefore, the building is not likely to be used as roosting habitat by bat species that may be migrating through the area. Because no bat roosting habitat would be disturbed, the Project would have **no impact** on common or special-status bat species.

Common Nesting Birds
The various ornamental shrubs, ornamental trees, sycamore trees, coast redwood trees, and pine trees on the project site may provide suitable habitat for common nesting birds, such as house finch, mourning dove, common raven, and other birds that typically occupy urban environments. As discussed in the regulatory section, these birds, their nests, and eggs are protected under the Migratory Bird Treaty Act. Noise and vibration from proposed demolition activities associated with the Project could disturb birds that are nesting on and near the Project site. The impact to nesting birds would be **potentially significant.** Mitigation measure MM-BIO-4, detailed below, is recommended to address this potentially significant impact.

Mitigation Measures

The following mitigation measure is recommended to reduce impacts to nesting birds:

MM-BIO-4: Nesting Bird Avoidance Measures

To the extent practicable, demolition activities and any tree trimming/removal shall be performed from September 16 through January 14 to avoid the general nesting period for birds. If demolition or construction cannot be performed during this period, nesting bird surveys and active nest buffers (as necessary) will be implemented as follows:

- *Nesting Bird Surveys: If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist will conduct two surveys for active nests of such birds within 14 days prior to the beginning of project construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 50 feet for passerines; ii) 300 feet for raptors. Surveys should be conducted at the appropriate times of day and during appropriate nesting times.*
- *Active Nest Buffers: If the qualified biologist documents active nests within the project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction should be established. The buffer should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should conduct baseline monitoring of the nest to characterize "normal" bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist should monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman should have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.*

MM-BIO-1 would protect nesting birds by ensuring that all active nests with the potential to be impacted by construction noise or human presence would be identified, appropriate avoidance buffers would be applied to active nests, and biologists would monitor active nests and bird behavior during construction so that the effectiveness of the buffer zone can be determined and the buffer distance can be adjusted if needed. Given the urban setting of the Project and presence of visual barriers such as other buildings in the vicinity of the construction zone, the minimum search radii specified in MM-BIO-4 (50 feet for passerines and 300 feet for raptors) are considered appropriate to reduce potential disturbance of nesting birds to a less than significant level.

With the implementation of MM-BIO-1, proposed demolition of the former City Hall and associated activities would not interfere with the movement of species or impede the use of nursery sites, and potential Project impacts would be reduced to **less than significant with mitigation.**

Impact BIO-5: Conflict with Local Policies or Ordinances Protecting Biological Resources

Impact BIO-5 would be **no impact**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Analysis

Existing trees would be protected from damage during demolition, except for 10 ornamental trees immediately adjacent to the westernmost portion of the building, which would be removed to allow access for demolition equipment. None of the trees planned for removal are oak trees or would be defined as heritage trees. None of these trees are within County easements or road rights-of-way, but are on property owned by the County. Therefore, the County's Tree Ordinance would require issuance of an administrative permit prior to removing any tree that measures over 37.7 inches in circumference (12

inches or more in diameter), measured 4.5 feet above the ground, or that exceeds 20 feet in height. The administrative permit application would include a replanting plan for all trees to be removed, which must include a detailed description of replacement trees. Because the Project would not conflict with any applicable local policies or ordinances protecting biological resources, there would be **no impact.**

Impact BIO-6: Conflict with Habitat Conservation Plans or Natural Community Conservation Plans

Impact BIO-6 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact Analysis

The Project site is within the Santa Clara Valley Habitat Plan permit area. However, because the project site is already developed and is within an urban area, the Project would not be a "covered project" under the Habitat Plan. As such, the project is not expected to conflict with the Santa Clara Valley Habitat Plan. There would be **no impact.**

3.3.4 Cumulative Impacts and Mitigation

As discussed in Section 3.3.3 above, the Project would have no impact on special status species, riparian habitats or sensitive communities, state or federally protected wetlands, or conflict with a local tree preservation ordinance or a habitat conservation plan. Therefore, the Project would not contribute to potential cumulative impacts on biological resources or conservation plans. The following discussion analyzes the potential of the Project to contribute to cumulative impacts for the following biological resource impacts where the Project would have a less-than-significant or potentially significant impact:

- **Impact C-BIO-1:** Contribution to cumulative effects on fish or wildlife movement, migration or nursery sites

Cumulative Impact C-BIO-1: Impacts to Fish or Wildlife Movement, Migration or Nursery Sites

The overall cumulative impact for C-BIO-1 would be **less than significant.**

Cumulative Context

As discussed for Impact BIO-4 in Section 3.3.3 above, the Project would only have biological resource impacts on common resident and nesting birds in the vicinity of the project site during the construction period. The context for analysis of cumulative impacts is therefore limited to those past, present, and probable future projects that would also have impacts to the same types of common resident and nesting birds or removal of trees within the City of San José city limits.

Cumulative Impact Analysis

The cumulative projects that may result in potential impacts to common resident and nesting birds would be subject to applicable federal, state, regional, and local regulations discussed previously in Section 3.3.2, and would also be required to implement typical nesting bird avoidance measures, similar to those described for the project in **MM-BIO-4**. Because these standard avoidance measures would reduce the impacts of all cumulative projects, the overall cumulative impact to common resident and nesting birds in the City of San José would be **less than significant**.

3.4 Cultural Resources

This section describes the existing cultural resources setting of the Project area and evaluates whether the Project would result in significant impacts on cultural resources. The following comments relating to cultural resources were received during the public scoping period in response to the Notice of Preparation:

- Information was provided regarding the historical context of Modernism, including the former City Hall, within San José.
- Concern that the proposed demolition would constitute an irreversible, substantial adverse change to the historical resource.
- Concern regarding cumulative effects related to the previous loss of, and current/future threats to, mid-century buildings in San José, many of which have not been inventoried or protected.
- Additional comments relating to potential alternatives that might reduce impacts to cultural resource are summarized and addressed in Section 4, Alternatives.

3.4.1 Environmental Setting

Methodology

CEQA Study Area for Project-related Cultural Resources Impacts

For the purposes of this study, the CEQA Study Area for Project-related impacts to cultural resources includes the Project site and all areas where potential ground disturbance would occur to account for potential direct impacts and the immediate surroundings of the Project site to account for potential indirect impacts. Direct impacts include physical alteration of a resource, and indirect impacts include visual, auditory, or atmospheric intrusions on a resource. This CEQA Study Area is illustrated in Figure 3.4-1.

Background

Several previous cultural resources studies that overlap with the CEQA Study Area provide information regarding baseline conditions. Most recently, the EIR prepared for the Santa Clara County Civic Center Master Plan (County of Santa Clara 2018b) identified the Project area as part of “Site D” of the Master Plan area and included an analysis of cultural resources that covered the current Project area. The Master Plan EIR identified both archaeological and historic architectural resources that were evaluated for eligibility for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR), and as potential Santa Clara County Landmarks to determine whether resources qualified as historical resources for the purposes of CEQA.

For the Master Plan EIR analysis of historical resources impacts, Carey & Co., Inc. prepared the *Santa Clara Civic Center Draft Historical Resources Technical Report* in 2017. The report included information on other previous studies and evaluated additional resources in the Master Plan area. This report is referenced below in Section 3.4.1 under the subheading “Historical Resources.”

As part of the Master Plan EIR analysis, Holman & Associates conducted a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS) in 2017 to identify potential archaeological deposits in the Master Plan area and an additional 0.25-mile buffer area. The records search results are discussed below under the subheading “Archaeological Resources.”

Identification of Cultural Resources

Recent surveys and evaluations provided comprehensive information on cultural resources in the CEQA Study Area, including sufficient identification methods and evaluations as defined in Section 16054.5 of the CEQA Guidelines (see Section 3.4.2 below for more information). For the purposes of this study, previous surveys and evaluations were reviewed for consistency with current conditions. Historical resources and archaeological resources in the CEQA Study Area are discussed in the following sections.

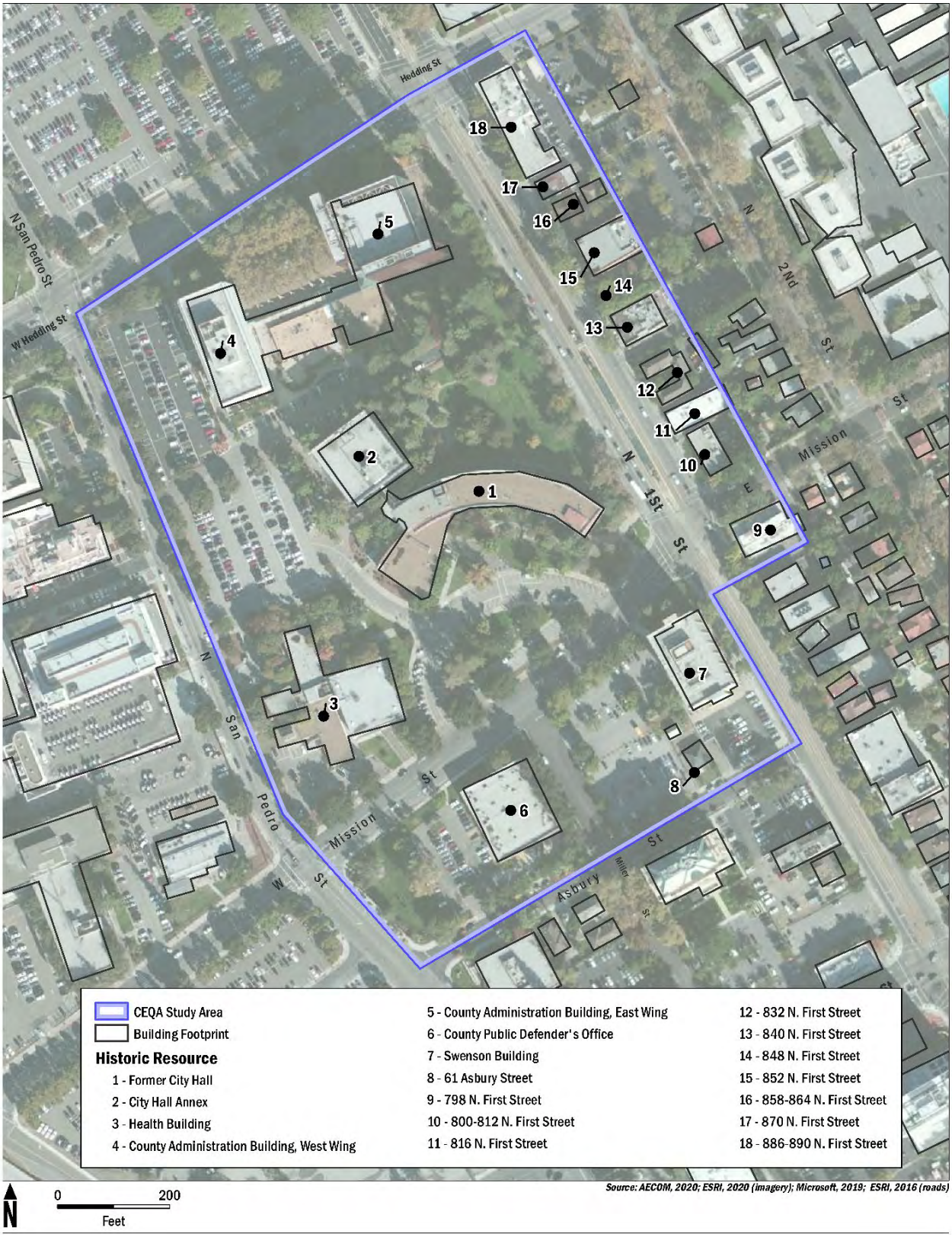


Figure 3.4-1 CEQA Study Area for Cultural Resources

Historical Resources

Archival Research

In 1982, Basin Research Associates conducted a cultural resources survey of the Civic Center for a street widening project and recorded four Civic Center buildings on California Department of Parks and Recreation (DPR) 523 forms in the current CEQA Study Area, including the former City Hall, the Health Building, and the County Administration Building West and East Wings. None of the buildings were found eligible for listing in the NRHP. The survey attempted to identify the location of California Historical Landmark (CHL) No. 433, the first site of *El Pueblo de San José de Guadalupe* (CA-SCL-317H), which is recorded at the Civic Center property, but did not identify any archaeological deposits (Busby 1982; Knapp & VerPlanck 2011; Holman & Associates 2017).

In 2007, Archives & Architecture completed the *Preliminary Historic Report: Former City Hall, Annex, and Health Building* for the City of San José, in which the three buildings at the Civic Center were evaluated for eligibility under the NRHP, CRHR, and City of San José Historic Preservation Ordinance criteria. Archives & Architecture also recorded these three buildings on DPR 523 forms. The report included a comprehensive historic context related to San José's administrative history and the development of the Civic Center, including the design, commission, and construction of the former City Hall, the Annex, and the Health Building. Archives & Architecture evaluated the former City Hall as eligible for listing in the NRHP/CRHR under Criterion A/1 for its representation of important community development in the history of San José; Criterion B/2 for its association with City Manager A.P. "Dutch" Hamann; and Criterion C/3 as a distinctive representative of Cold War-era Modern architecture. In addition, the former City Hall qualified as a City Historic Landmark. The Annex and the Health Building were evaluated as not eligible for listing in the NRHP or CRHR; however, the report stated that the Health Building would likely qualify for listing in the City's Historic Resources Inventory as a Structure of Merit (Archives & Architecture 2007). The 2007 report also mentioned the commemoration plaque for CHL No. 433 (Archives & Architecture 2007).

In 2009, PAST Consultants conducted extensive research and compiled the *Historic Context Statement for San José Modernism* on behalf of the Preservation Action Council of San José. The context statement included contextual information related to the development of the Santa Clara Civic Center and the former City Hall. It established the significance of Modern architectural design and property types in San José (PAST 2009).

In 2011, Knapp & VerPlanck prepared the *Historic Resource Evaluation: Former San José City Hall, City Hall Annex, and Health Services Building* for the County, building on Archives & Architecture's 2007 preliminary evaluation. The three buildings were reevaluated for NRHP and CRHR eligibility and evaluated under the County Heritage Resource Inventory criteria. Knapp & VerPlanck conducted a Northwest Information Center records search and other research to develop additional historic architectural context related to regional Modernist architecture in the Bay Area and San José based on the 2009 Modernism Historic Context Statement. The report also included a detailed architectural description and a landscape assessment. Knapp & VerPlanck concluded that the former City Hall was eligible for listing under NRHP/CRHR Criterion A/1 for its association with the transformation of San José from an agricultural and horticultural outpost into a major metropolis focused on high technology manufacturing, research and development; Criterion B/2 for its association with Hamann; and C/3 as a very early example of an International Style, glass curtain wall office building in the San Francisco Bay Area. The report further concluded that the former City Hall appears eligible for listing as a Santa Clara County Landmark under Historic Preservation Ordinance (Section C17-5) Designation Criteria A, B, and C (1), (2), and (3). According to the report, neither the Annex nor the Health Building met any of the NRHP, CRHR, or local criteria, conflicting with Archives and Architecture's 2007 statement that the Health Building might qualify for listing as a Structure of Merit. The 2011 report also mentioned the commemoration plaque for CHL No. 433 (Knapp & VerPlanck 2011).

In 2012, BFGC-IBI Group Architecture Planning prepared the *Evaluation of the Former San José City Hall Building Evaluation Analysis* to identify building deficiencies and recommend improvements and provided a cost estimate to retrofit the former City Hall to be reused as a "Class A" office building. For this study, the County retained Architectural Resources Group to evaluate design considerations for the building.

Architectural Resources Group contributed a list of the building's character-defining features and design and treatment recommendations to the 2012 report (BFGC-IBI 2012).

In 2013, the former City Hall was listed on the County Heritage Resource Inventory.

In 2017, Carey & Co., Inc. completed the *Santa Clara Civic Center Draft Historical Resources Technical Report* in support of the 2018 Master Plan EIR. The analysis identified the former City Hall as eligible and the Annex and Health Building as not eligible for listing in the NRHP and CRHR and as a Santa Clara County Landmark, as previously evaluated by Knapp & VerPlanck in 2011. In addition, Carey & Co. surveyed the Civic Center and additional areas for potential historical resources that may have been affected by the Master Plan. The report included evaluations and DPR 523 forms for 24 additional buildings surrounding the former City Hall; none were ultimately found eligible for the NRHP or CRHR or as a Santa Clara County Landmark. The 2017 survey covered the entirety of the current CEQA Study Area (Carey & Co. 2017).

Historic Context

The following context has been adapted from previous studies related to the history of San José, specifically its administrative history, its regional Modernist architecture, and the development of the Civic Center, to primarily focus on the historical significance of the former City Hall. Previous studies have identified several historical periods that outline broad historical themes of development in San José, including the Colonial Period (1777–1822), Mexican Period (1822–1846), Early American Period (1846–1869), Horticultural Expansion Period (1870–1918), Interwar Period (1918–1945), and Industrialization and Urbanization Period (1945–1991). For more comprehensive context statements on these themes, refer to the *Historical Overview and Context for the City of San José* (Laffey 1992), *Preliminary Historic Report: Former City Hall, Annex, and Health Building* (Archives & Architecture 2007), *San José Modernism Historic Context Statement* (PAST 2009), and *Historic Resource Evaluation: Former San José City Hall, City Hall Annex, and Health Services Building* (Knapp & VerPlanck 2011).

Development of San José

El Pueblo de San José de Guadalupe, the first civil Spanish settlement in Alta California, was established along the Guadalupe River in the area of the Santa Clara Civic Center in 1777. The pueblo was relocated to what is now downtown San José in the late 1780s or early 1790s, and the first known government building was an adobe built in 1798. During Spanish rule in the Colonial Period (1777-1822) followed by the Mexican Period (1822-1846), the pueblo remained the hub of a ranching community. During the Early American Period (1846–1869), the city was platted and the first city hall in San José was completed in 1855. The building had a Gothic-inspired façade until circa 1870, when it was remodeled in the Greek Revival style.

San José became the commercial hub of Santa Clara's Valley's developing agricultural economy during the Horticultural Expansion Period (1870–1918) and into the Interwar Period (1918–45). A new municipal government building opened in 1889 to serve San José's growing population, around 25,000, in 1900. The 1889 City Hall was constructed of brick and terracotta in the French Empire style. By the 1920s, the region was predominantly covered in orchards and fruit production peaked. The fruit industry, including spraying, processing, canning, packing and other operations, boomed. At the same time, San José's population and urban center grew as transportation improved and the region prospered. The City began annexing adjacent lands in the 1920s. Implementation of a major water conservation program, completion of the Bayshore Freeway, and the establishment of Moffett Field were major regional improvements in the 1930s that spurred additional urban growth. In the 1940s, response to World War II demands began the rise of new defense and technological industries in the region.

After World War II, during the early Industrialization and Urbanization Period (1945–1991), the pro-development County Board of Supervisors and City Council actively sought several national companies to establish new industrial facilities in Santa Clara County, an effort that would eventually transform it into Silicon Valley. In 1948, the City's first Six-Year Capital Improvement Plan prepared for significant future growth and included investment in city infrastructure and civic buildings. The regional economic base shifted from agricultural industries to defense and electronic industries by the 1960s, and the tech

industry boomed with the development of personal computers in the 1970s. Between 1950 and 1975, San José's population grew from 95,000 to over 500,000, and the City's area grew from 17 to over 120 square miles. San José's accelerated growth was due to the City's aggressive annexation program that encouraged suburban development to spread into unincorporated areas of the county. By 1969, San José's sentiments on growth shifted and a slow-growth majority was elected to the City Council. By 1973, the County Board of Supervisors, an early-adopter of "smart growth" principles, enacted land use policies that generally prohibited further urban development in the unincorporated areas of Santa Clara County. This resulted in directing new urban development to the various cities within Santa Clara County.

A.P. "Dutch" Hamann

San José's postwar-era annexation program was spearheaded by Anthony Peter "Dutch" Hamann, who served as City Manager from 1950 to 1969. The annexation program was part of Hamann's overall capital improvement plans to make San José the commercial and industrial leader of the region. In 1952, Hamann produced a report that was a blueprint for low-density suburban development, emphasizing automobile-related infrastructure, shopping centers, and municipal amenities away from downtown San José. To ameliorate traffic congestion, Hamann applied for funding from the Federal-Aid Highway Acts of 1952 and 1956 to construct the Sinclair Freeway, or Interstate 280, to tie San José into the larger regional highway system of the Bay Area. During Hamann's tenure as City Manager, municipal improvements included the expanded fire protection program, highway system, airport, wastewater treatment plant, parks, and library system.

Tensions between San José and other nearby Santa Clara County communities eventually developed because of San José's annexation policies that impeded the expansion of County services to unincorporated areas. As a result, the County adopted 17 different zoning ordinance and building code amendments to control development. In 1953, various municipalities in the county formed the Inter-City Council of Santa Clara County, a regional authority to regulate uncontrolled growth and oversee all zoning in the county. In 1963, the California State Legislature mandated a Local Agency Formation Commission for every county to control urban sprawl and the formation of new cities or annexations, which effectively ended Hamann's annexation program. By the end of 1969, 1,419 acres had been annexed to the city, increasing land values and tax revenues and transforming former agricultural lands into suburban enclaves. At that point, a slow-growth majority was elected to the City Council. Hamann retired on December 1, 1969.

Hamman created a new joint City/County Civic Center, which moved the government center from its historic location downtown closer to the rapidly growing high-tech corridor along North First Street. Under Hamann's leadership, the move reflected San José's transformation from an agricultural economy to the capital of Silicon Valley. From 1958 until his retirement in 1969, Hamann, along with George Starbird (mayor and later Councilman), worked in the new City Hall at North First Street and West Mission Street. The building exemplified Hamann's endeavors, which he described in 1960 as the "nerve center" of the city, an "arc-shaped, modern City Hall structure where modern ideas meet modern needs in an atmosphere conducive to big thinking to meet big problems."

Development of the Santa Clara County and City of San José Civic Center

The concept of a joint City and County civic center was first explored in the early 1930s, when Harland Bartholomew & Associates were commissioned to identify potential sites for that purpose. The firm recommended a site downtown near the existing City Hall, but plans for a new civic center were put on indefinite hold during the Depression. After World War II, the City and County revisited the idea for a joint civic center to meet long-range goals and a growing need for office space. In 1946, the County's Council on Intergovernmental Relations led by five local architects drafted a plan to meet space needs for the next few decades, which provided the framework for the new Civic Center plan. The new plan reflected the trend toward suburbanization and recommended consolidating City and County functions in multiple buildings in a campus setting with ample parking, somewhat removed from downtown, and near highways, preferably on a site along North First Street. In 1948, the City acquired a large tract along North First Street that was used for a truck farm and included 16 acres of vacant land. An additional planning report in favor of the North First Street site promoted a modern design with low- to mid-rise buildings that prioritized public accessibility and avoiding heavy traffic, while Harland & Bartholomew

prepared another report in 1951 that again recommended a downtown site. Tensions between the County and the City arose over the location of the new civic center. Although County voters approved the new location for County buildings on North First Street in 1950, City voters did not approve the relocation of City administration from downtown to North First Street until 1952. The County began construction in 1952, but tensions between the City and the County continued over the master planning of the site.

Once the North First Avenue site was approved, Hamann began analyzing the financial and programmatic parameters of relocating various municipal facilities to the new site. A proposed general obligation bond measure to fund the project required a two-thirds approval by City voters, and architects were invited to compete for the design of the new City Hall. City voters approved an almost $2 million bond measure to construct the new City Hall, and the City Council retained local architect Donald Francis Haines to design the building in 1955. The City Council also unanimously voted to demolish the existing 1889 City Hall building. In 1956, the City began construction of the new City Hall, Health Building, and Communications Building. Construction of the other government buildings followed City Hall, including the South Jail (1956), the Criminal – Legal Building (1956), Juvenile Detention Facilities (1957), and the County Business Office West Wing (1959). With the development of the new Civic Center, North First Street transformed from a residential road to a commercial artery. Houses were converted to medical, law, and real estate offices or other commercial uses, and others were replaced by contemporary buildings. The City/County Civic Center continued expansion into the 1970s, when the City built the City Hall Annex in 1974 and the County built the 11-story County Administration Building East Wing in 1976.

Donald Francis Haines, Architect

Donald Francis Haines was born in Hawaii in 1915 and graduated from the University of Minnesota with an architecture degree. His career began with Boyum, Schubert & Sorenson in LaCrosse, Wisconsin, primarily designing schools. During World War II, Haines worked for the U.S. Navy in Hawaii. After the war, he coordinated plans for Tripler Army Medical Center in Honolulu. In 1948, Haines relocated to Redwood City and worked as a project manager for the San Francisco-based architecture firm of Angus McSweeney, which specialized in large-scale housing projects and school buildings.

In 1953, Haines opened his own firm, Donald Francis Haines & Associates, in San José. Two years later, Haines received the commission for the new City Hall and the Police Garage at the Civic Center. In 1956, Haines moved his office to San Francisco and later opened a branch office in Stockton. In 1963, Haines gained a partner and the firm's name changed to Donald Francis Haines - Zaven Tatarian & Associates. The firm designed several notable government buildings, including the Daly City Civic Center in 1967, the Main Post Office in Oakland, and several university buildings at California Polytechnic State University in San Luis Obispo. Over the course of his career, Haines applied various Modernist styles, including International Style and New Formalist features, before he retired in 1970.

Modernism in Civic Center Design

Modernism was initially born from the desire for a new architecture to reflect the machine age and the shifting social and political spheres in post-World War I Europe during the 1920s and 1930s. The aesthetic focused on light and openness using experimentation with common materials such as reinforced concrete, steel, iron, and glass to create open floor plans and large window expanses. Modernism reflected a rejection of the antiquated conventions and aesthetic excesses of preceding eras and a turn to more minimalist design within a natural setting.

The International Style developed in the postwar period in the Europe and the United States. In 1932, a landmark exhibition at the Museum of Modern Art in New York titled "Modern Architecture: International Exhibition" catapulted the "International Style" to the forefront of design ideology. The work in Southern California by Viennese architects Rudolph Schindler and Richard Neutra introduced the new ideas of informality and minimalist interiors through the open plan. International Style characteristics included rectilinear forms, flat roofs, visible steel frames, large panes of glass, and no applied ornament, which created a visually weightless quality.

After World War II, Modernism became mainstream as the aesthetic represented a new consumer society driven by technology and innovation. The Mid-Century Modern aesthetic comprised a wide range of

modern forms and styles. Numerous Modernist buildings in San José represented the economic transformation, population boom, and rise of automobile culture. Popular in commercial buildings, including suburban shopping centers and drive-in restaurants, banks and theaters, Modernism became the most popular choice for the design of civic buildings, such as schools, fire stations, and libraries. One of the earliest Modernist civic centers was Fresno's 1940 City Hall, which was featured in the New York Museum of Modern Art's exhibition of the most significant buildings constructed in the United States between 1932 and 1942.

Many cities in California built new civic centers in the 1950s and 1960s as fast-growing municipalities met increasing demands for services with increasing tax revenues. Civic centers varied in size but typically consisted of a city hall, a police building, a library, and/or a fire station. In the county seats, some civic centers also included county, state, and even federal administrative buildings. Grand examples included the State Capitol Mall in Sacramento and the Los Angeles Civic Center, while more modest examples were built in several suburban communities. Most civic centers were designed using popular Modernist influences. Two prominent examples in Southern California were Inglewood's 1954 City Hall and Orange County's 1968 County Courthouse. Donald Francis Haines - Zaven Tatarian & Associates, architect of the former City Hall, designed Daly City's 1967 Civic Center in the New Formalist style of Modernism.

In Santa Clara County, mid-century civic centers varied in size following the regional trends. Several civic centers tended to be smaller-scale, reflecting the lingering rural and semi-rural conditions that survived into the late 1970s. For example, Campbell, Sunnyvale, and Saratoga built civic centers in the 1950s designed at a more residential scale, including one- or two-story buildings with low-pitched or flat roofs, sprawling site plans, and landscaped public spaces. A few cities in the county developed more substantial complexes. Palo Alto's 1952 City Hall in Rinconada Park was a residential-scaled Modernist building in the suburbs with a library and recreation center but was later replaced by a new downtown civic center in 1968, which was an eight-story, concrete-frame Modernist high-rise. Of all the mid-century civic centers in the South Bay and possibly the entire Bay Area, the joint City/County Civic Center in San José was the largest and most important.

Urban renewal in downtown San José began in the late 1950s after new suburban development had drawn commerce away. To reinvigorate downtown, the City acquired property for the eventual construction of the Park Center Plaza in 1968. Six major banks set up regional headquarters buildings and several civic institutions, including the former Dr. Martin Luther King, Jr. Main Library and the Center for the Performing Arts, were constructed as part of the project. The San Antonio Plaza pedestrian mall was also established downtown as part of urban renewal efforts. These efforts employed a variety of Modernist styles, including the Corporate Modern style. A post-World War II derivation of the International Style, Corporate Modern characteristics included simple geometric forms, steel or concrete structural framework, and modular ribbon windows.

Former City Hall Design, Construction, and History

The former City Hall's International Style/Corporate Modern design was articulated in plan and elevation as three distinct volumes. The largest section was an arc-shaped office section measuring 400 feet along its convex wall, 320 feet along its concave wall, 60 feet wide, and 52 feet tall. The office section could hold between 400 and 600 employees, with adjustable metal interior movable partitions to configure the office spaces as needed. The building also featured many modern efficiencies, including embedded ductwork, fluorescent lighting, and an HVAC system. Another section contained a two-story main lobby with a grand aluminum spiral staircase and an indoor/outdoor tropical garden and pool. The third section housed the City Council Chambers, an open-span auditorium finished with walnut veneer paneling and technological gadgetry. Some members of the Planning Commission advocated for a more traditional design, and in response, the building plan was reoriented, so that the convex wall faced north to lessen solar heat gain and the concave wall faced south to surround a landscaped plaza for a more traditional civic building setting.

Groundbreaking took place on June 28, 1956. Carl N. Swenson Company, Inc., a local contracting firm, began construction, which took two years to complete. The cost of construction and furnishings was approximately $2.5 million.

In its early years, the new City Hall housed virtually all of the City's municipal departments, including the Police Department, Juvenile Justice Division, City Clerk, City Attorney, City Manager, Planning Department, Department of Public Works, Construction Department, City Survey Department, Airport Engineering, and many others. The interior offices were reconfigured for shifting patterns of use multiple times. Within a few years, the City and County debated plans for needed expansion of the joint Civic Center. By the early 1970s, the building was overcrowded, and many agencies rented office space in other buildings. Relocation of City Hall back to downtown was considered, as well as the County taking over the building, but instead the City commissioned the Annex building in 1973. The Annex was a six-story addition northwest of City Hall designed by Norton S. Curtis. The City's Building, Planning, and Public Works departments moved into the first four floors of the building as work continued in the upper stories. The top two floors eventually housed the Information Systems Department and the Mayor's and City Council member offices in 1980.

The former City Hall housed the City's administrative offices until 2005, when the new Civic Plaza designed by architect Richard Meier opened on East Santa Clara Street. The City transferred the property to the County in 2011.

Historical Resources in the CEQA Study Area

Review of the CEQA Study Area identified 19 potential historical resources (Table 3.4-1). Based on previous evaluations as described above, only the former City Hall is considered a historical resource. CHL No. 433, the first site of *El Pueblo de San José de Guadalupe*, is listed in the City of San José Historic Inventory as a California Register Site/Structure and is commemorated with a site marker near the former City Hall (City of San Jose 2020c). This former resource is discussed as a potential archaeological site in Section 3.4.1 under the subheading "Archaeological Resources." The County previously determined 12 resources to be ineligible for the NRHP, CRHR, or as County Landmarks, and are still considered ineligible. The remaining five buildings are not considered significant under federal, state, or local criteria, because they are less than 50 years old, and there is no other evidence indicating they meet the definition of a historical resource.

Former City Hall

Designed by architect Donald F. Haines and constructed between 1956 and 1958 by Swenson Builders, the former City Hall is a five-story, 113,430-square-foot, reinforced-concrete and masonry veneer, office building in the International/Corporate Modern style with unusual Expressionist elements. The building comprises an arc-shaped office block and a two-story wedge-shaped cafeteria/Council Chambers wing at the west end. The exterior walls are clad in a mix of porcelain enamel and glass panels with steel mullions, brick veneer, and split-face concrete block. The interior spaces range from the double-height main lobby, to small partitioned offices, to the plywood paneled Council Chambers. Aside from the lobby and the Council Chambers, as well as several toilet rooms, the interior spaces and finishes have been heavily modified throughout the building, but the exterior facades and the layout of the landscape appear intact (Knapp & VerPlanck 2011). More detailed architectural descriptions and evaluations of the former City Hall are included in Appendix D (Archives & Architecture 2007, Knapp & VerPlanck 2011).

Table 3.4-1 Summary of Potential Historical Resources in the CEQA Study Area

Name and/or Address	Description	Date	Eligibility Status
California Historical Landmark No. 433, CA-SCL-317H	First site of *El Pueblo de San José de Guadalupe*	1778	Not eligible. Previously listed as CHL No. 433, CHLs with numbers below 770 are not automatically listed in the CRHR. The exact location of the original pueblo is unknown and evaluation is not possible. Surveys have attempted to locate this resource but these attempts proved unsuccessful.
Former City Hall, 801 N. First Street	Mid-Century Modern-style office building	1956-58	Eligible for the NRHP, CRHR, and as a Santa Clara County Landmark. Listed in the County Heritage Resource Inventory.
Former City Hall Annex, 801 N. First Street	Mid-Century Modern-style office building annex	1976	Not eligible
Health Building, 151 W. Mission Street	Mid-Century Modern-style office building (altered)	1957 (1964)	Not eligible
County Administration Building West Wing, 70 W. Hedding Street	Mid-Century Modern-style office building	1961	Not eligible
County Administration Building East Wing, 70 W. Hedding Street	Contemporary-style office building	1973	Not eligible (less than 50 years old)
Santa Clara County Public Defender's Office, 120 W. Mission Street	Contemporary-style office building	1980	Not eligible (less than 50 years old)
Swenson Building, 777 N. First Street	Mid-Century Modern-style office building	1961	Not eligible
61 Asbury Street	Bungalow and garage	ca. 1945	Not eligible
886-890 N. First Street	Mid-Century Modern-style office building	ca. 1960	Not eligible
870 N. First Street	Mid-Century Modern-style commercial building (altered)	1929 (1960)	Not eligible
858-864 N. First Street	Minimal Traditional-style office buildings (altered)	1946-49 (ca. 1980)	Not eligible
852 N. First Street	Contemporary-style office building	1977	Not eligible (less than 50 years old)
848 N. First Street	Restaurant (altered)	1928	Not eligible
840 N. First Street	Restaurant	ca. 1988	Not eligible (less than 50 years old)
832 N. First Street	Tudor Revival-style apartment complex	ca. 1948	Not eligible
816 N. First Street	Mid-Century Modern-style commercial building	1961	Not eligible
800-812 N. First Street	Modern (New Formalism) office building	1973	Not eligible (less than 50 years old)
798 N. First Street	Mid-Century Modern-style bank building	ca. 1965	Not eligible

The former City Hall's character-defining features, or the physical characteristics of an historical resource that convey its historical significance, include the following:

Main Building, Exterior:

- Exterior curtain walls (north and south elevations) clad in alternating rows of aluminum spandrels and glass panels with steel mullions
- Curved, four-story massing and wedge-shaped form
- Brick veneer on east and west walls
- Flat roof

Main Building, Interior:

- Primary: Spatial arrangement of a public corridor along the glazed south façade providing access to offices to the north side of the plan
- Secondary: Original elements including partition walls, doors, light fixtures, restrooms and elevators

West Wing, Exterior:

- South wall composed of porcelain enamel panels and glass, with steel mullions
- Square split-face concrete block on the west side
- Two-story height
- Wedge-shaped footprint
- Double-height entrance bay flanked by split-face concrete-block piers

West Wing, Interior – Main Lobby:

- Double-height interior space with original lighting fixtures and air vents
- Black terrazzo floors
- Square split-face concrete block on the east wall and to west of main entrance
- Extruded aluminum curved stair with open risers and a mahogany handrail
- Brick-clad pier to east of stair

West Wing Interior – Former Council Chamber:

- Walls paneled in walnut-veneer plywood
- Walnut-veneer plywood doors with brushed aluminum hardware
- Two-tiered, curved dais at east end
- Barrel-vaulted ceiling and fissured ceiling tile
- Theater-style seating composed of plywood chairs with folding seats

Landscaping:

- Layout of paths, planting beds, square seating areas, and lawn panels on the south side of the building
- Nut trees lining the north side of the building (BFGC-IBI 2012).

The former City Hall is historically significant for its intact representation of important patterns of community development in the history of San José. Specifically, the building is significant as a post-World War II city hall built to house the day-to-day operations of municipal government and acted as the primary civic symbol of San José during its period of rapid growth in the 1950s and 1960s when San José was the second fastest growing city in the nation. The former City Hall is eligible for listing in the NRHP/CRHR

under Criterion A/1 for its association with the growth of industry, commerce, and population in San José between 1950 and 1970. The building is associated with a number of significant personages who were active during the period when it was planned and used; A. P. (Dutch) Hamann and George Starbird, whose leadership during the 1950s is manifested in the construction of the 1958 City Hall building, and later Mayors Janet Gray Hayes and Norman Mineta, significant personages in the context of national political leadership, who took office and served as mayors within this building. It is eligible for listing under NRHP/CRHR Criterion B/2 for its specific association with Hamann. Under NRHP/CRHR Criterion C/3, the former City Hall is a good and early example of the International/Corporate Modern style with unusual Expressionist elements. It was also found eligible for listing as a Santa Clara County Landmark under Criteria A, B, and C (1), (2), and (3) (Knapp & VerPlanck 2011) and was added to the County's Heritage Resource Inventory in 2013.

The building's integrity was assessed and documented in Knapp & VerPlanck 2011 and BFGC-IBI 2012 and confirmed in Carey & Co. 2017. Overall, the former City Hall has undergone few significant exterior alterations. In 1967, a separate annex building was constructed adjacent to the former City Hall building and connected by a one-story hyphen that was later altered into a three-story hyphen. The Annex was removed in 2018, resulting in minor alterations to the north side of the former City Hall. Minor exterior alterations include removal of a portion of the north entrance canopy and metal signage above the main entrance. Interior alterations include extensive office and kitchen remodeling. Despite these alterations, the former City Hall retains its primary character-defining features and a high degree of integrity.

Archaeological Resources

Archival Research

In June 2017, Holman & Associates conducted a cultural resources literature search including a CHRIS records search at the Northwest Information Center and other research to identify potential archaeological deposits in the 2018 Master Plan area and a 0.25-mile buffer. The records search identified Site CA-SCL-317H, the first site of *El Pueblo de San José de Guadalupe*, in the current Project area. The site is also listed as CHL No. 433 and is listed in the City of San José Historic Inventory as a CRHR Site/Structure. This area was surveyed by Basin Research Associates in 1982, but no associated deposits were identified (Holman & Associates 2017).

Three additional previously recorded archaeological sites were identified in the records search outside of, but within 0.25-mile of, the current Project area. One of these resources, CA-SCL-807/H, is associated with Native American occupation. Site CA-SCL-807/H, located within 0.25-mile west of the Project area, contained flaked stone buried beneath a historical layer associated with San José's Chinatown. Site CA-SCL-744H, west of the Guadalupe River, contained an early to mid-20th century trash pit. Nearby scatter was also documented that consists of domestic debris from approximately the 1880s to 1960s (Site CA-SCL-799).

Prehistoric Context

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 1,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone lived in small villages referred to as tribelets. Each tribelet occupied a permanent primary habitation site and also had smaller resource procurement camps. The Ohlone, who were hunter/gatherers, traveled between their various village sites to take advantage of seasonal food resources (both plants and animals). During winter months, tribelets would merge to share food stores and engage in ceremonial activities. Spanish explorers began coming to Santa Clara Valley in 1769. From

1769 to 1776 several expeditions were made to the area during which time the explorers encountered the Native American tribes who had occupied the area since prehistoric times.

Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe. The pueblo was originally located near the former City Hall. This location was prone to flooding and the pueblo was relocated in the late 1780s or early 1790s south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street was the center of the second pueblo. In the mid-1800s, the Project area began to be redeveloped as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of business opportunities in the west. Based on historic-era maps, the Project area was rural agricultural land until the Civic Center was constructed in the 1950s.

Archaeological Resources in the CEQA Study Area

One archaeological resource, Site CA-SCL-317H, was identified within the CEQA Study Area. Site CA-SCL-317H (is the first site of *El Pueblo de San José de Guadalupe*, which was established in 1778 and occupied by approximately 66 individuals. The pueblo was moved south in the late 1780s or early 1790s. In 1982, Basin Research conducted a survey of the Project area, but no associated deposits were identified in the limited surface area available (Holman & Associates 2017). The commemorative site marker for the site is south of the former City Hall, but the site chosen for the marker does not appear to have any specific known historic or archeological significance; instead, the intention was to locate a marker on the joint County of Santa Clara and City of San José Civic Center in order to indicate the general location of the first site of *El Pueblo de San José de Guadalupe* was on (or within a 0.5-mile radius of) the Civic Center site (BFGC-IBI 2012). Although it is listed as CHL No. 433, CHLs with numbers below 770 are not automatically listed in the CRHR and require re-evaluation by a qualified archaeologist to determine potential significance and eligibility for listing in the CRHR. Without archaeological evidence or reliable archival data, such as historic maps or deeds that date to the historic period, the exact location of the original pueblo is unknown and further evaluation is not possible.

Due to the Project area's known prehistoric and historic-era occupation and proximity to the Guadalupe River, it is considered an area of high archaeological sensitivity.

3.4.2 Regulatory Framework

Federal

Although this Project is not subject to federal regulations, the criteria for the NRHP and the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties are referenced due to their role in analyzing impacts and formulating mitigation for the purposes of CEQA.

National Register of Historic Places

The NRHP was established by the National Historic Preservation Act of 1966 as "an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment" (CFR 36 CFR 60.2). The NRHP recognizes properties that are significant at the national, state, and local levels. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

A. It is associated with events that have made a significant contribution to the broad patterns of our history;

B. It is associated with the lives of persons who are significant in our past;

C. It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; and/or

D. It has yielded, or may be likely to yield, information important in prehistory or history

Historic properties that are listed in the NRHP are automatically listed in the CRHR.

Secretary of the Interior's Standards for the Treatment of Historic Properties

The National Park Service has adopted regulations (36 CFR § 60 et seq.) for implementing the National Historic Preservation Act (16 United States Code Section 470 et seq.) (See 36 CFR 68.1.) The SOI Standards for the Treatment of Historic Properties (including Standards for Rehabilitation) are codified in 36 CFR §§ 68.3 and 67.7 and are only directly applicable to "areas under the jurisdiction of the National Park Service." (See 36 CFR § 1.1.) The intent of these standards is to "set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration and reconstruction." These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund. 36 CFR § 67 focuses on 'certified historic structures' as defined by IRS Code 1986. Those regulations are used in the Preservation Tax Incentives Program…" (36 CFR § 68.1)

As noted in the SOI Guidelines for Preserving, Rehabilitating Restoring & Reconstructing Historic Buildings: "The Secretary of the Interior's Standards for Treatment of Historic Properties are only regulatory for projects receiving federal grant-in-aid funds otherwise, the Standards and Guidelines are intended only as general guidance for work on any historic building. …" Further, "[t]he Standards are neither technical nor prescriptive ...."

36 CFR § 68.3 states: "One set of standards—preservation, rehabilitation, restoration or reconstruction—will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available and interpretive goals, when applicable. The standards will be applied taking into consideration the economic and technical feasibility of each project.

State

California Environmental Quality Act

CEQA requires the lead agency to determine whether a project could have a significant effect on historical resources and equates a substantial adverse change in the significance of an historical resource with a significant effect on the environment (Section 21084.1). CEQA Guidelines Section 15064.5 outlines the process for determining the significance of impacts to archaeological and historical resources.

CEQA Guidelines Section 15064.5(a) defines "historical resources" as:

- A resource listed, or determined to be eligible by the State Historical Resources Commission for listing, in the CRHR (PRC Section 5024.1, Title 14 CCR Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k), or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1, Title 14, CCR Section 4852), including the following:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period region, or method of construction or represents the work of an important creative individual/ or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history

- The fact that a resource is not listed or not determined eligible for listing in the CRHR or not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or not identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource, as defined in PRC Sections 5020.1(j) and 5024.1.

CEQA Guidelines Section 15064.5(b) defines "substantial adverse change" as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." Further, that the significance of an historical resource is "materially impaired" when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the CRHR; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources... or its identification in an historical resources survey..., unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.

CEQA also requires lead agencies to consider whether a project will impact "unique archaeological resources." PRC Section 21083.2(g) defines a unique archaeological resource as "an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person."

The CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Section 15064.5(b)(4) states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, Section 15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource.

Local

County of Santa Clara Historic Preservation Ordinance

The County of Santa Clara has adopted a Historic Preservation Ordinance (County of Santa Clara Ordinance Code, Division C17). The ordinance was established for the preservation, protection, enhancement, and perpetuation of resources of architectural, historical, and cultural merit within Santa Clara County and to benefit the social and cultural enrichment, and general welfare of the people. The purpose and intent of Section C17-2 of the ordinance is to:

a. Identify, protect, preserve, and enhance historic resources (as defined in Section C17-3(J) below) representing distinctive elements of the cultural, social, economic, political, and architectural history of Santa Clara County;

b. Provide a mechanism to compile, update and maintain the heritage resource inventory;

c. Enhance the visual identity of Santa Clara County by maintaining the scale and character of historic resources and their settings, and integrating the preservation of historic resources into public and private development;

d. Encourage, through public and private action and collaboration with other organizations, the maintenance and rehabilitation of historic resources;

e. Promote public knowledge, participation, understanding, and appreciation of Santa Clara County's rich history and sense of place;

f. Foster civic pride and a sense of identity based upon the recognition and use of Santa Clara County's historic resources;

g. Protect and enhance Santa Clara County's attraction to tourists and visitors thereby stimulating business and industry;

h. Promote awareness of the economic, social and cultural benefits of historic preservation in collaboration with other organizations;

i. Provide for consistency with state and federal preservation standards, criteria, and practices; and

j. Make available incentive opportunities to preserve Santa Clara County's historic resources as provided in Article V.

In order to be designated as a “landmark,” a historic resource must meet the following designation criteria:

A. Fifty years or older. If less than 50 years old, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the historic resource and/or the historic resource is a distinctive or important example of its type or style; and

B. Retains historic integrity. If a historic resource was moved to prevent demolition at its former location, it may still be considered eligible if the new location is compatible with the original character of the property; and

C. Meets one or more of the following criteria of significance:

   1. Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

   2. Associated with the lives of persons important to local, California or national history;

   3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or

   4. Yielded or has the potential to yield information important to the pre-history or history of the local area, California, or the nation.

Section C17-23 of the ordinance requires a landmark alteration permit for any project that proposes demolition of an historic resource that is listed in the heritage resource inventory and meets the criteria of significance for a landmark.

County of Santa Clara Cemeteries and Indian Burial Grounds Ordinance

County Ordinance Code Sections B6-18 through B6-20 set forth the procedures to be followed in the event of an encounter with human skeletal remains or artifacts and discovery of a Native American burial site.

Upon discovering or unearthing any burial site as evidenced by human skeletal remains, the person making such discovery shall immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5 (c) and the County Coordinator of Indian Affairs.

No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and this ordinance. The County Coordinator of Indian Affairs shall contact the California NAHC and assist in contacting persons believed to be most likely descendants. Within 24 hours following receipt of information that a Native American burial site has been discovered or unearthed, the County Coordinator of Indian Affairs shall conduct inspection of the site in accordance with the provisions set forth in PRC Section 5097.98. Any agreement reached in accordance with PRC Section 5097.98 shall be presented to the County Engineer. The County Engineer shall issue a permit setting forth the conditions of the agreement to be met by the owner of the property.

Such conditions of the permit shall be in furtherance of the intent of this ordinance and shall be formulated by a Costanoan Advisory Committee appointed by the County Board of Supervisors and shall consist of three persons of Costanoan descent, two professional archeologists with fieldwork experience and with a degree in archaeology and one person with a background in civil engineering.

The process involves the County Engineer, the County Coroner, the County Coordinator of Indian Affairs, the NAHC, and advisory committee made up of three persons of Costanoan descent, two professional archaeologists, and a person with background in civil engineering. These professionals contribute to the determination of how to handle archaeological resources discovered.

3.4.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to cultural resources:

- **Impact CUL-1:** Would the Project cause a substantial adverse change in the significance of a historical resource?
- **Impact CUL-2:** Would the Project cause a substantial adverse change in the significance of an archaeological resource?
- **Impact CUL-3:** Would the Project disturb any human remains?

Impact CUL-1: Adverse Change to Historical Resources

Impact CUL-1 would be **potentially significant**. Even with implementation of mitigation measures MM-CUL-1a through MM-CUL-1e, the impact would remain **significant and unavoidable**.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

“Substantial adverse change” is defined in CEQA Guidelines Section 15064.5(b), as the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired,” as detailed further in Section 3.4.2 above.

Impact Analysis

One historical resource, the former City Hall, is located in the CEQA Study Area. As discussed above, the former City Hall is historically significant for its intact representation of important patterns of community development in the history of San José. Specifically, the building is significant as a post-World War II city hall built to house the day-to-day operations of municipal government and acted as the primary civic symbol of San José during its period of rapid growth in the 1950s and 1960s when San José was the second fastest growing city in the nation. The former City Hall is eligible for listing in the NRHP/CRHR under Criterion A/1 for its association with the growth of industry, commerce, and population in San José between 1950 and 1970. The building is associated with a number of significant personages that were active during the period when it was planned and used; A.P. (Dutch) Hamann and George Starbird, whose leadership during the 1950s is manifested in the construction of the 1958 City Hall building, and later Mayors Janet Gray Hayes and Norman Mineta, significant personages in the context of national political leadership, who took office and served as mayors within this building. It is eligible for listing under NRHP/CRHR Criterion B/2 for its specific association with Hamann. Under NRHP/CRHR Criterion C/3, the former City Hall is a good and early example of the International/Corporate Modern style with unusual Expressionist elements. It was found eligible for listing as a Santa Clara County Landmark under Criteria A, B, and C (1), (2), and (3) (Knapp & VerPlanck 2011) and was added to the County's Heritage Resource Inventory in 2013.

The Project would demolish the entire building, and therefore would destroy those physical characteristics of the former City Hall that convey its historical significance and justify its eligibility for inclusion in the NRHP, CRHR, and its listing in the County's Heritage Resource Inventory. Therefore, the Project would cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5(b). This impact would be **significant without mitigation**.

Mitigation measures MM-CUL-1a, MM-CUL-1b, MM-CUL-1c, MM-CUL-1d, and MM-CUL-1e, detailed below, are recommended for this significant impact.

Mitigation Measures

The following mitigation measures are recommended for the impact to a historical resource, the former City Hall:

MM-CUL-1a: Historical Resource Mitigation Schedule

Prior to issuance of any grading, demolition, or building permits or any other approval that would allow disturbance of the Project site, a qualified architectural historian shall prepare a Historical Resource Mitigation Schedule (Mitigation Schedule) for implementing mitigation measures MM-CUL-1b, MM-CUL-1c, MM-CUL-1d, and MM-CUL-1e and describe the respective roles and responsibilities of the County, qualified consultants, and third parties. The Mitigation Schedule shall be supplemented with an addendum that documents the implementation of the mitigation measures, once completed.

MM-CUL-1b: Archival Documentation (HABS)

The former City Hall and its associated features on the Project site shall be documented in accordance with the guidelines established for a Level III Historic American Building Survey (HABS) consistent with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall consist of the following components:

- *Drawings – Sketch floor plans.*
- *Photographs – Digital photographs of the interior, exterior, and setting of the building in compliance with the National Register Photo Policy Fact Sheet (National Park Service 2013).*
- *Written Data – HABS written documentation.*

An architectural historian and/or historian meeting the Secretary of the Interior's Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs, research and written data. The Level III HABS-equivalent documentation shall cover the former City Hall building along with associated features, spaces, and landscaping.

The draft documentation shall be submitted to the County Department of Planning and Development for review and approval prior to demolition. After approval, full archival-quality copies of the final Level III HABS-equivalent documentation shall be filed with the County and the San José Library's California Room. Additional print copies shall be made available to other local research institutions including History San José, the Preservation Action Council of San José, and the Northwest Information Center at Sonoma State University. Documentation of the implementation of MM-CUL-1b shall be included in the addendum to the Mitigation Schedule.

MM-CUL-1c: Offer for Third Party Relocation

Prior to issuance of any demolition permits, the County shall advertise the availability of the building for relocation by an interested third party for a period of no less than 60 days. The advertisements must include notification in a newspaper of general circulation, on a website, and notice placed on the Project site. The County shall provide evidence (i.e., receipts, date and time stamped photographs, etc.) that this condition has been met prior to the issuance of demolition permits. If a third party agrees to relocate the building, the County shall not demolish the building and the following measures must be followed:

- *The County must determine that the receiver site is feasible for the building.*
- *Prior to relocation, the third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study that establishes the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the County prior to the structure being moved.*
- *To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine how the building needs to be reinforced/stabilized before the move.*
- *Once moved, the building shall be repaired and rehabilitated, as needed, by the third party in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be retained in a manner that preserves the integrity of the building for the long-term preservation and reuse.*

Upon completion of the repairs, a qualified architectural historian shall document and confirm that work to the structure(s) was completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and character-defining features were preserved. Documentation of the implementation of MM-CUL-1c shall be included in the addendum to the Mitigation Schedule.

MM-CUL-1d: Architectural Salvage

If no third party agrees to relocate the building in compliance with MM-CUL-1c, the building shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the County in accordance with the Mitigation Schedule. The County shall verify that this condition has been met prior to demolition. Documentation of the implementation of MM-CUL-1d, if necessary, shall be included in the addendum to the Mitigation Schedule.

MM-CUL-1e: Commemoration and Interpretive Program

The former City Hall and its associated features on the Project site shall be commemorated and curated in an interpretive program that may include:

- *Physical remnants from the site*
- *Oral histories*
- *Additional research*
- *Historic photographs*
- *Historic maps*
- *Historical displays*
- *Historical marker*

Details of the commemoration and interpretive program shall be determined in consultation with the County Historical Heritage Commission. Documentation of the implementation of MM-CUL-1e shall be included in the addendum to the Mitigation Schedule.

Mitigation measures MM-CUL-1a through MM-CUL-1e, which require preparation of a Historical Resource Mitigation Schedule, archival documentation of the historical resource, an offer to third parties to relocate the structure or salvage architectural materials prior to demolition, and the development of a commemorative and interpretive program, are detailed above. While implementation of those mitigation measures would preserve information related to the former City Hall and its historical significance and potentially preserve all or portions of the actual structure in another location, due to the irreversible nature of full demolition, no mitigation measures are available that would reduce the significant impact to a level of less than significant. Therefore, the Project would result in a **significant and unavoidable impact** on a historical resource.

Impact CUL-2: Adverse Change to Archaeological Resources

Impact CUL-2 would be **potentially significant**. However, with implementation of mitigation measure MM-CUL-2 the impact would be reduced to **less than significant with mitigation**.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would cause a substantial adverse change in the significance of an archaeological resource pursuant Section 15064.5. “Substantial adverse change” is defined in CEQA Guidelines Section 15064.5(b), as detailed in Section 3.4.2 above.

Impact Analysis

The Project site has a moderate to high sensitivity for buried Native American archaeological deposits and cultural materials based on its proximity to the Guadalupe River and documented nearby archaeological sites, as well as historic-era archaeological resources associated with the original Pueblo de San José del Guadalupe. Although the Project site is largely disturbed and ground-disturbing activities would be limited to removing the existing building foundations and associated utility connections, implementation of the Project could uncover as yet unrecorded subsurface prehistoric and historic-era archaeological resources on the Project site. Such impacts could be **potentially significant.** Mitigation measure MM-CUL-2 is recommended to address this potentially significant impact.

Mitigation Measures

The following mitigation measure is recommended to reduce impacts to subsurface cultural resources on the Project site:

MM-CUL-2: Inadvertent Discoveries

In the event that prehistoric or historic resources are encountered during demolition, excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the County Project Manager or designee shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall:

3) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and

4) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits.

If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to resuming project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to the Director of Planning. If the find(s) are human remains or grave goods, the procedures outlined in County Ordinance Code B6-18 through BC-20 shall be followed.

Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

Mitigation measure MM-CUL-2, requiring that specified procedures be followed in the event that prehistoric or historic resources are encountered during demolition, is recommended to reduce impacts to subsurface cultural resources on the Project site. This mitigation measures would require stoppage of work while a qualified archaeologist evaluates the find to determine if it meets the definition of a historical or archaeological resource, and that the archaeologist's recommendations regarding the disposition of such finds be implemented. Therefore, with implementation of MM-CUL-2, Project impacts to subsurface cultural resources would be reduced to **less than significant with mitigation**.

Impact CUL-3: Disturbance of Human Remains

Impact CUL-3 would be **less than significant**. No mitigation would be required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would disturb human remains, including those interred outside of dedicated cemeteries.

Impact Analysis

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in PRC Section 5097. The California Health and Safety Code (Sections 7050.5, 7051, and 7054) has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protects them from disturbance, vandalism, or destruction, and established procedures to be implemented if Native American skeletal remains are discovered. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes. County Ordinance Code Sections B6-18 through B6-20 sets out specific procedures to be followed in the event of inadvertent discovery or disturbance of human remains within Santa Clara County.

The Project site has a moderate to high sensitivity for buried Native American archaeological deposits and cultural materials, which could include human remains, based on its proximity to the Guadalupe River and documented archaeological sites. Human remains can be encountered in fill, re-deposited, or

disturbed soils, as well as intact soils. Given the moderate to high sensitivity of the Project site, even with the previous disturbance, there could still be a moderate likelihood of encountering human remains during Project implementation. If human remains were uncovered during demolition activities, the procedures in County Ordinance Code Sections B6-18 through B6-20 would be followed, which would reduce potential impacts to **less than significant**.

3.4.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts[5] relating to cultural resources:

- **Impact C-CUL-1:** Contribution to cumulative impacts to historical resources.
- **Impact C-CUL-2:** Contribution to cumulative impacts to archaeological resources and human remains.

Cumulative Impact C-CUL-1: Impacts to Historical Resources

The overall cumulative impact for C-CUL-1 would be **significant.** Even with implementation of MM-CUL-1, the Project's contribution would be **cumulatively significant.**

Cumulative Context

The Historic Context Statement for San José Modernism (PAST 2009) identified the historic parameters of the Modern architecture movement in San José. According to the context statement, during San José's most protracted boom period from 1950 to 1970, the rapid growth "produced a staggering amount of Modernist buildings." The Modern architecture movement produced a body of Mid-Century Modern buildings comprised of several property types designed in subsidiary styles, which are described in the context statement. While several Mid-Century Modern buildings have not yet been evaluated for qualification as historical resources and a comprehensive list of these properties is not available, the overall body of significant Mid-Century Modern buildings in San José is recognizable as an entity of potential historical resources. The body of Mid-Century Modern historical resources includes, but is not limited to, residential, commercial, and civic buildings designed in a range of Modern styles, including Streamline Moderne, International Style, Commercial Modern, Corporate Modern, New Formalism, Googie, and Brutalism.

The former City Hall was identified in the context statement as an early and important Mid-Century Modern building in San José, specifically as an example of the civic development property type with International Style and Corporate Modern-style influences. It is representative of the potentially significant body of Mid-Century Modern historical resources in San José.

The cumulative context for historical resources would be any past, present, or probable future projects that have or would significantly impact historical resources that may contribute to the potentially significant body of Mid-Century Modern historical resources in San José. This would encompass Mid-Century Modern buildings that embody the property types and sub-styles that are representative of the Modern architectural movement as defined in the context statement. The geographic context for cumulative impacts covers the city limits of San José.

Cumulative Impact Analysis

The cumulative projects listed in Table 3.1-1 include the following current and future projects within the City of San José that would directly or indirectly impact listed historical resources:

- The Cityview Plaza Project would demolish a Mid-Century Modern historical resource, the Sphinx Building, a 1970s Brutalist-style building.

[5] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-CUL-2 addresses the same issues as project-level impacts CUL-2 and CUL-3.

- The Greyhound Residential Project would demolish a Mid-Century Modern historical resource, the Greyhound Bus Station, a 1957 Commercial Modern-style building.
- The Santana West Development Project demolished three Mid-Century Modern-style historical resources, the Century 22 Theater, the Century 23 Theater, and the Flames Coffee Shop, three Googie-influenced commercial buildings constructed in the 1960s.
- The 27 West Project may impact the Woolworth Building, a circa 1925 Streamline Moderne commercial building, but the level of impact has not yet been determined.

The Preservation Action Council of San José has identified 36 Mid-Century Modern buildings in San José that have been demolished since 1989, and five additional Mid-Century Modern buildings in the city that have been approved for demolition (PACSJ 2020). Past losses of historical resources within the city, along with additional demolition of historical resources under the Project and other future projects, would result in cumulative significant and unavoidable impacts on the overall body of Mid-Century Modern historical resources in San José. Each resource has unique attributes that would be irreplaceable. Because the overall body of Mid-Century Modern historical resources in San José would be diminished by demolition of the former City Hall and the Sphinx Building and by alteration of several other Mid-Century Modern historical resources related to planned development projects, the overall cumulative impact to historical resources would be **significant**.

In the case of the former City Hall, demolition would be a total loss of the historical resource, which is listed in the County Heritage Resource Inventory and is individually eligible for listing in the NRHP and CRHR, as a City Landmark, and as a Santa Clara County Landmark. It is not located in a contiguous or discontiguous historic district that could be cumulatively impacted if contributors were removed or materially altered incrementally. However, because the demolition would result in the irreversible loss of an important example of a Mid-Century Modern historical resource, the Project would have a **cumulatively considerable contribution** to significant cumulative impact C-CUL-1. While implementation of mitigation measures MM-CUL-1a through MM-CUL-1e is recommended, impacts would remain cumulatively considerable with mitigation.

Cumulative Mitigation Measures

See MM-CUL-1a through MM-CUL-1e in Section 3.4.3 above.

Cumulative Impact C-CUL-2: Impacts to Archaeological Resources or Human Remains

The overall cumulative impact for C-CUL-2 would be **potentially significant.** Implementation of mitigation measure MM-CUL-2 would reduce the Project's contribution to **less than significant**.

Cumulative Context

The cumulative context for archaeological resources and human remains addresses the impacts of the Project along with other closely related past, present, and probable future projects, and specifically focuses on local developments in the City of San José that could potentially change the environment by affecting archaeological resources or human remains.

Cumulative Impact Analysis

Past, present, and future developments within the City could impact known or unknown archaeological resources and/or human remains, depending on the proximity to known resources, sensitivity of the project area, and the extent of the proposed ground-disturbing activities. This includes development discussed in Table 3.1-1 above, as well as buildout under the North 1st Street Local Transit Village and the Civic Center Master Plan.

The Project's demolition would therefore result in impacts that are **cumulatively considerable and significant without mitigation**; however, each of the cumulative projects would be subject to its own environmental review under CEQA, either at a project-level or as part of a programmatic CEQA analysis, and therefore appropriate mitigation measures to avoid or reduce potential impacts would be required,

similar to the Project. For example, the Civic Center Master Plan is subject to its own archaeological mitigation measures, including MM CUL1-1 (subsurface testing), MM CUL 1-2 (Archaeological Treatment Plan), MM CUL 1-3 (Identification and Cataloguing), MM CUL 1-4 (Temporary Halt of Work if Resources Identified), MM CUL 1-5 (Temporary Halt to Work if Human Remains identified, and contact with NAHC).

Furthermore, existing laws relating to the treatment of human remains would apply to all projects. With implementation of the Project's mitigation measures as well as cumulative project mitigation measures, the cumulative effects on archaeological resources or human remains would be less than significant. Therefore, the overall cumulative impact due to the Project and probable development would be **less than significant with mitigation**.

Cumulative Mitigation Measures

See MM-CUL-2 in Section 3.4.3 above.

3.5 Energy

This section describes the existing energy setting of the Project area and evaluates the potential for the Project to result in the wasteful, inefficient, and unnecessary consumption of energy; and whether the Project would conflict with a plan for renewable energy or energy efficiency.

Energy efficiency is a possible indicator of environmental impacts. The actual adverse physical environmental effects of energy use and the efficiency of energy use are detailed throughout this EIR in the environmental topic–specific sections. For example, the use of energy for transportation leads to air pollutant emissions, the impacts of which are addressed in Section 3.2, “Air Quality,” of this EIR. The use of energy for electricity leads to indirect GHG emissions, the impacts of which are addressed in Section 3.7, “Greenhouse Gas Emissions,” of this EIR. There is no physical environmental effect associated with energy use that is not addressed in the environmental topic-specific sections of this EIR.

The following comment relating to energy was received during the public scoping period in response to the Notice of Preparation:

- Concern for the lost embodied energy and the adverse impact to the waste stream that demolition would cause.

3.5.1 Environmental Setting

In 2018, California generated a total of 285,488 gigawatt-hours of electricity, of which approximately 194,842 gigawatt-hours were generated in-state (California Energy Commission 2019a). In 2018, California consumed approximately 2.14 million cubic feet of natural gas, of which the majority was volume delivered to consumers which include residential, commercial, industrial, vehicle fuel, and electric power uses (EIA 2020a).

Electrical and natural gas service in the County of Santa Clara is provided by the Pacific Gas & Electric Company (PG&E). In 2018, PG&E delivered approximately 80,369 Gigawatt-hours of electricity within its service area (California Energy Commission 2020a). PG&E’s total natural gas throughput was approximately 801 billion cubic feet in 2017 (PG&E 2019a). In 2018, natural gas consumption in the PG&E service area totaled approximately 4,794 million therms (California Energy Commission 2020b), approximately 9 percent (440 million therms) of which was consumed by users in the County of Santa Clara (California Energy Commission 2020c). PG&E provides power from a variety of sources: biomass and biowaste, geothermal, small and large hydroelectric, solar, wind, natural gas, and nuclear (PG&E 2019b).

Transportation is the largest energy-consuming sector in California, accounting for approximately 40 percent of all energy use in the state (EIA 2020b). More motor vehicles are registered in California than in any other state, and commute times in California are among the greatest in the country (EIA 2020c). Types of transportation fuel have diversified in California and elsewhere. Historically gasoline and diesel fuel accounted for nearly all demand; now, however, numerous options are available, including ethanol, natural gas, electricity, and hydrogen. Despite advancements in alternative fuels and clean-vehicle technologies, gasoline and diesel remain the primary fuels used for transportation in California, with 15.1 billion gallons of gasoline and 4.2 billion gallons of diesel consumed in 2015 (California Energy Commission 2019b; 2019c).

3.5.2 Regulatory Framework

The federal, state, and local regulatory background of energy plans, policies, regulations, and laws is presented below. Generally, these plans, policies, regulations, and laws do not directly apply to the Project, but are presented to provide context to the regulatory framework.

Federal

Energy Policy and Conservation Act of 1975

The Energy Policy and Conservation Act of 1975 established the first fuel economy standards for on-road motor vehicles sold in the United States. The National Highway Traffic and Safety Administration is responsible for establishing standards for vehicles and revising the existing standards. The Corporate Average Fuel Economy program was created to determine vehicle manufacturers' compliance with the fuel economy standards. The USEPA administers the testing program that generates the fuel economy data.

National Energy Act of 1978

The National Energy Act of 1978 includes the Public Utility Regulatory Policies Act (Public Law 95-617), Energy Tax Act (Public Law 95-318), National Energy Conservation Policy Act (Public Law 95-619), Power Plant and Industrial Fuel Use Act (Public Law 95-620), and Natural Gas Policy Act (Public Law 95-621).

The intent of the National Energy Act was to promote greater use of renewable energy, provide residential consumers with energy conservation audits to encourage slower growth of electricity demand, and promote fuel efficiency. The Public Utility Regulatory Policies Act created a market for nonutility electric power producers to permit independent power producers to connect to their lines and to pay for the electricity that was delivered.

The Energy Tax Act promoted fuel efficiency and renewable energy through taxes and tax credits. The National Energy Conservation Policy Act required utilities to provide residential consumers with energy conservation audits and other services to encourage slower growth of electricity demand.

Energy Policy Acts of 1992 and 2005

The Energy Policy Act of 1992 was enacted to reduce dependence on imported petroleum and improve air quality by addressing all aspects of energy supply and demand, including alternative fuels, renewable energy, and energy efficiency. This law requires certain federal, state, and local government and private fleets to purchase alternate fuel vehicles. The act also defines "alternative fuels" to include fuels such as ethanol, natural gas, propane, hydrogen, electricity, and biodiesel.

The Energy Policy Act of 2005 was enacted on August 8, 2005. This law set federal energy management requirements for energy-efficient product procurement, energy savings performance contracts, building performance standards, renewable energy requirements, and use of alternative fuels. The Energy Policy Act of 2005 also amends existing regulations, including fuel economy testing procedures.

Energy Independence and Security Act of 2007

Signed into law in December 2007, the Energy Independence and Security Act was enacted to increase the production of clean renewable fuels; increase the efficiency of products, buildings, and vehicles; improve the federal government's energy performance; and increase U.S. energy security, develop renewable fuel production, and improve vehicle fuel economy. The Energy Independence and Security Act included the first increase in fuel economy standards for passenger cars since 1975. The act also included a new energy grant program for use by local governments in implementing energy-efficiency initiatives, as well as a variety of green building incentives and programs.

Executive Order 13514

On October 5, 2009, President Barack Obama signed Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (Title 3, Section 13514 of the Code of Federal Regulations). The executive order set sustainability goals for federal agencies and focuses on improving their environmental, energy, and economic performance. The executive order required agencies to meet a number of energy, water, and waste reduction targets.

Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards

On May 7, 2010, the final Light-Duty Vehicle Greenhouse Gas (GHG) Emissions Standards and Corporate Average Fuel Economy Standards were published in the Federal Register. Phase 1 of the emissions standards required that model year 2012–2016 vehicles meet an estimated combined average emissions level of 250 grams of carbon dioxide (CO_2) per mile, which is equivalent to 35.5 miles per gallon, if the automobile industry were to meet this CO_2 level solely through fuel economy improvements.

On August 28, 2012, the U.S. Department of Transportation and USEPA issued a joint Final Rulemaking requiring additional federal GHG and fuel economy standards for Phase 2 of the emissions standards for model year 2017 through 2025 passenger cars and light-duty trucks. The standards would require these vehicles to meet an estimated combined average emissions level of 163 grams of CO_2 per mile in model year 2025, which is equivalent to 54.5 miles per gallon, if the improvements were made solely through fuel efficiency. However, as discussed in more detail in Section 3.7, “Greenhouse Gas Emissions,” the USEPA issued the Safer Affordable Fuel Efficient Vehicles Rule in April 2020, which only requires an increase in stringency of CO_2 emissions standards by 1.5 percent each year through model year 2026, as compared with the CO_2 standards issued in 2012, which would have required increases of about 5 percent per year (NHTSA 2020).

Renewable Fuel Standard Program

Created by the Energy Policy Act of 2005, which amended the federal Clean Air Act, the Renewable Fuel Standard Program established requirements to replace certain volumes of petroleum-based fuels with renewable fuels. The four renewable fuel types accepted as part of the Renewable Fuel Standard Program are biomass-based diesel, cellulosic biofuel, advanced biofuel, and total renewable fuel. The 2007 Energy Independence and Security Act expanded the program and its requirements to include long-term goals of using 36 billion gallons of renewable fuels and extending annual renewable-fuel volume requirements to year 2022. “Obligated parties,” such as refiners and importers of gasoline or diesel fuel must meet specific blending requirements for the four renewable fuel types. The USEPA implements the program in consultation with U.S. Departments of Agriculture and Energy. The obligated parties are required to demonstrate their compliance with the Renewable Fuel Standard Program.

State

Senate Bills 1078 and 107, Executive Orders S-14-08 and S-21-09, and Senate Bills 350 and 100

Senate Bill (SB) 1078 (Chapter 516, Statutes of 2002) required retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Executive Order S-14-08 expanded the state’s Renewables Portfolio Standard to 33 percent renewable power by 2020. Executive Order S-21-09 directs the CARB, under its AB 32 authority, to enact regulations to help the state meet its Renewables Portfolio Standard goal of 33 percent renewable energy by 2020.

The 33 percent-by-2020 goal and requirements were codified in April 2011 with SB X1-2. This new Renewables Portfolio Standard applies to all electricity retailers in the state, including publicly owned utilities, investor-owned utilities, electricity service providers, and community choice aggregators. SB 350 (2015) increased the renewable-source requirement to 50 percent by 2030. This was followed by SB 100 in 2018, which further increased the Renewables Portfolio Standard to 60 percent by 2030 and added the requirement that all state’s electricity come from carbon-free resources by 2045.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, which establishes mandatory green building standards for all buildings in California. The code covers five

categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a set of minimum requirements and more rigorous voluntary measures for new construction projects to achieve specific green building performance levels. This code went into effect as part of local jurisdictions' building codes on January 1, 2011. The 2019 California Building Standards Code (Cal. Code Regs., Title 24) was published July 1, 2019, with an effective date of January 1, 2020.

Local

County of Santa Clara Climate Action Plan for Operations and Facilities

In 2007, the County of Santa Clara Board of Supervisors signed the Cool Counties Climate Stabilization Declaration and established a set of aggressive goals for GHG emission reductions for the County which included climate action strategies in sectors such as buildings and facilities, employee commute, vehicle fleet, solid waste disposal, public lighting, closed landfills, water/sewage transport, and septic systems (Cool Counties 2007). The Climate Action Plan identified a set of policies in need of revision or development, such as the Green Building Policy. The Green Building Policy (7.14) was revised to strengthen the requirements for energy and water efficiency in buildings sited, designed, constructed, operated, and maintained by the County.

3.5.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to energy:

- **Impact ENE-1:** Would the Project result in wasteful, inefficient, or unnecessary consumption of energy resources?
- **Impact ENE-2:** Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Impact ENE-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources

Impact ENE-1 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Impact Analysis

The Project activities would increase energy consumption for the duration of construction in the form of electricity, natural gas, and fossil fuels (e.g., gasoline, diesel fuel). Transportation energy use during construction would come from the transport and use of construction equipment (off-road), delivery and haul trucks (on-road), and construction employee passenger vehicles (on-road). Construction-related transportation energy use depends on the type and number of trips, vehicle miles traveled (VMT), fuel efficiency of vehicles, and travel mode. The majority of the construction equipment used during demolition activities would be gas- or diesel-powered equipment. The use of fuel by on-road and off-road vehicles would be temporary and would fluctuate according to the phase of construction. Construction fuel use under the Project would cease upon completion of demolition and site rehabilitation activities.

Table 3.5-1 shows the estimated annual energy consumption as a result of the fuel used during Project demolition activities. The annual energy consumption was estimated using the CalEEMod carbon dioxide (CO_2) emissions calculations for the proposed construction activities and application of the U.S. Energy Information Administration's CO_2 emissions coefficients (EIA 2016) to estimate fuel consumption for construction activities. Additional modeling assumptions and more details are provided in Section 3.2, "Air Quality," and Appendix C.

Table 3.5-1 Construction-Related Energy Consumption

Source	Total Energy Requirement **(gallons)**	Energy Consumption (MMBtu)
Diesel	62,469	8,627
Gasoline	7,472	934
Total Construction Energy Requirement		**9,561**

Notes: MMBtu = million British thermal units

Based on the anticipated phasing of the Project demolition activities, the anticipated equipment and construction work staff, the temporary nature of construction, and the project type, the Project would not include unusual characteristics that would necessitate the use of construction equipment that is less energy-efficient than the equipment used at comparable construction sites.

In addition, construction contractors are required, in accordance with MM-AIR-2 (see Section 3.2.3) and the CARB Airborne Toxic Control Measure for Diesel-Fueled Commercial Motor Vehicle Idling, to minimize the idling time of construction equipment by shutting equipment off when it is not in use or reducing the idling time to 5 minutes. Per MM-AIR-2, construction contractors would also be required to maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. These required practices would limit wasteful and unnecessary energy consumption.

Because the Project would only involve the demolition of the former City Hall building, there would be no ongoing energy use at the site. In addition, one of the objectives of the Project is to reduce the County's costs related to the former City Hall facility which currently includes costs for maintenance, security, and utilities. With implementation of the Project and demolition of the former City Hall building, the associated energy consumption related to maintenance and security activities, and energy usage associated with utilities, would no longer occur. Therefore, the Project would have a net operational benefit with respect to energy use. Thus, the impact would be **less than significant.**

Impact ENE-2: Conflict with or Obstruct a Renewable Energy or Energy Efficiency Plan

Impact ENE-2 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would conflict with or obstruct a state or local plan for renewable energy of energy efficiency.

Impact Analysis

The Project site does not use land that was otherwise slated for renewable energy production. In addition, as described in the BAAQMD 2017 Clean Air Plan, most older buildings do not meet current energy standards (BAAQMD 2017b). Since the Project involves demolition of a building that was constructed in 1956 through 1958, the Project would also reduce the County's energy consumption for maintenance, security, and utilities associated with the former City Hall building. Therefore, construction of the Project would not obstruct any state or local plans for renewable energy and or energy efficiency. This impact would be **less than significant.**

3.5.4 Cumulative Impacts and Mitigation

As discussed in Section 3.5.3 above, the Project would have a net operational benefit in relation to electricity and natural gas energy use. Therefore, the Project would not contribute to potential cumulative

impacts relating to these energy types. The following discussion analyzes the potential of the Project to contribute to the following cumulative impacts[6] related to the use of gasoline and diesel energy:

- **Impact C-ENE-1:** Contribution to cumulative effects due to wasteful, inefficient, or unnecessary consumption of energy resources or conflict with an applicable state or local plan for renewable energy or energy efficiency.

Cumulative Impact C-ENE-1: Wasteful, Inefficient or Unnecessary Consumption of Energy or Conflict with Energy Plan

The overall cumulative impact for C-ENE-1 would be **less than significant.** No mitigation is required.

Cumulative Context

The study area for cumulative impacts on gasoline and diesel energy is the state of California, as standards for fuel efficiency are promulgated at the state level.

Cumulative Impact Analysis

Past, present and probable future projects throughout the state would result in the irreversible use of diesel and gasoline resources during construction, as well as from operational traffic associated with those projects. However, the use of such resources would be subject to the same regulatory framework relating to energy and fuel efficiency as the Project and would be anticipated to become more energy efficient over time as regulatory requirements change and technological advancements are made. Therefore, the overall cumulative impact relating to the use of gasoline and diesel energy resources and consistency with energy plans would be **less than significant.**

[6] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-ENE-1 addresses the same issues as project-level impacts ENE-1 and ENE-2.

3.6 Geology/Soils

This section describes the existing geologic, soils, and paleontological resources setting of the Project area and evaluates whether the Project would result in adverse effects on these resources. No comments relating to geology were received during the public scoping period in response to the Notice of Preparation.

3.6.1 Environmental Setting

Geology

The Project site is in the Santa Clara Valley near the eastern edge of the South Bay alluvial plain, which consists of alluvial fans deposited over time as a result of erosion and subsequent transport of sediments from the Diablo Range to the east and the Santa Cruz Mountains to the south and southwest. The site is approximately 6.6 miles inland from the San Francisco Bay shoreline and is approximately 64 feet above mean sea level.

Surface Fault Rupture

Geologists have determined that the greatest potential for surface fault rupture and strong seismic ground shaking is from active faults, that is, faults with evidence of activity during the Holocene epoch (the last 11,700 years). Surface rupture is the actual cracking or breaking of the ground surface along a fault during an earthquake, which is generally limited to a linear zone that is only a few yards wide. If surface fault rupture occurs, structures that are located across the fault trace can be torn apart, and pipelines can rupture. The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) was created to help reduce the loss of life and property from an earthquake by prohibiting the construction of structures designed for human occupancy across the traces of active faults.

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone (California Geological Survey 2002a) or within or adjacent to the trace of any other known fault (Jennings and Bryant 2010). As part of the *Preliminary Geotechnical and Geologic Hazards Investigation* prepared for the Santa Clara Civic Center Master Plan Project, Cornerstone Earth Group (Cornerstone 2017) reviewed historic and current aerial photos of the Project site and did not identify any features that would suggest the presence of a fault surface trace crossing the site.

Strong Seismic Ground Shaking

Ground shaking—motion that occurs as a result of energy released during faulting—could potentially result in the damage or collapse of buildings and other structures, depending on the magnitude of the earthquake, the distance to the epicenter, and the character and duration of the ground motion. Other important factors to be considered are the characteristics of the underlying soil and rock and, where structures exist, the building materials used and the workmanship of the structures.

The Project site is located in the San Francisco Bay block,[7] which is a seismically active area. The San Francisco Bay block is bounded by several major right-lateral, active faults: the San Andreas fault on the southwest, and the Hayward and Calaveras faults on the northeast.

The U.S. Geological Survey indicates that the estimated probability of one or more magnitude 6.7 earthquakes occurring during the period 2014–2043 in the San Francisco Bay Area is 72 percent (Aagaard et al. 2016). In the Project region, the faults with the highest estimated probability of generating damaging earthquakes are the Hayward (33 percent), Rodgers Creek (33 percent), Calaveras (26 percent), and San Andreas Faults (22 percent). During the period 2014–2043, the probability of an earthquake of magnitude 6.7 or larger occurring along the San Andreas Fault is 22 percent, and is 33 percent along the Hayward or Rodgers Creek Faults. The distance from the Project site to the nearest active faults is shown in Table 3.6-1.

[7] A block is a large crustal rock mass bounded by faults that moves or behaves as a single unit within a greater tectonically active region.

Table 3.6-1 Active Faults in the Project Region

Fault Name	Distance from Project Site (miles)
Hayward (Southeast Extension)	5.4
Monte Vista-Shannon	8.0
Hayward (Total Length)	8.3
Calaveras	10.9
San Andreas (1906)	12.2
Sargent	14.9

Source: Cornerstone Earth Group 2017: Table 1

Peak horizontal ground acceleration, which is a measure of the projected intensity of ground shaking from seismic events, can be estimated using a computer model. As part of the *Preliminary Geotechnical and Geologic Hazards Investigation*, Cornerstone (2017) projected a peak ground acceleration of 0.500g for the Santa Clara Civic Center Master Plan. This indicates that a relatively strong level of seismic ground shaking would be anticipated for the Project site.

Seismic Settlement/Liquefaction

Liquefaction is the process which causes soil to behave more like a liquid than a solid during an earthquake. During strong ground shaking, water-saturated granular materials are transformed from a solid state into a liquefied state as a result of increased pore-water pressure, resulting in loss of strength. Structures on soil that undergoes liquefaction may settle or suffer major structural damage. Liquefaction is most likely to occur in low-lying areas where the substrate consists of poorly consolidated to unconsolidated water-saturated sediments, recent Holocene-age sediments, or deposits of artificial fill. Additional factors that determine the liquefaction potential are the distance to an active seismic source and the depth to groundwater.

Based on geologic and seismic studies performed by the California Geological Survey (2002b), the project site is located within a liquefaction hazard zone. As part of the *Preliminary Geotechnical and Geologic Hazards Investigation* prepared for the Santa Clara Civic Center Master Plan Project, Cornerstone (2017) performed a liquefaction analysis and determined that on-site liquefaction could occur, given the presence of loose unconsolidated sand layers, the close proximity to active seismic sources, and the relatively shallow depth to groundwater (which fluctuates between 8 and 31 feet below the ground surface).

Lateral Spreading

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. There are no open faces at the Project site where lateral spreading could occur. Therefore, the potential for lateral spreading to affect the site is low.

Slope Stability

The Project site has a generally flat topography that would not represent a slope stability hazard. Furthermore, the site is not adjacent to any steep slopes where an off-site landslide could pose a hazard to on-site structures.

Soils

Soil properties influence the development of building sites, including the engineering design, construction techniques, and site maintenance.

Because soil borings have not been conducted at the Project site, the precise nature of the existing on-site soils is not known at this time. However, geologic mapping prepared by California Geological Survey

indicates the project site is composed of Holocene-age alluvial fan deposits, which generally consist of the following: 44% lean clay, 14% silt, 13% silty sand, and 29% other constituents (California Geological Survey 2002b: Table 1.3). Native Holocene-age materials tend to be loose and unconsolidated, which can represent an unstable base upon which to construct building and road foundations.

Expansive soils are composed largely of clays, which greatly increase in volume when saturated with water and shrink when dried. Because of this shrink-swell effect, structural foundations may rise during the rainy season and fall during the dry season. If this expansive movement varies beneath different parts of a structure, the foundation may crack and portions of the structure may become distorted. Retaining walls and underground utilities may be damaged for the same reasons. Soil testing performed by Cornerstone (2017) adjacent to the Project site for the Santa Clara Civic Center Master Plan Project indicated that the soils were moderately to highly expansive. Because the Project site likely consists of the same materials that were used to provide fill and the same underlying native soils as compared to the rest of the Santa Clara Civic Center Master Plan site, the Project site likely has a similar moderate to high expansion potential.

Paleontological Resources

As noted above, the detailed geologic mapping provided by California Geological Survey (2002b: Plate 1.1) indicates the project site is composed of Holocene-age alluvial fan deposits. To be considered a unique paleontological resource, a fossil must be more than 11,700 years old. Holocene deposits contain only the remains of extant, modern taxa (if any resources are present), which are not considered “unique” paleontological resources. Therefore, the alluvial fans deposits at the Project site are considered to be of low paleontological sensitivity.

3.6.2 Regulatory Framework

Federal

There are no federal regulations related to geology, soils, or paleontological resources that would apply to the Project.

State

National Pollutant Discharge Elimination System

In California, the State Water Resources Control Board (SWRCB) administers regulations promulgated by the USEPA (55 Code of Federal Regulations 47990) requiring the permitting of stormwater-generated pollution under the NPDES. In turn, the SWRCB’s jurisdiction is administered through nine regional water quality control boards. Under these federal regulations, an operator must obtain a general permit through the NPDES Stormwater Program for all construction activities with ground disturbance of 1 acre or more. The SWRCB’s statewide NPDES Permit, Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-009-DWQ as amended by Order No. 2012-0006-DWQ) (Construction General Permit), requires preparation of a storm water pollution prevention plan (SWPPP) that addresses control of water pollution, including sediment, in runoff during construction. BMPs must be identified in the SWPPP and implemented during construction to reduce sedimentation into surface waters and to control erosion. The Construction General Permit also includes post-construction stormwater performance standards that address water quality and hydromodification protection. (See Section 3.9, “Hydrology and Water Quality,” for more information about the NPDES permit program and SWPPPs.)

California Public Resources Code (PRC § 5097.5)

This law protects artifacts at paleontological sites, including fossilized footprints, that are situated on public lands, except with the permission of the public agency with jurisdiction over the lands. “Public lands” is defined as lands owned by the state, any city, county, district, authority, or public corporation. Disturbing paleontological resources on public lands is a misdemeanor.

Local

County of Santa Clara Grading Permit

The County of Santa Clara Municipal Code, Title C, Division C12, Chapter 3, regulates grading and drainage in the county. In general, a grading permit is required when grading affects a watercourse, involves cuts or fills greater than 5 feet in vertical depth, or when the total volume of cut or fill material is 150 cubic yards or more (Chapter 3, Section C12-406). A grading permit is not required for work that is performed by, or under the supervision of, a governmental agency, including the County (Chapter 3, Section C12-407[a]).

Paleontological Guidelines

The Society of Vertebrate Paleontology, a national scientific organization of professional vertebrate paleontologists, has established standard guidelines that outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, specimen preparation, analysis, and curation. In its standard guidelines for assessment and mitigation of adverse impacts on paleontological resources, the Society of Vertebrate Paleontology (2010) established four categories of sensitivity for paleontological resources: high, low, no, and undetermined. Areas where fossils have been previously found are considered to have a high sensitivity and a high potential to produce fossils. Areas that are not sedimentary in origin and that have not been known to produce fossils in the past typically are considered to have low sensitivity. Areas consisting of high-grade metamorphic rocks (e.g., gneisses and schists) and plutonic igneous rocks (e.g., granites and diorites) are considered to have no sensitivity. Areas that have not had any previous paleontological resource surveys or fossil finds are considered to be of undetermined sensitivity until surveys are performed. After reconnaissance surveys, a qualified paleontologist can determine whether the area of undetermined sensitivity should be categorized as having high, low, or no sensitivity. In keeping with the Society of Vertebrate Paleontology (2010) significance criteria, all vertebrate fossils are generally categorized as being of potentially significant scientific value.

3.6.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to geology and soils:

- **Impact GEO-1:** Would the Project cause potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides?
- **Impact GEO-2:** Would the Project result in substantial soil erosion or loss of topsoil?
- **Impact GEO-3:** Would the Project be located on unstable or expansive soils?
- **Impact GEO-4:** Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems?
- **Impact GEO-5:** Would the Project destroy a unique paleontological resource or site or unique geological feature?

Impact GEO-1: Substantial Adverse Effects from Seismic Hazards

Impact GEO-1 would be **no impact**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
- strong seismic ground shaking.
- seismic-related ground failure, including liquefaction.
- landslides.

Impact Analysis

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone or in the vicinity of any other known fault (California Geological Survey 2002a; Jennings and Bryant 2010). Cornerstone (2017) reviewed historic and current aerial photos for the Santa Clara Civic Center Master Plan, which included the Project site, and did not identify any features that would suggest the presence of a fault surface trace crossing the site. Thus, there would be **no impact** related to fault rupture.

The Project site is in a seismically active area, approximately 5.4 miles from the Hayward Fault and within 15 miles of several other active faults (see Table 3.6-1). Cornerstone (2017) projected a peak ground acceleration of 0.500g for the Santa Clara Civic Center Master Plan. This indicates that a relatively strong level of seismic ground shaking would be anticipated for the Project site at some point during the next 50 years. Also, because of the presence of loose unconsolidated sand layers at the Project site, the close proximity to active seismic sources, and the relatively shallow depth to groundwater, liquefaction could occur at the Project site. However, because the project would only involve the demolition of the former City Hall building and basement, removal of associated underground utilities, and subsequent site grading (to ensure a uniformly flat surface) and landscaping, there would be **no impact** related to seismic ground shaking or liquefaction.

The Project site is located on a flat alluvial plain with nearly level topography. Furthermore, there are no off-site areas with steep slopes adjacent to the Project site that could result in on-site landslide hazards. Thus, there would be **no impact** related to landslides.

Impact GEO-2: Substantial Soil Erosion or Loss of Topsoil

Impact GEO-2 would be **less than significant**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in substantial soil erosion or loss of topsoil.

Impact Analysis

The Project would require earthmoving activities, including excavating, grading, and compacting, to demolish the former City Hall building, remove associated underground utilities, and conduct subsequent site grading and landscaping. Disturbance of existing soil and other project-related earthmoving activities associated with construction would expose soils to rain events, which could mobilize loose soil and result in soil erosion. Subsequent soil transport during storm events could result in sedimentation both within and downstream of the Project site. Furthermore, earthmoving activities during the summer months could result in wind erosion.

Because the Project would disturb more than 1 acre of land, the County is required by law to prepare a SWPPP and implement associated BMPs that are specifically designed to reduce construction-related erosion. A Notice of Intent, along with the SWPPP and BMPs, would be submitted to the San Francisco Bay RWQCB, in compliance with the statewide *NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit) (Order 2009-009-DWQ as amended by Order 2012-0006-DWQ). BMPs that could be implemented to reduce erosion may include silt fences, staked straw bales/wattles, silt fences, geofabric, trench plugs, terraces, water bars, soil stabilizers, mulching, and revegetation of disturbed areas. Construction techniques that could

be implemented to reduce the potential for stormwater runoff include minimizing site disturbance, controlling water flow over the construction site, stabilizing bare soil, and ensuring proper site cleanup.

Because the County would prepare and implement a SWPPP and implement BMPs designed to control construction-related stormwater runoff and reduce erosion, this construction impact on soil erosion or loss of topsoil would be **less than significant.**

Post-demolition impacts related to soil erosion are addressed in Section 3.9, “Hydrology and Water Quality.”

Impact GEO-3: Unstable or Expansive Soils

Impact GEO-3 would be **no impact**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would:

- be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property.

Impact Analysis

Soils at the Project site are likely the same as those encountered in soil borings obtained by Cornerstone (2017) for other parcels in the Santa Clara Civic Center Master Plan area, because the Project site is immediately adjacent, is located at the same elevation, in the same alluvial plain, and within the same rock formation. Cornerstone determined that the sandy soil layers are subject to liquefaction, and the clay soil layers are subject to expansion.

However, since the Project only involves the demolition of the former City Hall building, removal of associated underground utilities, and subsequent site grading and landscaping, there would be **no impact.**

Impact GEO-4: Soil Suitability for Septic Systems

Impact GEO-4 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would:

- have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Impact Analysis

The Project involves only the demolition of the former City Hall building, and no septic system or other type of alternative wastewater system would be required. Portable restrooms would be provided for construction workers. Thus, there would be **no impact.**

Impact GEO-5: Damage or Destruction of Unique Paleontological Resources

Impact GEO-5 would be **no impact**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. A "unique paleontological resource or site" is one that is considered significant under the following professional paleontological standards.

An individual vertebrate fossil specimen may be considered unique or significant if it is identifiable and well preserved, and it meets one of the following criteria:

- a type specimen (i.e., the individual from which a species or subspecies has been described);
- a member of a rare species;
- a species that is part of a diverse assemblage (i.e., a site where more than one fossil has been discovered) wherein other species are also identifiable, and important information regarding life history of individuals can be drawn;
- a skeletal element different from, or a specimen more complete than, those now available for its species; or
- a complete specimen (i.e., all or substantially all of the entire skeleton is present).

The value or importance of different fossil groups varies, depending on several factors: the age and depositional environment of the rock unit that contains the fossils; their rarity; the extent to which they have already been identified and documented; and the ability to recover similar materials under more controlled conditions (such as for a research project). Marine invertebrates generally are common, the fossil record is well developed and well documented, and they would generally not be considered a unique paleontological resource. Identifiable vertebrate marine and terrestrial fossils generally are considered scientifically important because they are relatively rare.

Impact Analysis

The Project site is located within Holocene-age rock formations. To be considered a unique paleontological resource, a fossil must be more than 11,700 years old. Holocene deposits contain only the remains of extant, modern taxa (if any resources are present), which are not considered "unique" paleontological resources.

Unique geologic features consist of outstanding natural landforms such as mountain peaks, deep scenic canyons and gorges, scenic rock formations, and large waterfalls. There are no unique geologic features within or adjacent to the Project site.

Because there are no unique paleontological resources or geological features at the site, there would be **no impact**.

3.6.4 Cumulative Impacts and Mitigation

As discussed above, the Project would have no impact on seismic hazards, unstable or expansive soils, capacity of the soil to support septic systems, or paleontological resources and unique geological features. Therefore, the Project would not contribute to any potential cumulative impacts for these issues. The following analyzes the potential of the Project to contribute to cumulative impacts for the following geology and soils impacts where the Project would have a less-than-significant or potentially significant impact:

- **Impact C-GEO-2:** Contribution to cumulative effects related to substantial soil erosion or loss of topsoil.

Cumulative Impact C-GEO-2: Substantial Soil Erosion or Loss of Topsoil

The overall cumulative impact for C-GEO-2 would be **less than significant.** No mitigation is required.

Cumulative Context

The geographic context for geology, soils, and paleontological resources encompasses the South Bay alluvial plain. The geologic formations and soil types vary widely depending on project location and are site specific.

Cumulative Impact Analysis

All of the cumulative projects that disturb 1 acre or more are required by law to prepare a SWPPP and implement site-specific BMPs that are specifically designed to prevent construction-related erosion. Cumulative projects would also be required to obtain a County or City (as applicable) grading permit, which requires submittal of an erosion control plan for County or City review and approval. Permit conditions would be imposed to reduce potential erosion impacts. Therefore, the overall cumulative impact related to substantial construction-related soil erosion would be **less than significant**.

3.7 Greenhouse Gas Emissions

This section describes the existing science related to greenhouse gases (GHGs), describes the existing setting of the project area and evaluates the potential impacts of the Project related to GHG emissions.

Because no single project is large enough individually to result in a measurable increase in global concentrations of GHG emissions, global warming impacts of a project are considered on a cumulative basis.

No comments relating to greenhouse gas emissions were received during the public scoping period in response to the Notice of Preparation.

3.7.1 Environmental Setting

Greenhouse Gases and Climate Change

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as GHGs, to the atmosphere. The primary source of these GHGs is fossil fuel use. The Intergovernmental Panel on Climate Change has identified four major GHGs—water vapor, carbon dioxide (CO_2), methane (CH_4), and ozone (O_3)—that are the likely cause of an increase in global average temperatures observed in the twentieth and twenty-first centuries. Other GHGs identified by the Intergovernmental Panel on Climate Change that contribute to global warming are nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons (Intergovernmental Panel on Climate Change 2014). The following are the principal GHG pollutants that contribute to climate change that would be generated by project sources and their primary emission sources:

- **Carbon Dioxide (CO_2)** enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and respiration, and also as a result of other chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (sequestered) when it is absorbed by plants as part of the biological carbon cycle.
- **Methane (CH_4)** is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and from the decay of organic waste in municipal solid waste landfills.
- **Nitrous Oxide (N_2O)** is produced by both natural and human-related sources. Primary human-related sources of nitrous oxide are agricultural soil management, sewage treatment, mobile and stationary combustion of fossil fuel, and production of adipic and nitric acid. Nitrous oxide is also produced naturally from a wide variety of biological sources in soil and water, particularly microbial action in wet tropical forests.

Global warming potential is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to CO_2. The global warming potential of a GHG is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time (i.e., lifetime) that the gas remains in the atmosphere (“atmospheric lifetime”). The reference gas for global warming potential is CO_2; therefore, CO_2 has a global warming potential of 1. The other main GHGs that have been attributed to human activity include CH_4, which has a global warming potential of 28, and N_2O, which has a global warming potential of 265 (USEPA 2017b). For example, one ton of CH_4 has the same contribution to the greenhouse effect as approximately 28 tons of CO_2. GHGs with lower emissions rates than CO_2 may still contribute to climate change because they are more effective at absorbing outgoing infrared radiation than CO_2 (i.e., high global warming potential). The concept of CO_2-equivalents (CO_2e) is used to account for the different global warming potentials of GHGs to absorb infrared radiation.

Although the exact lifetime of any particular GHG molecule is dependent on multiple variables, it is understood by scientists who study atmospheric chemistry that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. GHG emissions related to human activities have been determined as “extremely likely” to be responsible (indicating 95%

certainty) for intensifying the greenhouse effect, and leading to a trend of unnatural warming of the Earth's atmosphere and oceans, with corresponding effects on global circulation patterns and climate (CARB 2014a). The quantity of GHGs that it takes to ultimately result in climate change is not precisely known; however, no single project is expected to measurably contribute to a noticeable incremental change in the global average temperature, or to a global, local, or micro climate.

GHG Emission Inventories

State

The California Air Resources Board (CARB) performs an annual GHG inventory for emissions and sinks of the six major GHGs. California produced 424.1 million metric tons (MMT) CO_2e in 2017 (CARB 2019a). As shown in Figure 3.7-1, combustion of fossil fuel in the transportation category was the single largest source of California's GHG emissions in 2017 followed by the industrial and electric power (including in-state and out-of-state sources) categories (CARB 2019a).

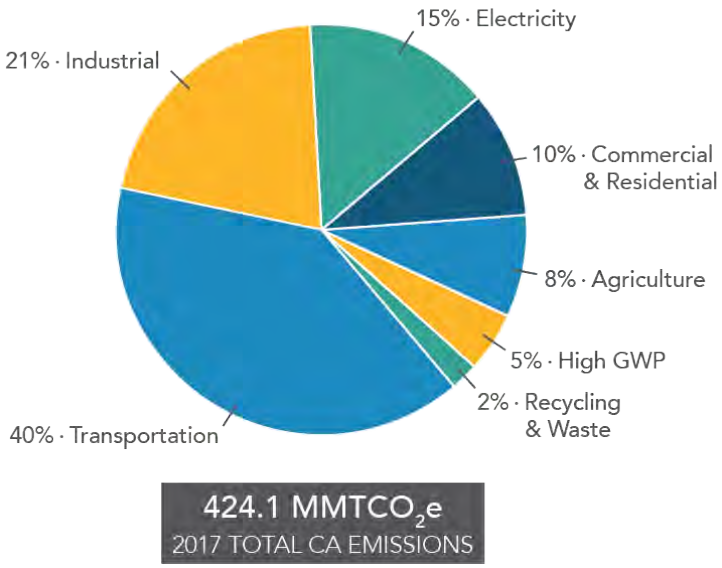


Figure 3.7-1 California 2017 GHG Inventory

Regional

The BAAQMD GHG Inventory estimates direct and indirect emissions from sources within the BAAQMD's jurisdiction for the GHGs consistent with those considered for AB 32, including CO_2, CH_4, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (BAAQMD 2015).

The emissions inventory estimates GHG emissions produced by the San Francisco Bay Area in 2011. This inventory updates the BAAQMD's previous GHG emissions inventory for base year 2007 (BAAQMD 2015). All activity data were updated to reflect current industrial activity, motor vehicle travel, and economic and population growth.

Overall, the Bay Area's GHG emissions in 2011 were approximately 86.6 million $MTCO_2e$ (BAAQMD 2015). The transportation sector contributed approximately 39.7 percent of GHG emissions in the Bay Area. The industrial and commercial sector was the second largest contributor with 35.7 percent of total GHG emissions.

Local

In 2015, the County of Santa Clara emitted approximately 112,952 $MTCO_2e$ from municipal operations (buildings, facilities, public lighting and utilities, employee commute, vehicle fleet, solid waste and closed

landfill sectors). This represents a 3 percent increase from 2010 municipal operations of 109,819 $MTCO_2e$ (County of Santa Clara 2018c).

Project Site and Vicinity

As described in Section 2, "Project Description," the Project site is limited to that portion of the parcel that would be required to enable demolition of the former City Hall building. The building is currently vacant and is not in a usable condition; therefore, existing emissions are limited to vehicle trips from County staff and equipment usage associated with the ongoing maintenance activities.

3.7.2 Regulatory Framework

Federal

Greenhouse Gas Findings under the Federal Clean Air Act

On December 7, 2009, USEPA made two distinct findings regarding GHG emissions under Section 202(a) of the federal Clean Air Act:

- Endangerment Finding: The Administrator found that the current and projected concentrations of the six key well-mixed greenhouse gases—CO_2, CH_4, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—in the atmosphere threaten the public health and welfare of current and future generations.
- Cause or Contribute Finding: The Administrator found that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industries or other entities, this action was a prerequisite to finalizing the USEPA's Proposed Greenhouse Gas Emission Standards for Light-Duty Vehicles (USEPA 2009).

GHG Emission Standards for Light-Duty and Heavy-Duty Vehicles

On May 7, 2010, the final Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards were published in the Federal Register (USEPA 2010). Phase 1 of the emissions standards required model year 2012 through 2016 vehicles to meet an estimated combined average emissions level of 250 grams of CO_2 per mile, which is equivalent to 35.5 miles per gallon, if the automobile industry were to meet this CO_2 level solely through fuel economy improvements.

On August 28, 2012, the U.S. Department of Transportation and the USEPA issued a joint Final Rulemaking requiring additional federal GHG and fuel economy standards for Phase 2 of the emissions standards for model year 2017 through 2025 passenger cars and light-duty trucks. The standards would require these vehicles to meet an estimated combined average emissions level of 163 grams of CO_2 per mile in model year 2025, which is equivalent to 54.5 miles per gallon, if the improvements were made solely through fuel efficiency. However, on April 2, 2018, the USEPA issued a Mid-term Evaluation Final Determination, which finds that the model year 2022 through 2025 emissions standards are not appropriate and should be revised. This Mid-term Evaluation was not a final agency action; rather, this determination led to the rule making of the Safer Affordable Fuel Efficient Vehicle Rule (USEPA 2018b).

In addition to the standards for light-duty vehicles, the U.S. Department of Transportation and USEPA adopted complementary standards to reduce GHG emissions and improve the fuel efficiency of heavy-duty trucks and buses on September 15, 2011. The Phase 1 standards together form a comprehensive heavy-duty national program for all on-road vehicles rated at a gross vehicle weight at or above 8,500 pounds for model years 2014 through 2018. The standards phased in with increasing stringency in each model year from 2014 through 2018. The USEPA standards adopted for 2018 represented an average per-vehicle reduction in GHG emissions of 17 percent for diesel vehicles and 12 percent for gasoline vehicles (USEPA 2011). Building on the success of the Phase 1 standards, USEPA and the National Highway Traffic Safety Administration finalized Phase 2 standards for medium- and heavy-duty vehicles

through model year 2027. The Phase 2 standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons.

Safer Affordable Fuel Efficient Vehicle Rule

In September 2019, the NHTSA and the USEPA published the Safer Affordable Fuel Efficient (SAFE) Vehicle Rule Part One: One National Program. The SAFE Part One Rule revokes California's authority and vehicle waiver to set its own emissions standards and set zero emission vehicle mandates in California for passenger cars and light trucks and establish new standards, covering model years 2021 through 2026. In April 2020, the USEPA and NHTSA issued the second part of the proposed SAFE Vehicles Rule. This final rule was made effective on June 29, 2020. The final rule will increase stringency of CO_2 emissions standards by 1.5 percent each year through model year 2026, as compared with the CO_2 standards issued in 2012, which would have required increases of about 5 percent per year (NHTSA 2020).

Mandatory GHG Reporting Rule

On September 22, 2009, the USEPA published the Final Mandatory Greenhouse Gas Reporting Rule (Reporting Rule) in the Federal Register. The Reporting Rule requires reporting of GHG data and other relevant information from fossil fuel and industrial GHG suppliers, vehicle and engine manufacturers, and all facilities that would emit 25,000 metric tons (MT) or more of CO_2e per year. Facility owners are required to submit an annual report with detailed calculations of facility GHG emissions on March 31 for emissions from the previous calendar year. The Reporting Rule also mandates recordkeeping and administrative requirements to enable the USEPA to verify the annual GHG emissions reports.

State

CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act.

Assembly Bill 1493

AB 1493, signed in July 2002, requires CARB to develop and implement regulations to reduce automobile and light truck GHG emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with model year 2009. In June 2009, the USEPA Administrator granted a Clean Air Act waiver of preemption to California. This waiver allowed California to implement its own GHG emissions standards for motor vehicles beginning with model year 2009. California agencies worked with federal agencies to conduct joint rulemaking to reduce GHG emissions for passenger car model years 2017 through 2025. However, as discussed under the federal regulatory setting above, the SAFE Part One revokes California's vehicle waiver and authority to set its own emissions standards. On September 19, 2019, the USEPA issued a press release announcing the formal waiver revocation. In response, California and 23 other states and the cities of Los Angeles and New York filed a lawsuit against the National Highway Traffic Safety Administration (CARB 2019b). During the period the federal action is in effect, the CARB will administer the affected portions of its program on a voluntary basis.

Executive Order S-3-05

Executive Order S-3-05, signed in June 2005, proclaimed that California is vulnerable to the impacts of climate change. Executive Order S-3-05 declared that increased temperatures could reduce the Sierra Nevada's snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the executive order established total GHG emissions targets. Specifically, emissions were to be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below the 1990 levels by 2050. The statewide GHG emissions in 2000 were approximately 466 MMT CO_2e (CARB 2012). In 2010, overall statewide GHG emissions were approximately 453 MMT CO_2e, achieving the 2010 goal established by Executive Order S-3-05 (CARB 2014b).

Assembly Bill 32

In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.). AB 32 further details and puts into law the mid-term GHG reduction target established in Executive Order S-3-05: reduce GHG emissions to 1990 levels by 2020. AB 32 also identifies CARB as the state agency responsible for the design and implementation of emissions limits, regulations, and other measures to meet the target. AB 32 also established several programs to achieve GHG emission reductions, including the Low Carbon Fuel Standard and the Cap-and-Trade program. As of 2017, the state has reduced emissions below the revised AB 32 limit of 427 MMT CO_2e.[8]

Senate Bill 32

In 2016, the California State Legislature adopted SB 32 and its companion bill AB 197. SB 32 establishes a climate pollution reduction target of 40 percent below 1990 levels by 2030. AB 197 creates six-year term limits for CARB members, adds two nonvoting lawmakers to the board and creates a new legislative oversight committee. AB 197 also targets climate change programs to “disadvantaged communities” and requires the CARB to consider the social costs of GHG emissions.

CARB Climate Change Scoping Plans

In December 2008, CARB adopted its *Climate Change Scoping Plan: A Framework for Change* (Scoping Plan), which contains the main strategies California will implement to achieve the required GHG reductions required by AB 32 (CARB 2008). The Scoping Plan also includes CARB-recommended GHG reductions for each emissions sector of California’s GHG inventory. CARB further acknowledges that decisions about how land is used will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emissions sectors

CARB is required to update the Scoping Plan at least once every 5 years to evaluate progress and develop future inventories that may guide this process. CARB approved *First Update to the Climate Change Scoping Plan: Building on the Framework* in June 2014 (CARB 2014a). The Scoping Plan update includes a status of the 2008 Scoping Plan measures and other federal, state, and local efforts to reduce GHG emissions in California, and potential actions to further reduce GHG emissions by 2020.

In November 2017, CARB released the 2017 Climate Change Scoping Plan, which establishes a framework of action for California to reduce statewide emissions by 40 percent by 2030, compared to 1990 levels (CARB 2017b). The 2017 Scoping Plan builds upon the framework established by the 2008 Scoping Plan and the 2014 Scoping Plan Update, while also identifying new, technologically feasible and cost-effective strategies to ensure that California meets its GHG reduction targets.

Executive Order S-1-07

Executive Order S-1-07, which was signed by then California Governor Arnold Schwarzenegger in 2007, proclaims that the transportation sector is the main source of GHG emissions in California, at more than 40 percent of statewide emissions. Executive Order S-1-07 establishes a goal that the carbon intensity of transportation fuels sold in California should be reduced by a minimum of 10 percent by 2020. CARB adopted the low carbon fuel standard (LCFS) on April 23, 2009. In November 2015, the Office of Administrative Law approved re-adoption of the LCFS.

Senate Bill 375

SB 375, signed by the Governor in September 2008, aligned regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 required metropolitan planning organizations to adopt Sustainable Community Strategies that would prescribe land use allocation in that metropolitan planning organization’s regional transportation plan. CARB adopted regional GHG targets for passenger vehicles and light trucks for 2020 and 2035 for the 18 metropolitan planning organizations in California. If the combination of measures in the Sustainable Community

[8] For more detail, please see https://ww2.arb.ca.gov/ghg-2020-limit and https://ww2.arb.ca.gov/ghg-inventory-graphs.

Strategies would not meet the regional targets, the metropolitan planning organizations must prepare a separate “alternative planning strategy” to meet the targets.

CARB is required to update the targets for the metropolitan planning organizations every 5 years. In June 2017, CARB released updated targets and technical methodology. The updated targets consider the need to further reduce VMT, as identified in the 2017 Scoping Plan Update (for SB 32), while balancing the need for additional and more flexible revenue sources to incentivize positive planning and action toward sustainable communities. Like the 2010 targets, the updated SB 375 targets are in units of percent per capita reduction in GHG emissions from automobiles and light trucks relative to 2005; this excludes reductions anticipated from implementation of State technology and fuels strategies, and any potential future State strategies such as statewide road-user pricing. The proposed targets call for greater per capita GHG emission reductions from SB 375 than are currently in place; which for 2035, translate into proposed targets that either match or exceed the emission reduction levels contained in the metropolitan planning organizations’ currently adopted Sustainable Community Strategies (discussed below) to achieve the SB 375 targets.

For the next round of Sustainable Community Strategy updates, CARB’s updated targets for the Metropolitan Transportation Commission (MTC)/Association of Bay Area Governments (ABAG) region are a 10% per capita GHG reduction in 2020 from 2005 levels (compared to 7% under the 2010 target), and a 19% per capita GHG reduction in 2035 from 2005 levels (compared to the 2010 target of 15% (CARB 2018).The updated targets and methodology will take effect on October 1, 2018, and Sustainable Community Strategies adopted in 2018 and later would be subject to these new targets (CARB 2018).

Executive Order B-30-15

In April 2015, Governor Edmund Brown issued an executive order establishing a statewide GHG reduction goal of 40 percent below 1990 levels by 2030. The emission reduction target acts as an interim goal between the AB 32 goal (i.e., achieve 1990 emission levels by 2020) and Governor Brown’s Executive Order S-03-05 goal of reducing statewide emissions 80 percent below 1990 levels by 2050. In addition, the executive order aligns California’s 2030 GHG reduction goal with the European Union’s reduction target (i.e., 40 percent below 1990 levels by 2030) that was adopted in October 2014.

Senate Bill 350

California’s Renewable Portfolio Standard was established in 2002 under SB 1078 and accelerated in 2006 under SB 107, by requiring that 20 percent of electricity retail sales be served by renewable energy sources by 2010. Subsequent recommendations in California energy policy reports advocated a goal of 33 percent by 2020, and on November 17, 2008, then governor Arnold Schwarzenegger signed Executive Order S-14-08 requiring retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. In April 2011, SB X1-2 codified Executive Order S-14-08, setting the new Renewable Portfolio Standard targets at 20 percent by the end of 2013, 25 percent by the end of 2016, and 33 percent by the end of 2020 for all electricity retailers. In October 2015, Governor Edmund Brown signed SB 350, which extended the Renewable Portfolio Standard target by requiring retail sellers to procure 50 percent of their electricity from renewable energy resources by 2030. This was followed by SB 100 in 2018, which further increased the Renewable Portfolio Standard target to 60 percent by 2030 along with the requirement that all of the state’s electricity come from carbon-free resources by 2045.

Executive Order B-55-18

On September 10, 2018, Governor Brown issued Executive Order B-55-18, which establishes a new statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. The Executive Order states that this new goal is in addition to the existing statewide targets of reduction GHG emissions.

Regional and Local

CARB also acknowledges that local governments have broad influence and, in some cases, exclusive jurisdiction over activities that contribute to significant direct and indirect GHG emissions through their

planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations.

Plan Bay Area 2040

As described above, SB 375 aligned regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 required metropolitan planning organizations to adopt a sustainable communities strategy that will prescribe land use allocation in that metropolitan planning organization's regional transportation plan. *Plan Bay Area 2040* is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy. *Plan Bay Area 2040* was adopted jointly by ABAG and MTC on July 26, 2017. *Plan Bay Area 2040* lays out a development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. *Plan Bay Area 2040* is a limited and focused update to the 2013 *Plan Bay Area*, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years. *Plan Bay Area 2040* remains on track to meet a 16% per capita reduction of GHG emissions by 2035, and a 10% per capita reduction by 2020 from 2005 conditions (MTC and ABAG 2017).

County of Santa Clara – U.S. Cool Counties Climate Stabilization Declaration

In 2007, the County of Santa Clara Board of Supervisors signed the U.S. Cool Counties Climate Stabilization Declaration and established a set of aggressive goals for GHG emissions reductions that would reduce the county's GHG emissions by 80 percent before 2050. By adopting the Declaration, the county agrees to take inventory of County government operations and countywide community GHG emissions as well as reduce County government GHGs by 80 percent below current levels by 2050 through a 10 percent reduction every five years (Cool Counties 2007).

County of Santa Clara – Climate Action Plan

In 2009, County of Santa Clara prepared a Climate Action Plan for Operations and Facilities in order to meet the goals established in the Cool Counties Climate Stabilization Declaration. The Climate Action Plan focused primarily on steps needed to reach the 10 percent emission reduction goal by 2015, but also identified policies and actions that are needed to set the stage for reductions past 2015, such as the goal of decreasing emissions by 10 percent every 5 years from 2010 through 2050. The Climate Action Plan represents a set of strategic changes in County operations, facilities and employee behaviors which will facilitate emissions reductions through water conservation and decreases in fuel consumption and solid waste volume (County of Santa Clara 2009).

Silicon Valley 2.0

Silicon Valley 2.0 (SV 2.0), funded through a grant from the Strategic Growth Council and designed and managed by the County of Santa Clara Office of Sustainability, is a regional effort to minimize the anticipated impacts of climate change within the boundary of Santa Clara County. In May 2015, the County released the Climate Adaptation Guidebook. The guidebook was designed to provide a recommended set of strategies that can be implemented by individual agencies, cities or regional partnerships to identify potential pathways, technologies, strategies, and policy mechanisms needed to both reduce emissions and increase resiliency in Santa Clara County.

3.7.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to GHG emissions:

- **Impact GHG-1:** Would the Project generate GHG emissions that may have a significant impact on the environment?
- **Impact GHG-2:** Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions?

Impact GHG-1: Generation of GHG Emissions

Impact GHG-1 would be **less than cumulatively considerable**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

As discussed previously, a project's global warming impacts are considered on a cumulative basis.

Lead agencies have flexibility to develop their own generally applicable significance thresholds or to determine significance thresholds on a case-by-case basis. They may also consider thresholds of significance adopted or recommended by other public agencies or experts, provided that the thresholds are supported by substantial evidence. (CEQA Guidelines, Sections 15064, 15064.7.)

The County of Santa Clara has not established thresholds for determining whether a project's GHG emissions would be significant. BAAQMD has adopted the following thresholds for evaluating the operational GHG emissions of land use/development projects:

1) compliance with a qualified GHG reduction strategy;

2) annual emissions less than 1,100 metric tons per year (MT/year) of CO2e; or

3) emissions below 4.6 MT CO2e/service population/year (residents + employees).

The BAAQMD thresholds were not intended for evaluating construction-related GHG emissions. Nevertheless, the BAAQMD recommends that lead agencies quantify and disclose GHG emissions that would occur during construction and make a determination on the significance of these construction-generated GHG emission impacts in relation to meeting statewide GHG reduction goals (BAAQMD 2017a). The Project's GHG emissions would be limited to construction-related activities and the Project would not have a service population, thus the BAAQMD thresholds above would not be applicable. In addition, the BAAQMD thresholds were developed based on AB 32 GHG emissions reduction goals (requirement that statewide GHG emissions be reduced to 1990 levels by 2020) while taking into consideration emission reduction strategies outlined in ARB's 2014 Scoping Plan (BAAQMD 2017a). However, the Project would begin construction in 2021; thus, the Project's construction-related GHG emissions should also be analyzed in light of the SB 32 statewide framework (which established a 2030 GHG emissions reduction target of 40 percent below 1990 levels). The BAAQMD has initiated an update to its current CEQA Guidelines (2017) to review the thresholds of significance criteria and establish new significance criteria where needed to reflect new requirements in the State CEQA Guidelines and to achieve the SB 32 GHG emissions reductions (BAAQMD 2019b). Thus, at the time of this analysis, the BAAQMD has not adopted a threshold of significance consistent with SB 32 goals.

To provide this additional information and put the Project-generated GHG emissions in the appropriate statewide context, this analysis reviewed guidelines used by other public agencies. For example, the Sacramento Metropolitan Air Quality Management District (SMAQMD) has identified an annual threshold of 1,100 MT CO_2e for the construction phase of all project types. The threshold set by the SMAQMD was developed considering the AB 32 and SB 32 reduction goals (SMAQMD 2020).

Thus, this analysis uses the SMAQMD annual threshold of 1,100 MT CO_2e for evaluating the Project's GHG emissions during the construction phase. It is not the intent of this EIR to establish or adopt these thresholds as mass emissions limits for other projects for which the County is the lead agency under CEQA.

Impact Analysis

Heavy-duty off-road equipment, materials transport, and worker commutes during construction activities associated with demolition of the former City Hall building would result in exhaust-related GHG emissions.

Construction-related GHG emissions of the Project were estimated using the methodology discussed in Section 3.2, “Air Quality.” Table 3.7-1 summarizes the GHG emissions that would be generated during the construction activities associated with the Project.

Table 3.7-1 Construction-Related GHG Emissions

Construction Year	GHG Emissions (MT CO_2e)
2021	447
2022	254
Threshold of Significance	1,100
Exceeds Threshold?	No

Notes: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
MT CO_2e = metric tons carbon dioxide equivalents

As shown in Table 3.7-1, construction of the Project would not exceed the annual SMAQMD threshold of 1,100 MT CO_2e adopted for the construction phase of projects. Furthermore, after demolition of the building, ongoing operational GHG emissions at the Project site associated with energy consumption, maintenance and security activities would cease, resulting in a long-term benefit. Therefore, Project construction impacts related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment would be **less than cumulatively considerable**.

Impact GHG-2: Conflict with an Applicable GHG Plan, Policy, or Regulation

Impact GHG-2 would be **less than cumulatively considerable**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Impact Analysis

In an effort to meet the goals of AB 32 to reduce statewide GHG emissions, the California Building Standards Code established the California Green Building Standards Code. The California Green Building Standards Code encourages sustainable construction practices and building design in the categories of planning and design. As described in Section 2, “Project Description,” the Project contractor would submit a Demolition Plan, a Debris Recovery Plan, a Waste Management and Recycling Plan, and a Debris Recovery Report that would comply with all local, state and federal laws, regulations, and ordinances related to solid waste. Consistent with the 2017 Climate Change Scoping Plan goal of maximizing recycling and diversion from landfills, demolition activities associated with the Project would be performed in a manner that maximizes salvage and recycling of materials. A minimum of 65 percent, by weight, of the solid waste generated would be diverted from landfill disposal through re-use and recycling as required by the California Green Building Standard Code 2019. In addition, this would be consistent with BAAQMD Clean Air Plan Waste Management Control Measure, WA4, Recycling and Waste Reduction, which calls for promotion of recycling of construction and demolition materials in commercial and public construction projects (BAAQMD 2017b).

In addition, as shown in Table 3.7-1, the Project would also not generate GHG emissions that would have a significant impact on the environment. Thus, the Project would not conflict with the AB 32 and SB 32 Scoping Plans or any other relevant plans, policies, or regulations for the purpose of reducing GHG emissions. As a result, the Project’s GHG impact would be less than cumulatively considerable.

3.7.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts[9] relating to GHG emissions:

- **Impact C-GHG-1:** Contribution to cumulative effects related to generation of GHG emissions or conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

Cumulative Impact C-GHG-1: Generation of GHG Emissions or Conflicts with GHG Plan, Policy, or Regulation

The overall cumulative impact for C-GHG-1 would be **significant**. However, the Project's contribution would be **not cumulatively considerable.**

Cumulative Context

As previously described, the geographic scope of consideration for GHG emissions is on a global scale, because such emissions contribute, on a cumulative basis, to global climate change. Given the nature of environmental consequences from GHGs and global climate change, CEQA requires that lead agencies evaluate the cumulative impacts of GHGs, even relatively small additions, on a global basis.

Cumulative Impact Analysis

The GHG emissions impact analysis above constitutes a cumulative analysis, in that it considers global, statewide, and regional projections of GHG emissions, as well as the contribution of the Project, to GHG emission impacts. Therefore, the significance conclusions reached above for project-level impacts GHG-1 and GHG-2 also constitute this EIR's significance conclusions with respect to cumulative GHG emissions impacts and the Project's incremental contribution to GHG emissions would be **not cumulatively considerable.**

[9] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-GHG-1 addresses the same issues as project-level impacts GHG-1 and GHG-2.

3.8 Hazards and Hazardous Materials

This section describes the existing hazards and hazardous materials setting of the Project area and evaluates whether the Project would result in adverse effects related to these topics.

No comments relating to hazards and hazardous materials were received during the public scoping period in response to the Notice of Preparation.

3.8.1 Environmental Setting

Known Hazardous Materials Sites

Publicly available databases maintained under PRC Section 65962.5 (i.e., the "Cortese List") were reviewed to determine whether known hazardous materials release sites are present either at or within 0.25 mile[10] of the area of the project site that would be disturbed during construction (the Project footprint). The Hazardous Waste and Substances Site List (the "EnviroStor" database) is maintained by the California Department of Toxic Substances Control (DTSC). The SWRCB maintains the GeoTracker database, an information management system for groundwater.

The results of records searches from the EnviroStor and GeoTracker databases indicate that the Project site is not a Cortese list site, and identified the following Cortese list sites within 0.25 mile of the project footprint (SWRCB 2020, DTSC 2020):

- Santa Clara County Jail, 180 West Hedding Street, approximately 430 feet west of the Project footprint. State Response Site Status: Certified.
- San José City Police Garage, 825 North San Pedro Street, approximately 450 feet southwest of the Project footprint. LUST Cleanup Status: Completed – Case Closed.
- Old Communications Building, 171 West Mission Street, approximately 450 feet southwest of the Project footprint. LUST Cleanup Status: Completed – Case Closed.
- The George L. Richey U.S. Army Reserve Center (Richey Site), 155 West Hedding Street, approximately 750 feet northwest of the Project footprint. LUST Cleanup Site Status: Completed – Case Closed. Military Evaluation Site Status: No Further Action.
- Civic Center Parking Garage, 171 West Hedding Street, approximately 875 feet northwest of the Project footprint. Cleanup Program Site Status: Completed – Case Closed.
- Santa Clara County Vehicle Garage, 90 West Younger Street, approximately 1185 feet north of the Project footprint. LUST Cleanup Status: Completed – Case Closed.
- San José OMS/Military, 251 West Hedding Street, approximately 1200 feet west of the Project footprint. LUST Cleanup Status: Completed – Case Closed.
- Private Residence, 4th Street, approximately 1200 feet southeast of the Project footprint. LUST Cleanup Status: Completed – Case Closed.

There are no sites on the National Priorities List (i.e., Superfund) within 1 mile; the nearest such site is approximately 2.8 miles to the southeast (USEPA 2020).

Because no site-specific environmental sampling has been undertaken at the Project site, the Phase I and II environmental site assessments prepared for the Richey Site as part of the Santa Clara Civic Center Master Plan EIR by Millennium Consulting Associates (Millennium 2017) were reviewed to determine if environmental conditions at that site, approximately 750 feet north of the Project site, had the potential to impact the Project site. The Phase I assessment identified several Recognized Environmental Conditions at the Richey Site. The Phase II assessment included further investigation of those Recognized Environmental Conditions based on soil and groundwater sampling. The Phase II results

[10] Use of a 0.25-mile search radius for identifying hazardous materials release sites that could impact a site is consistent with ASTM Standard E-1527 for Phase I environmental site assessments.

confirmed that residual contamination from the Richey site LUST and other Cortese-list LUST sites in the area (Santa Clara County Parking Garage, San José OMS/Military) do not exceed applicable RWQCB Environmental Screening Levels and are unlikely to have affected soil or groundwater at adjacent or nearby properties. Other Recognized Environmental Conditions identified for the Richey Site[11] include:

- The potential for contamination of soils with pesticide residues from historical agricultural activity. Organochlorine pesticides (resulting from previous agricultural uses) were detected above the laboratory limits in six of the 11 samples, but at concentrations that were below the San Francisco Bay RWQCB Tier 1 Environmental Screening Limits[12] (ESLs).
- The potential for contamination of undocumented engineered fill with naturally occurring asbestos. During soil sampling, Millennium personnel observed serpentinite fill in a soil boring and in a test pit. Millennium collected these soil samples and submitted them for analysis for asbestos. Both samples tested positive for chrysotile asbestos. Millennium conducted further soil sampling to collect samples of fill across the Richey property. These samples were found to contain chrysotile asbestos at concentrations of up to 11% by weight. The presence of naturally occurring asbestos in the undocumented fill was identified as an environmental concern and Millennium concluded that it could be assumed that naturally occurring asbestos-containing fill is present across most of the Richey site.
- In addition to investigating the Recognized Environmental Conditions identified by the Phase I environmental site assessment, the Phase II investigation also collected and analyzed shallow soil samples from the Richey site for a suite of heavy metals. Nickel and cobalt were detected soil at concentrations that exceed the San Francisco Bay RWQCB Tier 1 ESLs for the protection of human health (Construction Worker). It was Millennium's opinion that the elevated nickel and cobalt concentrations are naturally occurring and are the result of a combination of serpentinite sediments and serpentinite aggregate that were used as engineered fill at the Richey site.
- The implications of the above findings for the Project site are discussed in Impact HAZ-1 below in Section 3.8.3.

Schools

The closest school to the Project site is the Muwekma Ohlone Middle School at 850 North 2nd Street, approximately 500 feet to the east.

Airports

The Norman Y. Mineta San José International Airport is approximately 0.5 mile northwest of the project site. The project site is within the airport influence area identified in the airport's Comprehensive Land Use Plan (Santa Clara County Airport Land Use Commission 2016) but is outside of the aircraft noise contour boundary and identified safety zones.

Wildfire

The Project site is in a developed, urban area north of downtown San José. The Project site is in a Local Responsibility Area as designated by the California Department of Forestry and Fire Protection (CAL FIRE). There are no high or very high fire hazard severity zones within or near the Project site (CAL FIRE 2020).

[11] Other Recognized Environmental Conditions identified for the Richey site were related to localized soil contamination at least 750 feet from the Project site, and therefore would not represent a hazard for the Former City Hall Project.
[12] The RWQCB's Environmental Screening Levels (ESLs) provide conservative screening levels for over 100 chemicals found at sites with contaminated soil and groundwater. They are intended to help expedite the identification and evaluation of potential environmental concerns at contaminated sites. ESLs address a range of media (soil, groundwater, soil gas, and indoor air) and a range of concerns (e.g., impacts to drinking water, vapor intrusion, and impacts to aquatic habitat).

3.8.2 Regulatory Framework

Federal

Environmental Protection Agency

The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes. The use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for clean up when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan. The National Contingency Plan provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the National Priorities List, which is a list of contaminated sites warranting further investigation by the USEPA. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Federal Emergency Management Agency

The primary mission of the Federal Emergency Management Agency is to reduce the loss of life and property and to protect the nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

Emergency Planning and Community Right-To-Know Act

The Emergency Planning Community Right-to-Know Act of 1986 was included under the Superfund Amendments and Reauthorization Act (SARA) law and is commonly referred to as SARA Title III. The Act was passed in response to concerns regarding the environmental and safety hazards proposed by the storage and handling of toxic chemicals. The Act establishes requirements for federal, state, and local governments, Indian Tribes, and industry regarding emergency planning and Community Right-to-Know reporting on hazardous and toxic chemicals. SARA Title III requires states and local emergency planning groups to develop community emergency response plans for protection from a list of Extremely Hazardous Substances (40 CFR Appendix B). The Community Right-to-Know provisions help increase the public’s knowledge of and access to information on chemicals at individual facilities, their uses, and their release into the environment.

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act of 1975 was created to provide adequate protection from the risks to life and property related to the transportation of hazardous materials in commerce by improving regulatory enforcement authority of the Secretary of Transportation.

United States Department of Transportation

Transportation of chemicals and hazardous materials are governed by the U.S. Department of Transportation, which stipulates the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration is the federal agency responsible for enforcing and implementing federal laws and regulations pertaining to worker health and safety. The administration's Hazardous Waste Operations and Emergency Response regulations require training and medical supervision for workers at hazardous waste sites (29 Code of Federal Regulations [CFR] § 1910.120). Additional regulations have been developed regarding exposure to lead (29 CFR § 1926.62) and asbestos (29 CFR § 1926.1101) to protect construction workers.

State

Department of Toxic Substances Control

The California DTSC has primary regulatory responsibility, with delegation of enforcement to local jurisdictions that enter into agreements with the State agency, for the management of hazardous materials and the generation, transport and disposal of hazardous waste under the authority of the Hazardous Waste Control Law. Since August 1, 1992, DTSC has been authorized to implement the state's hazardous waste management program for CalEPA.

California Occupational Safety and Health Administration

California Occupational Safety and Health Administration assumes primary responsibility for developing and enforcing workplace safety regulations within California. Regulations pertaining to the use of hazardous materials in the workplace (Title 8 of the CCR) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and preparation of emergency action and fire prevention plans. The California Occupational Safety and Health Administration enforces hazard communication program regulations that contain training and information requirements, including procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees at hazardous-waste sites. The hazard communication program requires that employers make Safety Data Sheets available to employees, and requires documentation of informational and training programs for employees.

The California Occupational Safety and Health Administration regulations also include requirements for protective clothing, training, and limits on exposure to hazardous materials. The California Occupational Safety and Health Administration also enforces occupational health and safety regulations specific to lead and asbestos investigation and abatement. These regulations equal or exceed their federal counterparts. Specific worker safety measures for excavation hazards (e.g., falling or cave-in of excavation walls) are described in the Title 8 CCR Section 1541.

State Water Resources Control Board

The SWRCB was established in 1967. The San Francisco Bay RWQCB is authorized by the SWRCB to enforce provisions of the Porter-Cologne Water Quality Control Act of 1969. This act gives the San Francisco Bay RWQCB authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened and to require remediation of the site, if necessary.

California Air Resources Board

CARB oversees implementation of and compliance with the National Emission Standard for Hazardous Air Pollutants for asbestos, and investigates all related complaints, as specified by California Health and Safety Code Section 39658 (b)(1). Notification of CARB and CalEPA is required for demolition and renovation where asbestos-containing materials may be present. CARB reviews and investigates each notification; and if it is determined that a structure contains asbestos-containing materials, demolition or renovation of the structure must be compliant with National Emission Standards for Hazardous Air Pollutants for demolition and renovation (40 CFR 61.145).

Lead-Based Paint, CCR Title 17

Title 17, Division 1, Chapter 8, of the CCR requires that work on any structure built prior to January 1, 1978 use lead-safe practices. Such practices include containment of the work area and cleaning of the work area after project completion. CCR Chapter 8 also covers accreditation of training providers and certification of individuals to perform lead abatement. The California Occupational Safety and Health Administration provides construction and general industry lead standards in Title 8 of the CCR, which contains occupational health requirements for lead abatement. DTSC regulations for hazardous waste are provided in CCR Title 22, Division 4.5. Demolition or renovation of structures with lead-based paint would be required to comply with procedures in CCR Title 22.

Cortese List, California Government Code Section 65962.5

The provisions of Section 65962.5 of the California Government Code are commonly referred to as the "Cortese List" (after the legislator who authored the legislation that enacted it). The Cortese List is a planning document used by state and local agencies to comply with CEQA's requirement to provide information about the location of hazardous-materials release sites. Government Code Section 65962.5 requires CalEPA to develop an updated Cortese List at least annually. DTSC is responsible for a portion of the information contained on the Cortese List. Other state and local government agencies, including the SWRCB and RWQCBs, are required to provide additional information for the Cortese List about releases of hazardous materials.

In addition, Section 65962.5 requires all project applicants to consult the Cortese List and determine whether any site-specific project is within a hazardous materials site on the list. If so, the project applicant is required to notify the lead agency in writing prior to the issuance of a building permit, so the lead agency can determine the appropriate course of action (which generally would include preparation of Phase I and (if necessary) Phase II environmental site assessment, along with site-specific remediation).

Local

Bay Area Air Quality Management District

BAAQMD Regulation 11, Rule 2, adopted December 15, 1976, regulates hazardous pollutants from asbestos demolition, renovation, and manufacturing activities. The purpose of the rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures. The rule sets out specific procedures to be followed and methods for reducing hazards from asbestos-containing materials during such activities.

BAAQMD's Airborne Toxic Control Measure, adopted in 2001, regulates all construction and mining activities that produce dust potentially containing naturally occurring asbestos. The Airborne Toxic Control Measure places requirements on construction, grading, quarrying and surface mining activities in areas where naturally occurring asbestos is likely to be found.

For construction and grading projects that will disturb one acre or less, the regulation requires several specific actions to minimize emissions of dust such as vehicle speed limitations, application of water prior to and during the ground disturbance, keeping storage piles wet or covered, and track-out prevention and removal. Construction projects that will disturb more than one acre must prepare and obtain BAAQMD approval for an asbestos dust mitigation plan. The plan must specify how the operation will minimize emissions and must address specific emission sources. Regardless of the size of the disturbance, activities must not result in emissions that are visible crossing the property line.

Emergency Response or Emergency Evacuation Plans

There are several regional and local emergency plans that cover the Project area, including the *Joint Emergency Action Plan for Severe Storm and Flood Response in City of San José* (City of San José and Santa Clara Valley Water District 2018), the *Santa Clara County Operational Area Hazard Mitigation Plan* (Santa Clara County Office of Emergency Services 2017), and the *Multi-Jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area* (ABAG 2010). These plans provide an overview to

emergency operations within the City, County, and San Francisco Bay Area. They identify emergency response policies, describe the responses, identify lead agencies and organizations, and assign specific roles and responsibilities to departments, agencies, and community partners. These plans strive to facilitate emergency response and recovery activities in an efficient and effective way.

3.8.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to hazards and hazardous materials:

- **Impact HAZ-1:** Would the Project create a significant hazard through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials?
- **Impact HAZ-2:** Would the Project emit hazardous emissions or handle hazardous emissions within a quarter mile of a school?
- **Impact HAZ-3:** Would the Project create a significant hazard to the public or the environment due to the site being a known hazardous materials site?
- **Impact HAZ-4:** Would the Project result in airport-related safety or noise hazards?
- **Impact HAZ-5:** Would the Project impair implementation of an emergency response plan or emergency evacuation plan?
- **Impact HAZ-6**: Would the Project expose people or structures to significant risk from wildland fires?

Impact HAZ-1: Hazards from Routine Use, Transport, Disposal, or Accidental Release of Hazardous Materials

Impact HAZ-1 would be **less than significant**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would create a significant hazard to the public or the environment through:

- the routine transport, use, or disposal of hazardous materials; or
- the reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment.

Impact Analysis

Hazardous materials at the project site during construction could include hazardous building materials present in the existing structure; hazardous substances used during construction activities, and existing contamination present within site soils or groundwater. Potential impacts relating to the routine transport, use, disposal, or accident/upset of each of these types of hazardous material during construction are discussed in more detail in turn, below.

Use of Hazardous Materials During Construction
Project-related demolition and associated activities would involve use of heavy equipment and vehicles containing fuel, oil, and grease, as well as use and transport of these materials. Fluids such as oil or grease could leak from construction vehicles or could be released inadvertently in the event of an accident, potentially releasing petroleum compounds laden with metals and other pollutants. Given the size and nature of the Project, there is low likelihood that significant quantities of hazardous materials would be stored at the site during construction, and the types and amounts of hazardous materials used for the Project would be similar to other demolition projects in the County and City of San José.

As indicated in Section 3.8.2, “Regulatory Framework,” there is an established, comprehensive framework independent of the CEQA process that is intended to reduce the risks associated with the use, transport,

and disposal of hazardous materials. Transportation of hazardous materials on area roadways is regulated by the California Highway Patrol and the California Department of Transportation (Caltrans). The use and disposal of hazardous materials is heavily regulated at both the federal and state level; these regulations are promulgated and enforced by agencies such as the USEPA, the SWRCB and DTSC, and the local Certified Unified Program Agency.

As discussed in more detail in Section 3.9, “Hydrology,” coverage under the State Water Resource Control Board’s Construction General Permit would be obtained for the Project, which would require preparation and implementation of a SWPPP. The SWPPP would include BMPs, including the following and/or similar measures to minimize the risk of accidental spills of hazardous materials during construction:

- Hazardous Spill Prevention. Vehicles and equipment would be maintained in proper working condition to minimize potential fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Service/maintenance vehicles would carry materials to absorb leaks or spills. Servicing, refueling, and staging of construction equipment would take place only at designated areas where a spill would not flow to drainages. Equipment washing, if needed, would occur only in designated locations where water would not flow into drainage channels. Hazardous spills would be cleaned up immediately and contaminated soil would be properly disposed of at a licensed facility.

Implementation of the SWPPP and associated BMPs, and adherence to regulations which were enacted to protect humans and the environment from accidental release or other hazards associated with the use, transportation and disposal of hazardous materials, would limit potential impacts from Project construction to **less than significant.**

Hazardous Building Materials
A hazardous buildings material assessment has not been completed for the structure; however, due to the age of the former City Hall, it is very likely that hazardous building materials such as asbestos-containing materials, lead-based paint, or polychlorinated biphenyl-containing substances are present within the structure, because such materials were commonly used during the 1950s when the building was constructed.

As discussed in Section 2.4.1, “Construction Phase Activities,” before performing demolition activities at the Project site, the County or its contractors would retain appropriately-qualified personnel to perform a comprehensive building materials survey for hazardous materials including asbestos-containing materials, lead-based paint, electrical equipment containing polychlorinated biphenyls, and fluorescent tubes containing mercury vapors and lights. If any hazardous materials are found, construction worker health and safety regulations and hazardous materials removal and disposal protocols would be implemented in accordance with applicable federal and state standards, including the California Division of Occupational Safety and Health regulations for worker safety and the BAAQMD Regulation 11, Rule 2. The Project contractor would comply with all local, state, and federal requirements regarding hazardous materials and such materials would be disposed of in an approved facility.

Adherence to regulations related to the handling and disposal of hazardous building materials, including BAAQMD Regulation 11, Rule 2, would limit potential impacts from Project construction to **less than significant.**

Existing Contamination in Site Soils and Groundwater
Several known hazardous materials sites are located within 0.25 mile of the project site; however, review of information pertaining to these sites did not identify any potential for them to have impacted soils or groundwater at the Project site. All of the LUST cases were relatively localized in nature and have been granted case closure by the RWQCB (in most cases several years ago). The County Jail State Response case involves three small leaks of polychlorinated biphenyl-containing oil from transformers at the site, the cleanup of which was certified by the DTSC in 1983. The Richey Site case identified potential halogenated solvent and hydrocarbon contamination, but was designated “no further action” by DTSC in 2003. Further discussion of the Richey Site, based on more recent investigations, is provided below.

Recent investigations on one of the parcels—the Richey site--included in the Santa Clara Civic Center Master Plan area and approximately 750 northeast of the Project site, found elevated levels of nickel, cobalt, and naturally-occurring asbestos resulting from undocumented artificial fill, as well as low levels of pesticides in shallow soils (Millenium 2017). Since there are no native serpentine soils (which originate from ultramafic rocks and contain naturally occurring asbestos) in the Santa Clara Valley, it would appear that at least some of the artificial fill at the Richey site was imported from areas either in the Santa Cruz Mountains to the west or the Diablo Range to the east, where outcrops of ultramafic rock are present (Churchill and Hill 2000). Similar naturally occurring asbestos-containing artificial fill may also be present at the Project site, particularly beneath paved surfaces. Given the long history of agricultural use in the Santa Clara Valley, and the persistence of pesticides in the environment, it is possible that similar low-level concentrations of pesticides could be present at the Project site.

Although the Project would not include major excavation or grading of existing soils at the site, there would be some disturbance of soils during removal of building foundations and utility lines. Such soil disturbance could result in the mobilization of asbestos fibers, heavy metal particles, or pesticide residues in fugitive dust, that could have adverse health impacts to construction workers or the general public.

Construction and grading projects that have potential to disturb soils with naturally-occurring asbestos are regulated by the Airborne Toxics Control Measure, which requires the construction contractor to prepare and obtain BAAQMD approval for an asbestos dust mitigation plan, which must specify how the operation will minimize emissions and must address specific emission sources. Activities must not result in visible dust emissions crossing the property line. Adherence to the Airborne Toxics Control Measure requirements would not only reduce potential impacts from the release of naturally occurring asbestos fibers, but such measures, including regular wetting of site soils and avoidance of grading when wind speeds are high enough to result in dust emissions crossing the property line despite application of dust reduction measures, would also serve to limit potential impacts associated with other contaminants such as pesticides, nickel, or cobalt that might be present in site soils.

With adherence to the Airborne Toxics Control Measure and worker safety regulations, the Project impact related to disturbance of existing site contaminants would be **less than significant**.

Impact HAZ-2: Result in Hazardous Emissions within One-Quarter Mile of a School

Impact HAZ-2 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact Analysis

As described in Section 3.8.2, “Regulatory Framework,” above, the Muwekma Ohlone Middle School is approximately 500 feet east of the Project site. As discussed under Impact HAZ-1 above, adherence to applicable regulations and implementation of measures to protect construction workers and the general public from hazardous emissions during project construction, including BMPs for spill and leak prevention and dust control, would also serve to protect sensitive receptors at the nearby school. Therefore, the impact of hazardous material emissions or handling of hazardous materials or wastes on schools within 0.25 mile would be **less than significant.**

Impact HAZ-3: Result in Hazards from Construction in a Cortese-Listed Site

Impact HAZ-3 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Impact Analysis

Based on a review of hazardous materials site databases maintained by SWRCB (2020), DTSC (2020), and USEPA (2020), the Project site is not located on a known hazardous materials site that is on the Cortese List. Thus, there would be no potential for significant hazards to the public or the environment from disturbance of soils or groundwater at the site, and there would be **no impact.**

Impact HAZ-4: Airport-related Safety or Noise Hazards

Impact HAZ-4 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in a safety hazard or excessive noise for people residing or working in the project area for a project located within 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.

Impact Analysis

The Project site is located approximately 0.5 mile southeast of the San José International Airport, and is within the airport influence area, but is not within the identified aircraft noise contours or safety zones of the airport's Comprehensive Land Use Plan (Santa Clara County Airport Land Use Commission 2016). Furthermore, demolition activities would not occur at night and therefore nighttime construction lighting that could be mistaken for airport lighting would not be used, and tall cranes (i.e., over 100 feet) would not be used during the demolition process. Thus, the Project would not result in any airport-related hazards, and there would be **no impact**.

Please see Section 3.10, "Noise," for an analysis of Project noise impacts in relation to the airport.

Impact HAZ-5: Interfere with an Emergency Response or Evacuation Plan

Impact HAZ-5 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact Analysis

Construction of the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The *Joint Emergency Action Plan for Severe Storm and Flood Response in City of San José* (City of San José and Santa Clara Valley Water District 2018), the *Santa Clara County Operational Area Hazard Mitigation Plan* (Santa Clara County Office of Emergency Services 2017), and the *Multi-Jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area* (ABAG 2010) do not identify specific evacuation routes, but rather define

responsibilities among the multitude of interested and affected agencies and organizations and identify general response strategies.

All demolition activities and construction staging would occur on the Project site, and construction activities would not fundamentally alter emergency response and evacuation routes in the vicinity of the project site, which would generally remain unchanged from existing conditions. As discussed in Section 2.4.1, “Construction Phase Activities,” construction of the Project would not require the closure of local roads and would include preparation and implementation of a construction traffic control plan which would include notification of emergency services.

Therefore, the Project would not impede access for emergency vehicles and personnel, and would not impede emergency evacuation routes or emergency plans created by local or regional agencies. Thus, Project construction would have **no impact.**

Impact HAZ-6: Exposure to Wildland Fires

Impact HAZ-6 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Impact Analysis

The Project site is not within or near a CAL FIRE State Responsibility Area. The Santa Clara Valley, including the Project site, is designated as a Local Responsibility Area, and not in or near high or very high fire severity zones (CAL FIRE 2020). The Project site is in a developed, urban area in the City of San José. Thus, the Project would not expose people or structures to hazards from wildland fires, and there would be **no impact.**

3.8.4 Cumulative Impacts and Mitigation

As discussed above, the Project would have no impact in relation to Cortese-list sites, airport-related hazards, emergency response plans, or wildfire hazards. Therefore, the Project could not contribute to potential cumulative impacts for these issues. The following section therefore analyzes the potential of the Project to contribute to cumulative impacts for the following hazardous materials issues where the Project would have a less-than-significant or greater impact:

- **Impact C-HAZ-1:** Contribution to cumulative effects related to hazards from routine transport, use, disposal or accidental release of hazardous materials.

Cumulative Impact C-HAZ-1: Hazards from Routine Use, Transport, Disposal, or Accidental Release of Hazardous Materials

The overall cumulative impact for C-HAZ-1 would be **less than significant**. No mitigation is required.

Cumulative Context

With respect to hazards from the use or release of hazardous materials, the geographic context would be limited to those cumulative projects in the vicinity of the Project site, with the potential to result in hazardous emissions exposure to the same populations that would potentially be exposed by the Project. Due the fact that health effects from hazardous substances can result from both acute or chronic exposures, the temporal context for cumulative effects relating to hazardous materials would include any past, present, or probable future projects.

Cumulative Impact Analysis

Cumulative projects with the potential to result in fugitive dust emissions or other hazardous emissions that would affect residents in the vicinity of the Project site are limited to future development within the Civic Center Master Plan area or associated with the North First Street Urban Village. All other cumulative projects identified in Section 3.1.2, “Cumulative Impact Assessment Methodology,” would be more than half a mile from the Project site.

All cumulative projects, including the former City Hall Project, are required to comply with local, state, and federal regulations for transport, use, disposal, and accidental release of hazardous materials, which would address impacts associated with both construction- and operation-related handling of hazardous materials. Further, any individual projects proposed as part of the Civic Center Master Plan or the North First Urban Village would require additional project-level analysis under CEQA prior to approval which would address any site-specific requirements necessary to comply with the applicable regulations. Therefore, these projects would not result in hazardous emissions that would affect residents near the Project site, and the overall cumulative impact from routine use of hazardous materials and accidental releases would be **less than significant.**

3.9 Hydrology/Water Quality

This section describes the existing hydrology and water quality setting of the Project area and evaluates whether the Project would result in adverse effects on these resources.

No comments relating to hydrology and water quality were received during the public scoping period in response to the Notice of Preparation.

3.9.1 Environmental Setting

Hydrology

The Project site is located within the boundaries of the City of San José, in the Santa Clara Basin, which is bounded by the Diablo Mountains to the east and the Santa Cruz Mountains to the south and west. The Santa Clara Valley has a Mediterranean climate, and most of the rainfall occurs between November and April. There are six major watersheds in San José, and the Project site is within the Guadalupe Watershed. This watershed encompasses approximately 170 square miles and includes six reservoirs and four tributary streams that drain into the Guadalupe River. The watershed is managed by the Santa Clara Valley Water District.

The mainstem Guadalupe River is an urban stream that flows northward approximately 14 miles, from just north of Lake Almaden to the south San Francisco Bay. Its headwater creeks (including the major tributaries Los Gatos Creek and Guadalupe Creek) originate in the Santa Cruz Mountains to the west. The Guadalupe River runs north, and discharges into the south San Francisco Bay at Alviso Slough.

Historically, the mouth of the Guadalupe River was Guadalupe Slough, west of Alviso (Steamboat) Slough. Alviso Slough was not fed by any upland streams, but carried tidewater in and out of the extensive salt marshes. Alviso Slough was relatively straight, while Guadalupe Slough meandered extensively through the marshes. To make it easier to get sailboats up the Guadalupe River to the port of Alviso, the Guadalupe River was redirected into the straighter Alviso Slough prior to the 1870s.

Flooding

The Project site is approximately 6.6 miles inland from the San Francisco Bay shoreline, and is approximately 0.3 mile east of the Guadalupe River. The elevation at the project site is approximately 64 feet above mean sea level, and the elevation of the Guadalupe River at the closest point to the Project site is approximately 47 feet above mean sea level.

The Project site is not located in a 100-year flood zone as designated by the Federal Emergency Management Agency, but is designated as Zone X (shaded), which is an area of moderate flood hazard that is generally located between the 100- and 500-year flood zones (Federal Emergency Management Agency 2009). Zone X (shaded) is defined as the 0.2% annual exceedance probability flood hazard, areas of 1% annual exceedance probability with average flood depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual exceedance probability flood. Flood insurance is not required for facilities that are within Zone X.

A tsunami is an ocean wave usually created by undersea fault movement or by a coastal or submerged landslide. As the displaced water moves to regain equilibrium, waves are formed and radiate across the open water. When the waveform reaches the coastline, it quickly raises the water level, with accompanying high water velocities that can damage structures and sweep away objects and people. The Project site is not in a tsunami inundation zone (California Emergency Management Agency and California Geological Survey 2019).

A seismic seiche causes standing waves to set up on rivers, reservoirs, ponds, and lakes when seismic waves from an earthquake pass through the area. Because they occur in an enclosed waterbody, standing waves continue to slosh back and forth over a period of time that may range from a few minutes to several hours. Seiche hazards have not been mapped in the project area; however, the nearest

waterbody with potential for seiches is the Guadalupe River, approximately 0.3 mile west of the project site, and almost 20 feet lower in elevation.

Surface Water Quality

The Guadalupe Watershed was historically the site of mining activities during the California gold rush. Mercury used during the gold sluicing process was washed into the river system, and as a result, the Guadalupe Watershed continues to experience elevated levels of mercury. Of particular concern is the conversion of mercury to methylmercury, which is primarily attributed to anaerobic bacteria that live in the sediment of rivers, streams, and lakes. Methylmercury is absorbed by insects and aquatic invertebrates that serve as a food source for fish. High levels of methylmercury can be fatal to fish, and can also cause serious adverse health effects in humans who consume the fish. As a result of mercury contamination in the Guadalupe Watershed from historic mining activities, the Santa Clara Valley Water District entered into an agreement with the San Francisco Bay RWQCB to implement the Impaired Water Bodies Improvement Project to help reduce mercury contamination, and to help meet Total Maximum Daily Load (TMDL) goals set forth in the *San Francisco Bay Basin (Region 2) Water Quality Control Plan* (San Francisco Bay Basin Plan) (San Francisco Bay RWQCB 2019a, 2019b).

Table 3.9-1 lists the existing and potential beneficial uses designated in the San Francisco Bay Basin Plan for surface waters that could receive runoff from the Project. Applying the San Francisco Bay Water Board's "tributary rule," the beneficial uses of any specifically identified water body generally apply to all its tributaries. In some cases, a beneficial use may not be applicable to the entire body of water; in these cases, the San Francisco Bay Water Board's judgment regarding water quality control measures necessary to protect beneficial uses will be applied. In addition, beneficial uses of streams that only have intermittent flows must also be protected throughout the year (San Francisco Bay RWQCB 2019a). Beneficial use definitions are provided in Table 3.9-2.

Table 3.9-1 Beneficial Uses of Surface Waters in the Project Area

Waterbodies	Groundwater Recharge	Industrial Process Supply	Commercial and Sport Fishing	Shellfish Harvesting	Cold Freshwater Habitat	Estuarine Habitat	Fish Migration	Rare & Endangered Species Preservation	Fish Spawning	Warm Freshwater Habitat	Wildlife Habitat	Water Contact Recreation	Non-Contact Water Recreation	Navigation
Guadalupe River	E				E		E	E	E	E	E	E	E	
Alviso Slough						E	E				E	E	E	
San Francisco Bay, Lower	E	E	E	E		E	E	E	E		E	E	E	E

Notes: E = existing beneficial use

Source: San Francisco Bay RWQCB 2019a

Table 3.9-2 Beneficial Use Definitions

Beneficial Use Designation	Explanation
Groundwater Recharge	Uses of water for natural or artificial recharge of groundwater for purposes of future extraction, maintenance of water quality, or halting saltwater intrusion into freshwater aquifers.
Industrial Process Supply	Uses of water for industrial activities that depend primarily on water quality.
Commercial and Sport Fishing	Uses of water for commercial or recreational collection of fish, shellfish, or other organisms, including uses involving organisms intended for human consumption or bait purposes.
Shellfish Harvesting	Uses of water that support habitats suitable for the collection of crustaceans and filter-feeding shellfish (e.g., clams, oysters, and mussels) for human consumption, commercial, or sport purposes.
Cold Freshwater Habitat	Uses of water that support cold water ecosystems, including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
Fish Migration	Uses of water that support habitats necessary for migration, acclimatization between fresh water and salt water, and protection of aquatic organisms that are temporary inhabitants of waters within the region.
Preservation of Rare and Endangered Species	Uses of waters that support habitats necessary for the survival and successful maintenance of plant or animal species established under state and/or federal law as rare, threatened, or endangered.
Fish Spawning	Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.
Warm Freshwater Habitat	Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
Wildlife Habitat	Uses of water that support wildlife habitats, including, but not limited to, the preservation and enhancement of vegetation and prey species used by wildlife, such as waterfowl.
Water Contact Recreation	Uses of water for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses include swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and uses of natural hot springs.
Non-Contact Water Recreation	Uses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
Navigation	Uses of water for shipping, travel, or other transportation by private, military, or commercial vessels.

Source: San Francisco Bay RWQCB 2019a

Section 303(d) of the Clean Water Act requires states to identify waters where the permit standards, any other enforceable limits, or adopted water quality standards are still unattained. The Clean Water Act requires states to develop TMDLs to improve the water quality of impaired water bodies. TMDLs are the quantities of pollutants that can be safely assimilated by a water body without violating water quality standards. TMDLs are developed for impaired water bodies to maintain beneficial uses, achieve water quality objectives, and reduce the potential for future water quality degradation. NPDES permits for water discharges must take into account the pollutants for which a water body is listed as impaired.

Table 3.9-3 lists impaired water bodies included in the SWRCB's 303(d) list that could receive runoff from the Project, the pollutants of concern, and whether they have approved TMDLs. Even if a stream is not included in the SWRCB's 303(d) list, any upstream tributary to a 303(d)-listed stream could contribute pollutants to the listed segment.

Table 3.9-3 Section 303(d) List of Impaired Water Bodies

Impaired Water Body	Pollutant	Pollutant Source	TMDL Status
Guadalupe River	Diazinon	Unknown	Approved in 2007
	Trash	Urban	Expected in 2009; still in process
San Francisco Bay, South	Chlordane	Unknown	Expected in 2005; still in process
	Dichlorodiphenyltrichloroethane (DDT)	Unknown	Expected in 2005; still in process
	Dieldrin	Unknown	Expected in 2005; still in process
	Dioxin compounds	Unknown	Expected in 2005; still in process
	Furan compounds	Unknown	Expected in 2005; still in process
	Invasive species	Unknown	Expected in 2005; still in process
	Mercury	Unknown	Approved in 2008
	Polychlorinated biphenyls (non-dioxin-like)	Unknown	Approved in 2010
	Polychlorinated biphenyls (dioxin-like)	Unknown	Approved in 2010
	Selenium	Unknown	Expected in 2005; still in process

Notes: TMDL = total maximum daily load

Sources: San Francisco Bay RWQCB 2019b, SWRCB 2017

Stormwater Drainage

The City of San José owns and maintains the municipal storm drainage system which serves the Project site. The lines that serve the Project site discharge directly into the Guadalupe River.

Groundwater

The Project site is located in the Santa Clara Valley Groundwater Basin (Basin No. 2-009.02). Groundwater flows from the edges of the basin along the mountain fronts, where a combination of natural and artificial recharge enters the aquifers, to the pumping centers in the central part of the basin and to the San Francisco Bay. Groundwater inflow occurs as recharge, subsurface flow along the northern coastal boundary of the southern San Francisco Bay, and water derived from aquifer storage. Groundwater recharge occurs from infiltration of precipitation in excess of runoff and evaporation, streamflow infiltration, and artificial recharge. Groundwater outflow occurs as evapotranspiration, stream flow, discharge through well pumping, and subsurface flow to the San Francisco Bay (Hanson et al. 2004).

The main groundwater aquifer consists of upper and lower levels. The upper aquifer is composed of Holocene- and Mid to Late Pleistocene-age deposits. The lower aquifer is composed of Early Pleistocene- and Pliocene-age deposits. Regional faults, such as Silver Creek, Evergreen, and Monte Vista-Shannon, serve as barriers to water movement in the aquifer (Hanson et al. 2004).

The depth to groundwater at the project site ranges fluctuates between 8 and 31 feet below the ground surface (Cornerstone Earth Group 2017).

The Santa Clara Valley Groundwater Basin is a high priority basin as designated by the California Department of Water Resources (DWR) under the Sustainable Groundwater Management Act; however, this basin is not in a state of critical overdraft (DWR 2019). The Santa Clara Valley Water District serves as the Groundwater Sustainability Agency for this basin. The District's 2016 Groundwater Management Plan was submitted to DWR as an Alternative Groundwater Sustainability Plan under the Sustainable Groundwater Management Act (Santa Clara Valley Water District 2016).

3.9.2 Regulatory Framework

Federal

Clean Water Act

The primary federal law governing water quality is the Clean Water Act, enacted in 1972. The Clean Water Act provides for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. The Clean Water Act emphasizes technology-based (end-of-pipe) control strategies and requires discharge permits to allow use of public resources for waste discharge. The Clean Water Act also limits the amount of pollutants that may be discharged and requires wastewater to be treated with the best treatment technology economically achievable regardless of receiving water conditions. The control of pollutant discharge is established through NPDES permits that contain effluent limitations and standards. The USEPA has delegated responsibility for implementation of portions of the Clean Water Act, such as Sections 303 and 402 (discussed below), to the SWRCB.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act is the basic water quality control law for California. The Porter-Cologne Water Quality Control Act authorizes the state to implement the provisions of the Clean Water Act and establishes a regulatory program to protect the water quality of the state and the beneficial uses of state waters.

The act requires project proponents whose projects would result in discharge of wastes that could affect the quality of the state's water to file a report of waste discharge with the appropriate RWQCB. The Porter-Cologne Water Quality Control Act also requires that the SWRCB or a RWQCB adopt basin plans for the protection of water quality. Basin plans are updated and reviewed every 3 years and provide the technical basis for determining waste discharge requirements (WDRs), taking enforcement actions, and evaluating clean water grant proposals. As required by the Porter-Cologne Water Quality Control Act and the Clean Water Act, basin plans include the following information:

- designated beneficial water uses;
- water quality objectives needed to protect the designated beneficial water uses; and
- strategies and time schedules for achieving the water quality objectives.

The Project lies within the jurisdiction of the San Francisco RWQCB. The basin plan for this area is the *San Francisco Bay Basin (Region 2) Water Quality Control Plan* (San Francisco Bay Basin Plan), last updated in 2019 (San Francisco Bay RWQCB 2019a).

RWQCBs designate beneficial uses for all water body segments in their jurisdictions, and then set criteria necessary to protect these uses. Consequently, the water quality objectives developed for particular water segments are based on the designated use and vary depending on such use. The San Francisco Bay Basin Plan specifies region-wide and water body-specific beneficial uses. They have set numeric and narrative water quality objectives for several substances and parameters in numerous surface waters in their regions. Specific objectives for concentrations of chemical constituents are applied to bodies of water based on their designated beneficial uses.

Clean Water Act Section 303(d) and Total Maximum Daily Loads

California adopts water quality standards to protect beneficial uses of waters of the state as required by Section 303(d) of the Clean Water Act and the Porter-Cologne Water Quality Control Act. The SWRCB identifies waters failing to meet standards for specific pollutants, which are then state-listed in accordance with Clean Water Act Section 303(d). If it is determined that waters of the state are impaired for one or more constituents, and the standards cannot be met through point-source or nonpoint-source controls (NPDES permits or WDRs), the Clean Water Act requires the establishment of TMDLs. Implementation of

this program in the Bay Area is conducted by the San Francisco Bay RWQCB. To identify candidate water bodies for TMDL analysis, a list of water quality-impaired segments is generated by the SWRCB. These stream or river segments are impaired by the presence of pollutants and are more sensitive to disturbance because of this impairment.

In addition to the impaired water body list required by Clean Water Act Section 303(d), Section 305(b) requires states to develop a report assessing statewide surface water quality. For the current listing cycles, the State Water Board has combined its 303(d) list and the 305(b) report into the 2014 and 2016 California Integrated Report (SWRCB 2017), which was approved by the USEPA in 2018. The 2018 Integrated Report is still in process.

Clean Water Act Section 402—National Pollutant Discharge Elimination System

The 1972 amendments to the Federal Water Pollutant Control Act established the NPDES permit program to control discharges of pollutants from point sources (Section 402). The 1987 amendments to the Clean Water Act created a new section of the act devoted to stormwater permitting (§ 402[p]). USEPA has granted primary administration and enforcement of the provisions of the Clean Water Act and NPDES to the SWRCB and the nine RWQCBs. NPDES is the primary federal program that regulates point-source and nonpoint-source discharges to waters of the United States. Clean Water Act Section 402 also includes waste discharge requirements (WDRs) for dewatering activities.

NPDES permit regulations have been established for broad categories of discharges, including point source municipal waste discharges and nonpoint source stormwater runoff. NPDES permits generally identify limits on the concentrations and/or mass emissions of pollutants in effluent discharged into receiving waters; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

In November 1990, USEPA published regulations establishing NPDES permit requirements for municipal and industrial stormwater discharges. Phase I of the permitting program applied to municipal discharges of stormwater in urban areas where the population exceeded 100,000 persons.[13] Phase II of the NPDES stormwater permit regulations became effective in March 2003 and required small municipality areas of less than 100,000 persons to develop stormwater management programs.

National Pollutant Discharge Elimination System Construction General Permit

The SWRCB's statewide NPDES Permit, Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-009-DWQ as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) (Construction General Permit), is applicable to all construction activities that would disturb 1 acre of land or more (SWRCB 2012). Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

Through the NPDES and WDR process, SWRCB seeks to ensure that the construction and post-construction conditions at a project site do not cause or contribute to direct or indirect impacts on water quality (i.e., pollution and/or hydromodification) upstream and downstream. To comply with the requirements of the Construction General Permit, project applicants must file a Notice of Intent with the SWRCB to obtain coverage under the permit; prepare a SWPPP; and implement inspection, monitoring, and reporting requirements appropriate to the project's risk level as specified in the SWPPP. The SWPPP includes a site map, describes construction activities and potential pollutants, and identifies BMPs that would be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. The permit also requires dischargers to consider the use of

[13] Phase I also applies to storm water discharges from a large variety of industrial activities, including general construction activity if the project would disturb more than 5 acres.

post-construction permanent BMPs that will remain in service to protect water quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

The San Francisco Bay RWQCB also has the authority to issue waivers to WDRs for “low threat” discharge activities that have minimal potential for adverse water quality effects when implemented according to prescribed terms and conditions. This includes minor discharges of uncontaminated groundwater during construction dewatering, which is regulated by the San Francisco Bay RWQCB under the Construction General Permit.

Sustainable Groundwater Management Act

In 2014, the California Legislature enacted a three-bill law (AB 1739, SB 1168, and SB 1319), known as the Groundwater Management Act. The act was created to provide a framework for the sustainable management of groundwater supplies, and to strengthen local control and management of groundwater basins throughout the state with little state intervention. The Sustainable Groundwater Management Act is intended to empower local agencies to adopt groundwater sustainability plans that are tailored to the resources and needs of their communities, such that sustainable management would provide a buffer against drought and climate change, and ensure reliable water supplies regardless of weather patterns.

The Sustainable Groundwater Management Act and corresponding regulations require that each high and medium priority groundwater basin is operated to a sustainable yield, balancing natural and artificial groundwater recharge with groundwater use to ensure undesirable results such as chronic lowering of groundwater levels, loss of storage, water quality impacts, land subsidence, and impacts to hydraulically connected streams do not occur. The Sustainable Groundwater Management Act is considered part of the statewide, comprehensive California Water Action Plan that includes water conservation, water recycling, expanded water storage, safe drinking water, and wetlands and watershed restoration. The act protects existing surface water and groundwater rights and does not affect current drought response measures.

California’s 515 groundwater basins are classified into one of four categories; high-, medium-, low-, or very low priority based on components identified in the California Water Code Section 10933(b). Basin priority determines which provisions of California Statewide Groundwater Elevation Monitoring and the Sustainable Groundwater Management Act apply in a basin. In 2019, the DWR completed the first phase of responses to comments and final re-prioritization of groundwater basins in Phase I, along with draft prioritizations of groundwater basins included in Phase II (DWR 2019).

The Sustainable Groundwater Management Act requires that local agencies form one or more groundwater sustainability agencies (GSAs) within 2 years (i.e., by June 30, 2017). Agencies located within high- or medium-priority basins must adopt a groundwater sustainability plan (GSP) or Alternative GSP. The time frame for adoption of GSPs in basins determined by DWR to be in a condition of “critical overdraft” is by January 31, 2020; all other high and medium priority basin have until January 31, 2022. Local agencies will have 20 years to fully implement GSPs after the plans have been adopted. Intervention by the SWRCB would occur if a GSA is not formed by the local agencies, and/or if a GSP is not adopted or implemented. GSPs are not required for very low and low priority groundwater basins.

GSPs must define the sustainable yield of the basin, identify what would constitute undesirable results in the basin, and identify the projects and actions (including monitoring) that will be implemented to ensure the basin is managed to avoid undesirable results. DWR evaluates the GSP and provides the GSA with an assessment of the plan and any necessary recommendations every 5 years following its establishment. Reports by the GSA that include monitoring data and information are due annually to DWR. GSAs may choose to submit an Alternative GSP, which may consist of an existing groundwater management plan that demonstrates a reasonable expectation of achieving sustainability within 20 years. An Alternative GSP may also consist of a basin adjudication with existing governance and oversight, or a 10-year analysis of basin conditions showing sustainable operations with no undesirable results such as subsidence, saltwater intrusion, or degraded water quality.

Local

County Drainage Ordinance

The County of Santa Clara Ordinance Code, Title C, Division C12, Chapter 3, regulates grading and drainage in unincorporated Santa Clara County and on lands owned or leased by the County. A drainage permit is required if a project would create more than 2,000 square feet of new impervious area, or change the existing drainage pattern on the property. A drainage permit requires submittal of site-specific drainage plans and erosion control plans, and drainage calculations prepared by a licensed civil engineer.

County Drainage Manual

Section C12-562 of the County Drainage Ordinance requires drainage structures and devices required by the Ordinance to be designed and constructed in accordance with the County Drainage Manual. This manual provides a framework for the various hydraulic and hydrologic analyses necessary to plan and design storm drainage and flood control facilities. The manual includes multiple design standards, methods of analyses, and engineering tools required for the planning and design of stormwater drainage systems and flood control facilities. The manual requires all projects subject to the County Drainage Ordinance to be designed such that the stormwater runoff generated from the 10-year design storm is conveyed in the storm drainage system (underground pipes and/or stable open channels) and the stormwater runoff generated from the 100-year design storm is safely conveyed away from the project site without creating and/or contributing to downstream or upstream flooding conditions (County of Santa Clara 2007).

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Project site lies within the jurisdiction of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). SCVURPPP is an association of the County of Santa Clara, the Santa Clara Valley Water District and the 13 cities and towns in Santa Clara County that are in the jurisdiction of the San Francisco Bay RWQCB. The SCVURPPP has an NPDES/WDR permit to discharge stormwater from municipal separate storm sewer systems (MS4 Permit) issued by the San Francisco Bay RWQCB (Order No. R2-2015-0049) (San Francisco Bay RWQCB 2015).

The MS4 Permit requires the SCVURPPP and its members agencies (including the County of Santa Clara and the City of San José) to reduce pollutants in stormwater discharges to the maximum extent practicable and to effectively prohibit non-stormwater discharges. The MS4 Permit contains requirements for implementing urban runoff controls consistent with the TMDLs that apply to the watershed boundaries: the San Francisco Bay and Guadalupe River Watershed Mercury TMDL; the San Francisco Bay Polychlorinated Biphenyls TMDL; and the TMDL for Diazinon and Pesticide-Related Toxicity for Urban Creeks. Project proponents are required to incorporate site design measures, specific treatment measures, hydromodification management measures, and operations and maintenance requirements, all of which are specifically intended to reduce erosion and the transport of sediment and other pollutants in stormwater. Project proponents are also required to incorporate planning for Green Stormwater Infrastructure as part of the *Santa Clara Basin Stormwater Resource Plan* (Santa Clara Valley County Urban Runoff Pollution Prevention Program 2019). Green Stormwater Infrastructure projects use vegetation, soils, and natural processes to capture stormwater and dry weather runoff from impervious surfaces throughout the urban landscape. Green Stormwater Infrastructure helps to reduce the quantity of pollutants and runoff entering the storm drain system, recharge groundwater and augment potable water supply, and reduce local flooding.

3.9.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to hydrology and water quality:

- **Impact HYD-1:** Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

- **Impact HYD-2:** Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge?
- **Impact HYD-3:** Would the Project substantially alter drainage patterns resulting in erosion or siltation, flooding, pollution, or redirection of flood flows?
- **Impact HYD-4:** Would the Project risk release of pollutants in flood, tsunami, or seiche hazard zones?
- **Impact HYD-5:** Would the Project conflict with a water quality control plan or sustainable groundwater management plan?

Impact HYD-1: Violate Water Quality Standards

Impact HYD-1 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Impact Analysis

Project construction activities would require vegetation removal, excavation, grading, material stockpiling, and staging within the project footprint that temporarily would disturb surface soils. These activities would expose soil to the erosive forces of wind and water. The soil ultimately could be transported via the storm drainage system or overland sheet flow to the Guadalupe River and the San Francisco Bay, increasing turbidity and degrading water quality.

The potential for accidental releases of chemicals also would be present during construction. After being released, substances such as fuels, oils, paints, concrete, and solvents could be transported to the storm drain system and/or groundwater in stormwater runoff, wash water, and dust-control water, potentially reducing the quality of the receiving waters. Erosion and construction-related wastes would have the potential to degrade water quality and beneficial uses, if they enter runoff and flow into waterways, potentially altering the dissolved oxygen content, temperature, pH, suspended sediment, turbidity levels, and/or nutrient content of receiving waters, or cause toxic effects on the aquatic environment. Therefore, project construction activities without proper stormwater management measures could violate water quality standards or otherwise substantially degrade water quality.

The project would comply with the provisions of the SWRCB's NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-009-DWQ, as amended by Order 2012-0006-DWQ) (Construction General Permit) (SWRCB 2012). The Construction General Permit regulates stormwater discharges for construction activities under the federal Clean Water Act. The Construction General Permit applies to all land-disturbing construction activities that would disturb 1 acre or more. The County would submit a Notice of Intent to discharge to the San Francisco Bay RWQCB and would prepare and implement an SWPPP, including BMPs to minimize those discharges. The San Francisco Bay RWQCB would have the authority to issue waivers to reports of waste discharge requirements (WDRs) and/or WDRs for broad categories of "low threat" discharge activities that would have minimal potential for adverse water quality effects when implemented according to prescribed terms and conditions, such as construction dewatering.

Pursuant to the permit, the County would eliminate or reduce non-stormwater discharges to storm sewer systems and other waters; implement permanent post-construction BMPs that would remain in service to protect water quality throughout the life of the project; implement construction and operational design features and BMPs specifically intended to reduce the potential for downstream hydromodification; implement BMPs designed to prevent accidental spills of hazardous materials during the construction phase to the maximum extent practicable, and include procedures for immediate cleanup if any releases occur. These measures would protect water quality as required by the San Francisco Bay Basin Plan.

At the completion of demolition activities, the disturbed footprint would be filled, graded, and leveled, with the majority of existing landscaping and surface hardscaping left in place. The former footprint of the building would be a flat vegetated area, which would allow most rainfall to infiltrate. The project site would continue to drain to the existing drainage system that discharges to the Guadalupe River. The County would continue to implement the requirements of the MS4 Permit issued by the San Francisco Bay RWQCB, which requires the SCVURPPP and its member agencies (including the County of Santa Clara and the City of San José) to reduce pollutants in stormwater discharges to the maximum extent practicable and to effectively prohibit non-stormwater discharges.

Because the County would comply with the provisions of the NPDES Construction General Permit to prepare and implement a SWPPP with associated BMPs, as well as comply with the San Francisco Basin Plan, the project's construction impact on surface water and groundwater quality would be **less than significant.**

Impact HYD-2: Substantially Decrease Groundwater Supplies or Interfere with Groundwater Recharge

Impact HYD-2 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Impact Analysis

The depth to groundwater at the project site ranges fluctuates between 8 and 31 feet below the ground surface (Cornerstone Earth Group 2017). The existing foundations of the former City Hall building are approximately three feet below ground surface, therefore demolition activities are not anticipated to encounter groundwater. In the event that groundwater is encountered, construction dewatering activities would be handled through WDRs issued through the SCVURPPP NPDES permit by the San Francisco Bay RWQCB, and would be minor in volume and of short duration. Water that is necessary for construction activities (e.g., for dust control) would be supplied by trucks.

After the completion of demolition activities, the building footprint would be revegetated, with the majority of adjacent landscaping and surface hardscaping left in place. The project would improve groundwater recharge at the site because the increased pervious surface area would allow a greater amount of rainfall and landscape irrigation water to percolate through to the groundwater aquifer. Small amounts of water would continue to be used to maintain the existing landscaping (as is currently being implemented now), plus the turf that would be installed where the existing building is located. This small increase in water usage at the project site would be negligible, and therefore would not adversely affect sustainable management of the groundwater basin as identified in the Santa Clara Valley Water District's Alternative Groundwater Sustainability Plan under the Sustainable Groundwater Management Act (Santa Clara Valley Water District 2016).

Thus, the Project's effect on groundwater supplies or groundwater recharge and on implementation of the Alternative Groundwater Sustainability Plan would be **less than significant**.

Impact HYD-3: Substantially Alter Drainage Patterns Resulting in Erosion and Sedimentation, Flooding, Pollution, or Impedance of Flood Flows

Impact HYD-3 would be **less than significant**. No mitigation is required.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- result in substantial erosion or siltation on- or off-site,
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite,
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- impede or redirect flood flows

Impact Analysis

The Project would include demolition of the former City Hall building and associated underground utilities. At the conclusion of project activities, the disturbed area would be, filled, compacted, and graded flat, then planted with grass. Most of the existing landscaping and surface hardscaping surrounding the building footprint would be left in place. Although removal of the building would cause a minor alteration in the existing drainage pattern, the Project would result in a net decrease of impervious surfaces at the site, and substantial erosion or siltation is not anticipated due to the flat topography and the required General Construction Permit and SWPPP would require implementation of BMPs to control erosion and downstream siltation.

The potential for excess stormwater drainage to exceed the design capability of the drainage system and result in flooding would be substantially reduced, because the project would result in a decrease in the amount of impervious surfaces on site, which would increase the amount of rainfall and landscape irrigation water able to percolate through to the groundwater aquifer.

As described in Impact HYD-1, the project site has an existing drainage system that discharges to the Guadalupe River, and the existing drainage system would continue to be used after the Project is completed. The County would continue to implement the requirements of the MS4 Permit issued by the San Francisco Bay RWQCB, which requires the SCVURPPP and its member agencies (including the County of Santa Clara and the City of San José) to reduce pollutants in stormwater discharges to the maximum extent practicable and to effectively prohibit non-stormwater discharges.

Furthermore, removal of the existing building and replacement with turf grass, which provides a pervious surface, would reduce the project site's contribution to point-source pollution stemming from stormwater discharge into the Guadalupe River. Minor non-point source pollutants at the project site (i.e., small amounts of herbicides and insecticides to maintain the landscaping) would be controlled by adhering to manufacturer's use and disposal recommendations, and by the County's continued compliance with the SCVURPPP's MS4 Permit.

The minor alterations to drainage patterns at the project site would also not redirect or impede flood flows due to the flat topography of the site.

Therefore, the project's operational impact on the drainage patter and runoff would be **less than significant.**

Impact HYD-4: Release of Pollutants in Flood, Tsunami, or Seiche Hazard Zones

Impact HYD-4 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would risk release of pollutants due to project inundation.

Impact Analysis

The Project site is not located in a tsunami inundation zone (California Emergency Management Agency and California Geological Survey 2019). Given the distance of the Project site from the San Francisco Bay, and the Project site's topographical elevation (64 feet above mean sea level), tsunamis and seiches would not represent a hazard at the Project site.

As noted in Section 3.9.1, "Environmental Setting," the Project site is not within a 100-year flood hazard zone, but is within Zone X (shaded), which could be subject to moderate flood hazards, such as a 0.2% annual exceedance probability flood hazard or a 1% annual exceedance probability flood with average depths of less than 1 foot (Federal Emergency Management Agency 2009). Thus, inundation of the Project site is possible, but is unlikely to occur often or to substantial depths. Therefore, the likelihood of substantial flooding at the site would be low. Furthermore, standard measures taken by contractors to reduce the release of pollutants to stormwater during construction (e.g., proper storage of hazardous chemicals) would also serve to reduce the likelihood of release of pollutants in the unlikely event of flooding at the site during construction. For these reasons, construction-related impacts on water quality from transport of pollutants during inundation of the site would be **less than significant.**

Impact HYD-5: Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan

Impact HYD-5 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis

For the reasons described in Impacts HYD-1 and HYD-2, the Project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan (San Francisco Bay RWQCB 2019a) or the Santa Clara Valley Water District's Alternative Groundwater Sustainability Plan (Santa Clara Valley Water District 2016). Thus, the impacts of the Project on these plans would be **less than significant.**

3.9.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts[14] relating to water quality and hydrology:

- **Impact C-HYD-1:** Contribution to cumulative effects related to violation of water quality standards, decrease in groundwater supplies, alteration of drainage patterns, release of pollutants or conflicts with water quality or groundwater plans.

[14] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-HYD-1 addresses the same issues as project-level impacts HYD-1 through HYD-6.

Cumulative Impact C-HYD-1: Impacts to Water Quality and Hydrology

The overall cumulative impact for C-HYD-1 would be **less than significant**. No mitigation is required.

Cumulative Context

The geographic context for cumulative impacts related to violations of water quality standards and substantial degradation of water quality is the Guadalupe Watershed.

Cumulative Impact Analysis

Past and present development within the Guadalupe Watershed have contributed to the Guadalupe River being listed as a Section 303(d) impaired waterbody and may have contributed to impairment of the San Francisco Bay. However, implementation and requirements of the Basin Plan, the NPDES permits, and the SCVURPPP have helped to address water quality in the Guadalupe Watershed.

As discussed for Impact HYD-1 in Section 3.9.3, the Project would comply with the provisions of the SWRCB's NPDES Construction General Permit, which regulates stormwater discharges for construction activities and requires implementation of a SWPPP and appropriate BMPs to prevent violations of water quality standards and substantial degradation of water quality. All present and future foreseeable development projects that would disturb 1 acre or more would also be required to comply with the Construction General Permit. Cumulative projects that involve more than 150 cubic feet of cut and fill are required to obtain a County or City of San José (as applicable) grading and drainage permit, which require submittal of an erosion control plan and drainage plan for County or City review and approval. Permit conditions would be imposed to reduce potential erosion impacts.

Pursuant to the Construction General Permit, the Project and foreseeable development projects would be required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters; implement permanent post-construction BMPs that would remain in service to protect water quality throughout the life of the project; implement construction and operational design features and BMPs specifically intended to reduce the potential for downstream hydromodification; implement BMPs designed to prevent accidental spills of hazardous materials during the construction phase to the maximum extent practicable, and include procedures for immediate cleanup if any releases occur.

All of the cumulative projects would also be required to implement the requirements of the SCVURPPP's MS4 Permit, incorporating site design measures, specific treatment measures, hydromodification management measures, and operations and maintenance requirements, all of which are specifically intended to reduce erosion and the transport of sediment and other pollutants in stormwater.

The cumulative projects would be required to design and engineer stormwater drainage systems so that flooding does not occur, based on City and County General Plans, Municipal Codes, Stormwater Drainage Design Manuals, and Standard Specifications.

Because the cumulative projects are required by law to implement a SWPPP and BMPs (or a stormwater drainage plan with BMPs that meets County or City requirements), and to comply with the SCVURPPP's MS4 Permit, the overall cumulative impact on water quality would be **less than significant**.

3.10 Noise

This section describes the existing noise setting of the Project area and evaluates whether the Project would result in adverse effects related to noise and vibration. Appendix E of this EIR contains the results of noise monitoring and modeling conducted in support of this analysis. No comments relating to noise or vibration were received during the public scoping period in response to the Notice of Preparation.

3.10.1 Environmental Setting

Acoustic Fundamentals

Noise is generally defined as sound that is loud, disagreeable, or unexpected. Sound, as described in more detail below, is mechanical energy transmitted through a medium (e.g., air) in the form of a wave from a disturbance or vibration.

Sound Properties

A sound wave is introduced into a medium by a vibrating object. The source could be vibrating vocal cords, soundboard of a guitar, diaphragm of a radio speaker, or vibrating parts of machinery or equipment. Regardless of the source creating the sound wave, the particles of the medium through which the sound moves vibrate in a back-and-forth motion at a given frequency (i.e., pitch).

The frequency of a wave is determined by how often the particles vibrate when a wave passes through the medium. It is measured as the number of complete back-and-forth vibrations of a particle per unit of time. If a particle of air undergoes 1,000 longitudinal vibrations in 2 seconds, then the frequency of the wave would be 500 vibrations per second. Frequency, or pitch, is commonly quantified in cycles per second, or Hertz (Hz). For sounds normally heard in the environment, low frequencies (below 250 Hz) and high frequencies (above 10,000 Hz) are generally less audible than the frequencies in between.

In addition to the frequency of the sound wave, its amplitude (i.e., loudness or the energy transported by the wave) is important to what the human ear hears. A high-energy wave is characterized by high amplitude; a low-energy wave is characterized by low amplitude. The energy transported by a wave is directly proportional to the square of the amplitude of the wave. In other words, a doubling of the amplitude of a wave corresponds to a quadrupling of the energy transported by the wave. A tripling of the amplitude of a wave corresponds to a ninefold increase in the amount of energy transported by the wave.

Sound and the Human Ear

Because of the ability of the human ear to detect a wide range of sound pressure fluctuations, sound pressure levels are expressed in logarithmic units called decibels (dB). Because the human ear is not equally sensitive to all sound frequencies, a specific frequency-dependent rating scale was devised to relate noise to human sensitivity. The A-weighted dB (dBA) scale is used to approximate the sensitivity of the human ear and is used by most authorities for regulation of environmental noise. Table 3.10-1 lists dBA values for typical indoor and outdoor noise sources.

It is widely accepted that the average healthy ear can barely perceive changes of 3 dB or less (increase or decrease) and that a change of 5 dB is readily perceptible (Caltrans 2013a). A noise level that increases by 10 dB is typically perceived as being twice as loud as what was previously heard, and a noise level that decreases by 10 dB is perceived as being half as loud.

Table 3.10-1 Typical Indoor/Outdoor Noise Levels and Common Environmental Noise Sources

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	— 110 —	Rockband
Jet flyover at 1,000 feet		
	— 100 —	
Gas lawn mower at 3 feet		
	— 90 —	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	— 80 —	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawn mower, 100 feet	**— 70 —**	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	**— 60 —**	
		Large business office
Quiet urban daytime	**— 50 —**	Dishwasher, next room
Quiet urban nighttime	**— 40 —**	Theater, large conference room (background)
Quiet suburban nighttime		
	— 30 —	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	— 20 —	
		Broadcast/recording studio
	— 10 —	
Lowest threshold of human hearing	**— 0 —**	Lowest threshold of human hearing

Notes:
dBA = A-weighted decibels
Source: Caltrans 2013a

Sound Propagation

As sound (noise) propagates from the source to the receptor, the attenuation—the manner of noise reduction relative to distance—depends on such factors as wave physics (the inverse square law), surface characteristics, atmospheric conditions, and the presence of physical barriers. The inverse square law describes the attenuation attributable to the pattern in which sound travels from the source to the receptor. Sound travels uniformly outward from a point source (e.g., construction equipment) in a spherical pattern with an attenuation rate, generally, of 6 dBA per doubling of distance (dBA/DD). In other words, sound decreases by 6 dBA each time the distance between the noise source and the receptor is doubled. From a line source (e.g., traffic noise along a road), sound travels uniformly outward in a cylindrical pattern with an attenuation rate, generally, of 3 dBA/DD.

The characteristics of the surface between the source and the receptor may further absorb and/or reflect sound, thus resulting in a different attenuation rate. “Hard surfaces, such as pavement, would not absorb the wave energy, but “soft” surfaces, such as vegetation-covered ground, can absorb a portion of the sound energy and only the remaining energy travels to the receptor. Atmospheric conditions such as wind speed, temperature, and humidity may also affect noise levels. Furthermore, the presence of a barrier

between the source and the receptor may attenuate noise levels. The actual amount of attenuation depends on the barrier size and the frequency of the noise. A noise barrier may be any natural or human-made feature, such as a hill, tree, building, wall, or berm (Caltrans 2013a).

Noise Descriptors

The proper descriptor for noise from a specific source depends on the spatial and temporal distribution, duration, and fluctuation of the noise. The following are the noise descriptors most often encountered when dealing with traffic, community, and environmental noise (Caltrans 2013a):

- L_{max} (maximum noise level): The maximum instantaneous noise level during a specific period of time. The L_{max} may also be referred to as the "peak (noise) level."
- L_{min} (minimum noise level): The minimum instantaneous noise level during a specific period of time.
- L_n (statistical descriptor): The noise level exceeded "n" percent of a specific period of time.
- L_{eq} (equivalent noise level): The average noise level that describes the cumulative noise exposure from all sources as a constant sound level containing the same overall sound energy as the actual varying sound energy for a specified period of time.
- L_{dn} (day-night noise level): The 24-hour L_{eq} with a 10 dBA "penalty" for the noise-sensitive hours between 10:00 p.m. and 6:00 a.m. The L_{dn} attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.
- CNEL (community noise equivalent level): The CNEL is similar to the L_{dn} described above, but with an additional 4.77 dBA "penalty" for the noise-sensitive hours between 7:00 p.m. and 10:00 p.m., which are typically reserved for relaxation, conversation, reading, and television. If using the same 24-hour noise data, the CNEL is typically about 0.5 dBA higher than the L_{dn}.

Negative Effects of Noise on Humans

Negative effects of noise exposure include physical damage to the human auditory system; interference with speech, communications, sleep and other routine interactions; and disease. Exposure to noise may result in physical damage to the auditory system, which may lead to gradual or traumatic hearing loss. Gradual hearing loss is attributable to sustained exposure to moderately high noise levels over a period of time, while traumatic hearing loss is attributable to sudden exposure to extremely high noise levels over a short period. However, both gradual and traumatic hearing loss may result in permanent hearing damage. In addition, noise may interfere with or interrupt sleep, relaxation, recreation, and communication. Although most interference may be classified as annoying, the inability to hear a warning signal may be considered dangerous. Noise may also contribute to diseases associated with stress, such as hypertension, anxiety, and heart disease. The degree to which noise contributes to such diseases depends on the noise frequency, bandwidth, level, and exposure time (Caltrans 2013a). In an occupational setting, hearing protection is typically required where employee noise exposures equal or exceed an 8-hour time-weighted average of 85 dBA and above (Title 8 CCR Section 5097).

Vibration

Vibration is the periodic oscillation of a medium or object with respect to a given reference point. Sources of vibration include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides) and human activity (explosions; traffic; and operation of machinery, trains, or construction equipment). Vibration sources may be continuous (e.g., operating factory machinery) or transient (e.g., explosions).

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. RMS is a measurement of the effective energy content in a vibration signal. PPV is typically used in the monitoring of transient and impact vibration and has been found to correlate well to the stresses experienced by buildings (FTA 2018; Caltrans 2013b). PPV and RMS vibration velocity are normally described in inches per second (in/sec).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response to vibration. The response of the human body to vibration relates well to average vibration amplitude. Therefore, vibration impacts on humans are evaluated in terms of RMS vibration velocity, and like airborne sound impacts on humans, vibration velocity can be expressed as vibration decibels (VdB).[15] Table 3.10-2 summarizes the general human response to different levels of groundborne vibration.

Table 3.10-2 Human Response to Different Levels of Groundborne Vibration

Vibration-Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there is an infrequent number of events per day.

Note: VdB = vibration decibels referenced to 1 microinch per second and based on the root mean square vibration velocity
Source: FTA 2018

The effects of groundborne vibration include movement of building floors, rattling of windows, shaking of items that sit on shelves or hang on walls, and rumbling sounds. In extreme cases, vibration can damage buildings, although this is not a factor for most projects. Human annoyance from groundborne vibration often occurs when vibration exceeds the threshold of perception by only a small margin. A vibration level that causes annoyance can be well below the damage threshold for normal buildings. Table 3.10-3 shows the general thresholds for structural responses to vibration levels.

Table 3.10-3 Structural Responses to Vibration Levels

	Peak Vibration Threshold (in/sec PPV)	
Structure and Condition	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Notes: in/sec = inches per second; PPV = peak particle velocity
Source: Caltrans 2013b

Table 3.10-4 displays the reactions of people and the effects on buildings that continuous vibration levels produce. The annoyance levels shown in Table 3.10-4 should be interpreted with care since vibration may be found to be annoying at much lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage.

[15] Vibration levels described in VdB are referenced to 1 microinch per second.

Table 3.10-4 Reaction of People and Damage to Buildings from Continuous or Frequent Intermittent Vibration Levels

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structures
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to Severe	Threshold at which there is a risk of damage to newer residential structures
0.5	Severe – Vibration considered unpleasant	Threshold at which there is a risk of damage to newer residential structures

Notes: in/sec = inches per second; PPV = peak particle velocity

Source: Caltrans 2013b

Existing Conditions

Sensitive Land Uses

Noise-sensitive land uses are those uses where quiet is essential to the purpose of the land use. Such land uses include residences and buildings where people normally sleep (hospitals, hotels), and uses such as schools, libraries, theaters, and houses of worship, where it is important to avoid interference with such activities as speech, meditation, and concentration on reading material.

The project site is near the northwest corner of West Mission Street and North First Street in the City of San José. Noise-sensitive land uses near the project site include residences along East Mission Street and North First Street. The closest multi-family residential property[16] is approximately 150 feet northeast of the former City Hall building. The nearest single-family residential property is approximately 300 feet east of the former City Hall building. The closest school, Muwekma Ohlone Middle School, is located approximately 500 feet east of the Project site. The closest commercial buildings to the Project site are the County's Re-entry Resource Center immediately west of the Project site. Commercial and office uses are not typically considered to be noise sensitive land uses, because activities within these buildings are generally compatible with and accustomed to higher noise levels. These uses may be considered noise sensitive if low noise levels are important to their operations.

Existing Noise Sources

The existing noise environment near the project site is influenced primarily by vehicular traffic using local roadways adjacent to the project site: West Mission Street, West Hedding Street, North First Street, and San Pedro Street; and traveling on freeways in the vicinity including Interstate 880 approximately 0.5 mile to the north, and State Route 87 approximately 0.25 mile to the west. Other noise sources in the project vicinity include the VTA light rail line along North First Street (and associated maintenance facility approximately 0.25 mile north of the Project site), and the Mineta San José International Airport, approximately 0.6 mile to the northwest.

Ambient Noise-Level Surveys

Ambient noise levels in the vicinity of the Civic Center campus were measured between Wednesday, July 26, 2017, and Monday, July 31, 2017 as part of the Noise and Vibration Assessment (Illingworth and Rodkin 2017), prepared for the Santa Clara County Civic Center Master Plan EIR. Five short-term measurements (15–20 minutes) and two long-term measurements (24 hours) from that assessment, as

[16] Although the County intends to create a Temporary Housing Shelter within the driveway of the Project site (i.e., within 50 feet of construction operations) prior to commencement of the Former City Hall Project, the County would cease operations at the shelter during Project construction and the temporary residents of the shelter would be relocated (Barry, 2020).

shown in Figure 3.10-1, were used to document the existing noise environment for the Project area for the purposes of this analysis. Table 3.10-5 summarizes the measurements of ambient noise levels at each survey location, and the distances to the Project site area estimated based on the distance to the former City Hall building footprint.

Figure 3.10-1 Ambient Noise Measurement Sites

Table 3.10-5 Summary of Ambient Noise-Level Survey Results – 2017

Site	Noise Sources	Location	Date(s)	Start Time	L_{dn}/ CNEL	Average Measured Hourly Noise Levels, dB			
						Daytime (7 a.m.–7 p.m.)		Nighttime (10 p.m.–7 a.m.)	
						L_{eq}	L_{max}	L_{eq}	L_{max}
LT-1	Traffic, Trains, parking activities, neighborhood activities, birds, and wind	In front of 840 North First Street, approximately 150 feet northwest of the Project site.	Wednesday, July 26, 2017, through Monday, July 31, 2017	–	73 to 75	67 to 74	–	61 to 74	–
LT-3	Traffic, Trains, parking activities, neighborhood activities, birds, and wind	In front of the parking garage across from the Hall of Justice, approximately 1,200 feet northwest of the Project site.	Wednesday, July 26, 2017, through Monday, July 31, 2017	–	65 to 68	60 to 67	–	52 to 65	–
ST-01	Traffic, Trains, parking activities, neighborhood activities, birds, and wind	At long term location LT-1	7/26/2017	1:00 p.m.	–	71	85	–	–
ST-03	Traffic, Trains, parking activities, neighborhood activities, birds, and wind	At long term location LT-3	7/26/2017	1:20 p.m.	–	62	71	–	–
ST-05	Traffic, Trains, parking activities, neighborhood activities, birds, and wind	In front of 70 West Hedding Street, approximately 550 feet north of the Project site.	7/31/2017	11:30 a.m.	–	59	72	–	–
ST-06	Traffic, Trains, parking activities, neighborhood activities, birds, and wind	In front of 151 West Mission Street, approximately 250 feet west of the Project site.	7/31/2017	11:50 a.m.	–	60	69	–	–
ST-07	Traffic, Trains, parking activities, neighborhood activities, birds, and wind	Next to 849 N. Second Street, approximately 350 feet northeast of the Project site.	7/31/2017	12:20 p.m.	–	54	63	–	–

Notes:

– = not available for long term measurements, and nonapplicable periods for short-term measurements (see note below for explanation); CNEL = community noise equivalent level; dB = decibels; L_{dn} = day-night average noise level; L_{eq} = equivalent noise level; L_{max} = maximum instantaneous noise level during a specific period of time; LT = long term; ST = short term

Long-term (LT) measurements are taken to measure noise levels continuously over a relatively long period of time (usually 24 hours or more) to determine the day, evening, and night (CNEL/L_{dn}) levels for the project site and the affected vicinity. Short-term (ST) measurements are spot checks in the study area used to calibrate the roadway noise model. Short-term measurements are taken for about 10–20 minutes (depending on traffic volumes) with concurrent traffic counts (for calibration) and during the daytime when ambient traffic noise is highest.

Source: Data compiled by Illingworth & Rodkin in 2017

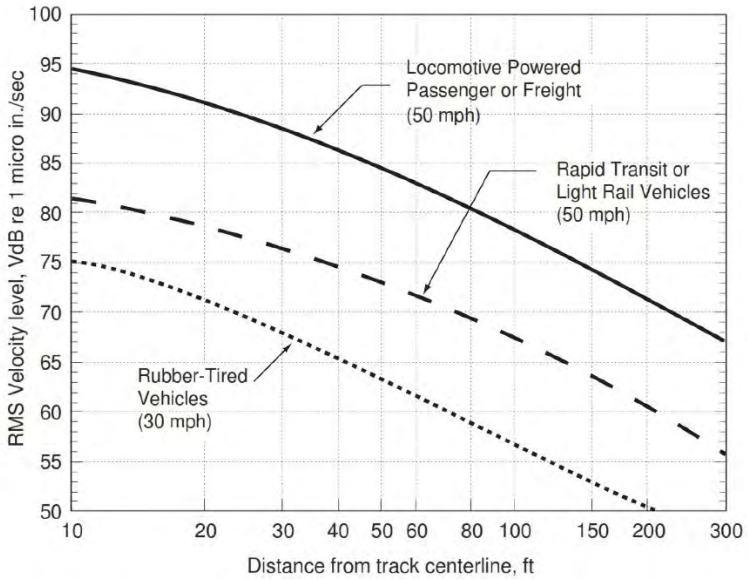
The long-term measurements used for this analysis were:

- Long-term noise measurement LT-1 was made in front of 840 North First Street, approximately 250 feet north of the easternmost corner of the former City Hall building. Hourly average noise levels at this location ranged from 67 to 74 dBA L_{eq} during the day, and from 61 to 74 dBA L_{eq} at night. The hourly average noise level reached up to 79 L_{eq} during the 1:00 pm hour on Friday, July 28th; however, the noise data indicated the high level was likely due to a localized source occurring very close to the noise monitor (e.g., emergency siren). The day-night average noise levels from Wednesday, July 26, 2017, through Monday, July 31, 2017, ranged from 73 to 75 dBA L_{dn}.
- Long-term noise measurement LT-3 was made in front of the parking garage across from the Hall of Justice, approximately 1,200 feet northwest from the former City Hall building. Hourly average noise levels at this location ranged from 60 to 67 dBA L_{eq} during the day, and from 52 to 65 dBA L_{eq} at night. The day-night average noise levels from Wednesday, July 26, 2017, through Monday, July 31, 2017, ranged from 65 to 68 dBA L_{dn}. The daily trends in noise levels at LT-1 through LT-3 are shown in Appendix E of this EIR.

Short-term (15-minute) measurements ST-1, ST-3, and ST-5 through ST-7 from the Santa Clara County Civic Center Noise and Vibration Assessment (Illingworth and Rodkin 2017) were also used for this study. Various types of trucks driving on the street produced maximum noise levels ranging from 69 to 71 dBA L_{max}, airplanes passing overhead produced maximum noise levels ranging from 64 to 66 dBA L_{max}, and VTA light rail operations produced maximum noise levels ranging from 64 to 65 dBA L_{max}.

Existing Vibration

The existing vibration environment is dominated by transportation-related vibration. Light rail and heavy truck traffic can generate groundborne vibration, which varies considerably depending on vehicle type, weight, and pavement conditions. However, groundborne vibration levels generated from vehicular traffic are not typically perceptible outside of the road right-of-way. The primary source of existing groundborne vibration in the vicinity of the project site is the VTA light rail line along North First Street. Existing residences, commercial, and office buildings are approximately 50 feet from the VTA light rail line. Based on FTA data, light rail vehicles operating at 50 miles per hour (mph) would generate groundborne vibration of approximately 0.02 PPV (75 VdB) at a distance of 50 feet (FTA 2018), as shown in Figure 3.10-2. The VTA would operate at lower speeds along 1st Street, which translate to less groundborne vibration. Therefore, use of FTA's reference values yield a conservative estimate of vibration levels. Doubling speed results in a vibration level increase of approximately 4 to 6 VdB (FTA 2018).



Source: FTA 2018, adapted by AECOM. Acronyms: mph = miles per hour; RMS = root mean square; VdB = vibration decibels

Figure 3.10-2 Generalized Ground-Surface Vibration Curves

3.10.2 Regulatory Framework

Federal

Although not directly applicable to many projects, the research that supported the development of federal community noise standards is broadly applicable in understanding human response to different noise levels and is summarized below for the reader's edification. Below is a list of federal agencies with noise exposure criteria.

- U.S. Environmental Protection Agency (USEPA): Noise standards to protect public health and welfare
- Housing and Urban Development (HUD): Noise standards for federally funded housing projects
- Federal Aviation Administration (FAA): Noise standards for aircraft noise
- Federal Highway Administration (FHWA): Noise standards for federally funded highway projects
- Federal Transit Administration (FTA): Noise standards for federally funded transit projects

U.S. Environmental Protection Agency Noise Control Act (Public Law 92-574)

The federal Noise Control Act of 1972 (Public Law 92-574) established a requirement that all federal agencies administer their programs to promote an environment free of noise that would jeopardize public health or welfare.[17] Although the USEPA was given a major role in disseminating information to the public and coordinating federal agencies, each federal agency retains authority to adopt noise regulations pertaining to agency programs.[18]

In 1974, in response to the requirements of the federal Noise Control Act, the USEPA identified indoor and outdoor noise level limits to protect public health and welfare (communication disruption, sleep disturbance, and hearing damage). Outdoor and indoor noise exposure limits of 55 dB L_{dn} and 45 dB L_{dn}, respectively, are identified as desirable to protect against speech interference and sleep disturbance for residential, educational, and healthcare areas. The sound-level criterion identified to protect against hearing damage in commercial and industrial areas is 70 dB 24-hour L_{eq} (both outdoors and indoors).

U.S. Department of Housing and Urban Development Noise Abatement and Control (24 CFR Part 51, Subpart B)

The U.S. Department of Housing and Urban Development (HUD) has established guidelines for evaluating noise impacts on residential projects seeking financial support under various grant programs (HUD 2009), as summarized below:

- Acceptable $\leq$ 65 dB. Sites are generally considered acceptable for residential use if they are exposed to outdoor noise levels of 65 dB L_{dn} or less.
- Normally Unacceptable 65–75 dB. Sites are considered "normally unacceptable" if they are exposed to outdoor noise levels of 65–75 dB L_{dn}.
- Unacceptable > 75 dB. Sites are considered "unacceptable" if they are exposed to outdoor noise levels above 75 dB L_{dn}.

The HUD goal for the interior noise levels in residences is 45 dB L_{dn} or less.

[17] The U.S. Environmental Protection Agency (EPA) was given the responsibility for providing information to the public regarding identifiable effects of noise on public health and welfare, publishing information on the levels of environmental noise that will protect the public health and welfare with an adequate margin of safety, coordinating federal research and activities related to noise control, and establishing federal noise emission standards for selected products distributed in interstate commerce. The Noise Control Act also directed that all federal agencies comply with applicable federal, State, interstate, and local noise control regulations.

[18] The EPA can, however, require other federal agencies to justify their noise regulations in terms of the Noise Control Act policy requirements.

Federal Aviation Administration Airport Noise Compatibility Planning (14 CFR Part 159)

14 CFR Part 150, "Airport Noise Compatibility Planning" prescribes the procedures, standards, and methodology to be applied to airport noise compatibility planning activities. Noise levels below 65 dB L_{dn} are normally considered to be acceptable for noise-sensitive land uses.

Federal Highway Administration Procedures for Abatement of Highway Traffic Noise and Construction Noise Regulations (23 CFR 772)

FHWA regulations (23 CFR 772) specify procedures for evaluating noise impacts associated with federally funded highway projects and determining whether these impacts are sufficient to justify funding noise abatement. The FHWA noise abatement criteria are based on worst hourly L_{eq} sound levels, not 24-hour average values (e.g., L_{dn} or CNEL). The worst-hour L_{eq} criteria for residential, educational, and healthcare facilities are 67 dB outdoors and 52 dB indoors. The worst-hour L_{eq} criterion for commercial and industrial areas is 72 dB (outdoors).

Federal Transit Administration Transit Noise and Vibration Impact Assessment (FTA Report No. 0123)

FTA procedures for the evaluation of noise from transit projects are specified in the document entitled, "Transit Noise and Vibration Impact Assessment" (FTA, 2018). The FTA noise impact threshold is a sliding scale based on existing noise exposure and land use of sensitive receivers. The basic concept of the FTA noise impact criteria is that more project noise is allowed in areas where existing noise is higher. However, in areas where existing noise exposure is higher, the allowable increase above the existing noise exposure decreases. For example, in an area with an existing noise level of 55 dBA, the allowable increase in noise level is 3 dBA, resulting in a total future noise impact threshold of 58 dBA. For an area with an existing noise level of 60 dBA, the allowable increase in noise level is only 2 dBA, resulting in a total future noise impact threshold of 62 dBA.

FTA Construction Vibration Criteria

The FTA Guidance Manual recommends using local construction noise limits, if possible. The primary concern regarding construction vibration is potential damage to structures. The thresholds for potential damage are much higher than the thresholds for evaluating potential annoyance used to assess the impact from operational vibration.

Building damage criteria recommended by FTA are shown in Table 3.10-6. The vibration limits that are shown are the levels at which a risk for damage would exist for each building category, not the level at which damage would occur. These limits should be viewed as criteria to be used during the impact assessment phase, to identify problem locations.

Table 3.10-6 FTA Construction Vibration Damage Criteria

Building Category		PPV (inch/second)	Approximate RMS Vibration Velocity Level[a] (VdB)
I.	Reinforced concrete, steel, or timber (no plaster)	0.5	102
II.	Engineered concrete and masonry (no plaster)	0.3	98
III.	Non-engineered timber and masonry buildings	0.2	94
IV.	Buildings extremely susceptible to vibration damage	0.12	90

Notes:

[a] RMS vibration velocity level in VdB relative to 1 micro-inch/second.

Acronyms: PPV = peak particle velocity; RMS = root-mean-square; VdB = vibration decibels

Source: FTA 2018

To avoid temporary annoyance to building occupants during construction or construction interference with vibration-sensitive equipment inside special-use buildings, FTA recommends comparing the project construction-related VdB to the criteria shown in Table 3.10-7 for frequent, occasional, and infrequent events. FTA defines frequent events as more than 70 events per day, occasional events as 30–70 events per day, and infrequent events as fewer than 30 events per day The FTA has identified vibration impact criteria for sensitive buildings, residences, and institutional land uses near rail transit and railroads. The thresholds for residences and buildings where people normally sleep (e.g., nearby residences) are 72 VdB for frequent events (more than 70 events of the same source per day), 75 VdB for occasional events (30 to 70 vibration events of the same source per day), and 80 VdB for infrequent events (less than 30 vibration events of the same source per day).

Table 3.10-7 FTA Construction Vibration Annoyance Criteria

Land Use Category	Impact Levels (VdB; relative to 1 micro-inch/second)		
	Frequent Events[a]	Occasional Events[b]	Infrequent Events[c]
Category 1: Buildings where vibration would interfere with interior operations	65[d]	65[d]	65[d]
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime uses	75	78	83

Notes:

a “Frequent events” is defined as more than 70 vibration events from the same source per day.

b “Occasional events” is defined as 30 to 70 vibration events from the same source per day.

c “Infrequent events” is defined as fewer than 30 vibration events from the same source per day.

d This criterion limit is based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. Vibration-sensitive manufacturing or research would require a detailed evaluation to define the acceptable vibration levels.

Source: FTA 2018

Acronyms: VdB = vibration decibels

State

California Occupational Noise Regulations, Title 8 CCR Section 5097

Title 8 CCR Section 5097 requires employers to administer an effective hearing conservation program, whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A-scale (slow response) or, equivalently, a dose of fifty percent, which may include monitoring of noise levels in the workplace, an audiometric testing program for employees

State of California General Plan Guidelines, Government Code Section 65302 et seq.

In 1971, the State required cities and counties to include noise elements in their general plans (Government Code Section 65302 et seq.). The State of California General Plan Guidelines (Office of Planning and Research 2017) identify guidelines for the noise elements of local general plans, including a sound level/land-use compatibility chart. The noise element guidelines identify the “normally acceptable” range of noise exposure for low-density residential uses as less than 60 dB L_{dn}, and the “conditionally acceptable” range as 55–70 dB L_{dn}. The “normally acceptable” range for high-density residential uses is identified as below 65 dB L_{dn}, and the “conditionally acceptable” range is identified as 60–70 dB L_{dn}. For educational and medical facilities, levels below 70 dB L_{dn} are considered “normally acceptable,” and levels of 60–70 dB L_{dn} are considered “conditionally acceptable.” For office and commercial land uses, levels below 70 dB L_{dn} are considered “normally acceptable,” and levels of 67.5–77.5 dB L_{dn} are considered “conditionally acceptable.” Overlapping noise level ranges are intended to indicate that local conditions (existing sound levels and community attitudes toward dominant sound sources) should be considered in evaluating land use compatibility at specific locations.

State law intended that noise elements guide policymakers in making land use determinations and in preparing noise ordinances that would limit exposure of their populations to excessive noise levels. In 1984, State noise element provisions were revised to “recognize” guidelines prepared by the Office of Noise Control of the California Department of Health Services and to analyze and quantify, “to the extent practicable, as determined by the legislative body,” noise from the following sources: highways and freeways; primary arterials and major local streets; passenger and freight on-line railroad operations and ground rapid transit systems; commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and other ground facilities and maintenance functions related to airport operation; local industrial plants, including, but not limited to, railroad classification yards; and other ground stationary noise sources identified by local agencies as contributing to the community noise environment. As noted in the draft update to the General Plan Guidelines, the Office of Planning and Research notes that the Department of Health Services Office of Noise Control no longer exists, and the guidelines have been incorporated into the General Plan Guidelines for Noise Elements (Governor’s Office of Planning and Research 2017).

Local

Santa Clara County Airport Land Use Commission Comprehensive Land Use Plan

The Comprehensive Land Use Plan for the Norman Y. Mineta San José International Airport (San José International Airport) seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace (Santa Clara County Airport Land Use Commission 2016). The implementation of the plan is intended to prevent future incompatible development from encroaching on the airport and allow for its development in accordance with the current airport master plan. The Plan identifies aircraft noise contours within the vicinity of the airport and includes land use compatibility policies and standards for new development within the airport influence area.

County of Santa Clara Noise Ordinance

The County Noise Ordinance, in Division B11, Chapter VII, of the County of Santa Clara Ordinance Code, would apply to the Project because it is on County-owned land.

Under the ordinance, no person may operate or cause to be operated any source of sound at any location within the unincorporated territory of the County or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by the person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed:

The noise standard for that land use as specified in Table B11-152 for a cumulative period of more than 30 minutes in any hour; or

- The noise standard plus five dB for a cumulative period of more than 15 minutes in any hour; or
- The noise standard plus ten dB for a cumulative period of more than five minutes in any hour; or
- The noise standard plus 15 dB for a cumulative period of more than one minute in any hour; or
- The noise standard plus 20 dB or the maximum measured ambient, for any period of time.

The noise standards described below in Table 3.10-8 are adapted from Table B11-152 of the County’s Noise Ordinance.

Table 3.10-8 County Noise Ordinance Noise Limits (Table B11-152)

Receiving Land Use Category	Daytime Noise Standard (7:00 A.M. – 10:00 P.M.)	Nighttime Noise Standard (10:00 P.M. – 7:00 A.M.)
One- and Two-Family Residential	55 dBA	45 dBA
Multiple-Family Dwelling, Residential Public Space	55 dBA	50 dBA
Commercial	65 dBA	60 dBA
Light Industrial, Heavy Industrial	75 dBA	70 dBA

NOTE: Levels not to be exceeded more than 30 minutes in any hour. The above noise limits are reduced by 5 dB if the noise contains a steady whine, screech, hum, music or speech, but are increased by 5 dB if the noise source and noise receptor are in different zoning districts.

The County Noise Ordinance contains several prohibitions, including the following activities related to construction and demolition (Section B11-154(b)(6)):

a. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between weekdays and Saturday hours of 7:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance. This section will not apply to the use of domestic power tools as specified in Subsection 11 of the Ordinance.

b. Where technically and economically feasible, construction activities will be conducted in a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedule (Table 3.10-9):

Table 3.10-9 County Noise Ordinance Construction Noise Limits

Land Use Type:	Single- and Two-Family Dwelling Residential Area	Multifamily Dwelling Residential Area	Commercial Area
Thresholds for Mobile Equipment[1]			
Daily, except Sundays and legal holidays 7:00 a.m.—7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50 dBA	55 dBA	60 dBA
Thresholds for Stationary Equipment[2]			
Daily, except Sundays and legal holidays 7:00 a.m.—7:00 p.m.	60 dBA	65 dBA	70 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50 dBA	55 dBA	60 dBA

1. Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment.
2. Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten days or more) of stationary equipment.

Section B11-154(b)(7) of the County Noise Ordinance also prohibits operating or permitting the operation of any device that creates a vibrating or quivering effect that:

a. Endangers or injures the safety or health of human beings or animals;

b. Annoys or disturbs a person of normal sensitivities; or

c. Endangers or injures personal or real properties.

The ordinance defines the vibration perception threshold as "the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold will be presumed to be a motion velocity of 1/100 inches per second over the range of one to 100 Hz."

City of San José Municipal Code

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 am and 7:00 pm Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

3.10.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to noise:

- **Impact NOI-1:** Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels?
- **Impact NOI-2:** Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?
- **Impact NOI-3:** Would the Project expose people to excessive noise levels from nearby airports?

Impact NOI-1: Increase In Ambient Noise Levels

Impact NOI-1 would be **potentially significant**. With implementation of mitigation measure MM-NOI-1, the impact would be reduced to **less than significant with mitigation.**

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would generate a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Based on the established standards in the County of Santa Clara Ordinance Code and City of San José Municipal Code applicable to construction activities, a significant noise impact would be identified if:

- Construction activities would occur within 500 feet of a residential unit, outside the allowable construction hours of 7:00 am and 7:00 pm Monday through Friday (San José Municipal Code, Chapter 20.100.450).[19]
- The Project would generate noise that would exceed the following thresholds[20] during daytime hours:
    - 60 dBA at the nearest single or two-family residential property;
    - 60 dBA at the nearest multi-family residential property; or
    - 70 dBA at the nearest commercial property.

Impact Analysis

Noise generated by the Project would include construction equipment and machinery, vehicular traffic noise from workers commuting to and from the project site, and haul trips for construction-related materials. The Project would generate construction noise during the 10- to 12-month construction period

[20] Because the Project would generate noise from both mobile and stationary sources, the most restrictive of the thresholds established in County Noise Ordinance Sections B11-152 and B11-154(b)(6) is used as the threshold of significance. It is noted that nearby residential and properties are in different zones than the Project site; therefore the thresholds in Table B11-152 are increased by 5 dBA.

from sources such as equipment, haul trucks, and worker vehicles traveling to and from the project site, and heavy machinery and equipment operating on the site.

The Project site lies within the City of San José, is surrounded by the incorporated City, and the noise-sensitive land uses (nearby residences and the middle school) are in the City. However, the Project is also on County-owned land. Therefore, the standards used for this assessment reflect both the County's and City's noise regulations for construction. Both the County and City regulate noise generated from temporary construction activities by limiting construction hours, so that nearby receptors would not be substantially affected. The City of San José Ordinance (Chapter 20.100.450 of the Municipal Code) restricts construction hours to 7a.m. to 7p.m. weekdays within 500 feet of residential uses. This is more restrictive than the County Noise Ordinance which also allows construction between 7a.m. and 7p.m. on Saturdays. The City Municipal Code is therefore used as the relevant threshold of significance. Project construction activities would adhere to the more restrictive of these construction hour limits and thus would not result in noise levels in excess of applicable noise standards from the City Municipal Code or County Noise Ordinance.

The County Noise Ordinance establishes limits for short-term maximum noise at nearby properties depending on the time of the day, the duration of the noise and noise type, and land use type, as discussed above in Section 3.10.2, "Regulatory Setting." The analysis below describes the temporary changes to ambient noise conditions that would be generated by the Project, including from construction traffic operating on local roadways and from use of construction equipment at the Project site, and compares them to the thresholds established in the County Noise Ordinance.

Vehicular trips to and from the site would occur throughout the construction period. As described in Section 3.13, "Transportation," during the peak construction phase there would be up to 79 truck trips per day. In addition to these trips, an average of 30 construction workers would be traveling to the site during the most intensive construction phases. Therefore, the Project may add as many as 110 construction truck and workers trips per hour to roadways in the Project area during the most intensive construction phase. As described in Section 2.4.1, "Construction Phase Activities," construction access and haul routes would be expected to use West Mission Street or North San Pedro Street, since they provide the most direct connections to State Route 87 (Guadalupe Freeway) and Interstate-880. The 79 truck trips and 30 passenger vehicles would increase the existing daily traffic volumes and hence traffic-related noise along these streets. However, as discussed in the "Environmental Setting," traffic volumes would need to double in order to register a 3 dBA change in noise levels, an incremental change that can barely be perceived (Caltrans 2013a).

The existing average daily traffic (ADT) volume along Mission Street is approximately 3,000 trips per day, with approximately 4,000 trips per day along San Pedro Street (City of San José 2020d). North 1st Street and Taylor Avenue each have an existing ADT of approximately 20,000 trips per day, and West Hedding Street has just over 13,000 trips per day. The Project-related construction trips would not substantially increase the existing traffic volumes along any of the roadways in the project vicinity, and therefore would not cause a substantial increase in ambient noise levels.

Heavy-duty construction equipment and machinery would be operated on the Project site intermittently throughout the day during the various phases of construction. Construction noise levels would vary over the 10- to 12-month construction period, with the highest noise levels expected to occur during the demolition and site grading phases.

To estimate the noise generated by construction equipment during these phases, the FHWA Roadway Construction Noise Model (FHWA 2006) was applied. Table 3.10-10 presents the construction equipment used during each construction phase and the L_{max} and L_{eq} for each piece of equipment and the aggregate noise from all construction equipment expected to be used in a given construction phase. Noise levels generated by various construction activities during the peak construction activity (demolition phase) would be 86 dBA L_{eq} at 50 feet.

Table 3.10-10 Construction Phases, Equipment, and Calculated Noise Levels, dB

Construction Phase	Estimated Duration	Anticipated Type of Equipment that May Be Utilized by the Contractor*	Noise Level at 50 Feet	
			L_{max}, dBA	L_{eq}, dBA
Hazardous Materials Abatement	6 to 9 months	Telehandler Forklift	75	68
		Aerial Lifts/Scissor Lifts	75	68
		Skidsteer Loader	79	75
		Dump Truck(s)	76	72
	Max. and Combined Noise Level		**79**	**78**
Site Control and Preparation	2 to 3 months	Aerial Lifts/Scissor Lifts	75	68
		Loader	79	75
		Bobcat	82	78
		Backhoe	78	74
		Water Truck(s)	76	72
		Dump Truck(s)	76	72
	Max. and Combined Noise Level		**82**	**82**
Demolition and Debris Removal	3 to 4 months	Crane	81	73
		Aerial Lifts/Scissor Lifts	75	68
		Excavator – demo shears	81	77
		Excavator – demo hammer	81	77
		Excavator – demo thumb	81	77
		Loader(s)	79	75
		Concrete Crusher Plant	83	75
		Bobcat	82	78
		Backhoe	78	74
		Water Truck(s)	76	72
		Dump Truck(s)	76	72
		Street Sweeper	82	72
	Max. and Combined Noise Level		**83**	**86**
Site Rehabilitation	1 month	Grader	85	81
		Dozer	82	78
		Compactor	83	76
		Backhoe	78	74
		Water Truck(s)	76	72
		Dump Truck(s)	76	72
		Street Sweeper	82	72
	Max. and Combined Noise Level		**85**	**85**

Source: Calculated by AECOM in 2020 (see Appendix E) using the FHWA Roadway Construction Noise Model (FHWA 2006).

Noise levels at the construction site could exceed an 8-hour time-weighted average of 85 dBA; therefore, the construction contractor would be required to implement a noise control program for its workers in accordance with California Occupational Safety and Health Administration requirements under Title 8 CCR Section 5097. Adherence to these mandatory occupational noise regulations would reduce the potential for adverse impacts to construction workers to less-than-significant levels.

Table 3.10-11 presents the predicted values for construction noise from the Project at the nearest sensitive uses to the construction site, which exceed the applicable thresholds established in the County Noise Ordinance by up to 16 dBA. The predicted values are considered a worst-case scenario, based on the maximum anticipated noise level generated by the loudest piece of construction equipment being operated at the closest possible distance to the sensitive receptor; and does not account for any existing barriers (e.g., trees, fences, or buildings) between the source and receptor. In reality, construction noise received at the nearest receptors would vary considerably throughout the construction period, as well as throughout each work day, depending on the types of equipment being operated at any one time, and the actual distance between the equipment and the receptor. Although construction-generated noise would be temporary and short-term, it could exceed applicable thresholds established in the County Noise Ordinance, and thus, the impact would be **potentially significant.** Mitigation measure MM-NOI-1 is recommended to address this potentially significant impact.

Table 3.10-11 Predicted Noise Levels at Nearby Receptors

Receptor	Distance from Construction Footprint (feet)	Predicted Maximum Noise Level[1] (dBA L_{max})	Applicable Threshold[2] (dBA)
Closest Single-Family Residence	300	70	60
Closest Multi-Family Residence	150	76	60
Closest Office Building	115	79	70

1. Calculated by AECOM in 2020.

2. Most restrictive applicable threshold from County Noise Ordinance Sections B11-152 or B11-154.

Mitigation Measures

The following mitigation measure is recommended to reduce temporary noise impacts on nearby sensitive receptors:

MM-NOI-1: Minimize Construction Noise

The County shall include the following measures in contractor specifications for the Project, and such measures shall be implemented during all construction phases:

- *In accordance with Chapter 20.100.450 of the City of San José Municipal Code, the hours of construction, including the loading and unloading of materials and truck movements, shall be limited to 7 a.m. to 7 p.m. Monday through Friday. No construction activities shall be permitted on weekends or holidays.*
- *Locate staging areas and stationary noise-generating equipment, such as compressors, as far away from noise-sensitive uses as feasible, and/or provide temporary noise barriers if necessary.*
- *Minimize idling times of equipment by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.*
- *Select "quiet" models of construction equipment, particularly air compressors, generators, pumps and other stationary noise sources, whenever possible; fit motorized equipment with proper mufflers in good working order.*

- *Maintain and operate construction equipment in a manner to reduce or avoid high levels of noise emissions (e.g., to the extent practical, lower—rather than drop—loads into trucks or onto platforms to reduce noise-generating impacts of contacting surfaces).*
- *Designate a disturbance coordinator and conspicuously post this person's number around the project site and in construction notifications. The disturbance coordinator shall receive complaints about construction disturbances and, in coordination with the County, shall determine the cause of the complaint and implementation of feasible measures to alleviate the problem.*

The USEPA has indicated that feasible noise minimization measures can reduce noise levels by up to 16 dBA for trucks, and by up to 13 dBA for equipment such as jackhammers (USEPA 1971). Temporary barriers such as field-erected curtains or panels, if designed and installed properly, could be expected to yield at least 7 to 12 dBA of noise reduction in the field. With implementation of MM-NOI-1 the impact would be reduced to **less than significant with mitigation**.

Impact NOI-2: Exposure of People to Groundborne Noise and Vibration Levels.

Impact NOI-2 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would generate excessive groundborne vibration or groundborne noise levels.

The County Noise Ordinance prohibits any device that creates a vibrating or quivering effect that:

- Endangers or injures the safety or health of human beings or animals;
- Annoys or disturbs a person of normal sensitivities; or
- Endangers or injures personal or real properties.

The County ordinance specifies the vibration perception threshold as a motion velocity of 0.01 in/sec over the range of one to 100 Hz, but does not define at what level annoyance or disturbance of humans would occur, or at what level property damage might occur. Therefore, the FTA guidance thresholds from Table 3.10-6 (building damage) and Table 3.10-7 (human annoyance) are used as the thresholds of significance.

Impact Analysis

Project construction activities have the potential to result in varying degrees of temporary and short-term ground vibration, depending on the specific construction equipment used and the operations involved. In general, vibration-induced structural damage occurs only when certain types of construction activity (e.g., pile driving, heavy earthmoving) and heavy truck travel occur very close to existing structures. Vibration-induced disruption/annoyance could occur during more common types of construction activity (e.g., demolition, use of heavy earthmoving equipment, hauling of material) at a greater distance from the activity area.

Groundborne vibration impacts were assessed qualitatively based on existing documentation of vibration levels produced by specific construction equipment and the distance of sensitive receptors from the given source.

On-site construction equipment used during the Project would include excavators, backhoes, bulldozers, graders, loaders, compactors, and heavy trucks. Table 3.10-12 lists the groundborne vibration levels associated with typical construction equipment, as published by FTA.

Table 3.10-12 Typical Construction Equipment Vibration Levels

Equipment	PPV at 25 feet (in/sec)	Approximate Lv at 25 feet (in VdB)
Large bulldozer	0.089	87
Truck	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58

Acronyms: in/sec = inches per second; Lv = velocity level in decibels, based on the root mean square velocity amplitude; PPV = peak particle velocity; VdB = vibration decibels

Source: FTA 2018

The most intense ground vibration generated by the Project would result from large bulldozers, which generate vibration at levels of 0.089 in/sec PPV and 87 VdB at a reference distance of 25 feet, and from heavy trucks hauling material, which generate vibration levels of 0.076 in/sec PPV and 86 VdB at a reference distance of 25 feet. Heavy truck use would be the closest source of groundborne vibration for nearby sensitive receptors. The vibration levels from the truck activity would attenuate to 0.031 in/sec PPV or 74 VdB at a distance of 50 feet, which is the distance between the nearest vibration-sensitive residences and the potential truck haul routes.

It was conservatively assumed that the construction-related, vibration-generating activities under the Project would fall under “occasional events” as defined by FTA, and a corresponding threshold for human annoyance of 75 VdB (Table 3.10-7). Because there are no historic or other highly-susceptible buildings in the Project vicinity, the applicable threshold for building damage is that for non-engineered timber and masonry buildings, which is 94 VdB (Table 3.10-6).

Vibration generated by heavy-duty construction equipment at the Project site or along haul routes would not exceed the FTA standard for potential human annoyance (75 VdB) or damage to buildings (94 VdB) at the nearest sensitive receptors. It is not expected that sleep disturbance would occur because no nighttime construction or heavy truck hauling activities would occur. Although there would be individuals who may notice the construction vibration, the vibration levels are such that they would not result in a high percentage of complaints. Therefore, this impact would be **less than significant**. Furthermore, implementation of mitigation measure MM-NOI-1, while not required to reduce impact NOI-2 to a less-than-significant level, would also serve to further reduce vibration levels at nearby receptors.

Impact NOI-3: Exposure of People within the Project Area to Excessive Noise Levels in the Vicinity of an Airport

Impact NOI-3 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, 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 2 miles of a public airport or public use airport, may have a significant impact if it would expose people residing in the project area to excessive noise levels.

Impact Analysis

The project site is within 2 miles of the Norman Y. Mineta San José International Airport and is within the airport influence area identified in the Comprehensive Land Use Plan prepared for the airport (Santa Clara County Airport Land Use Commission 2016).

Project construction would result in additional people working in the Project area for the 10- to 12-month duration of construction. However, the Project site is outside the identified 65 dBA aircraft noise contour, and therefore would not expose workers or residences to excessive noise levels from the airport and Project construction. In addition, construction workers would be required to take adequate precautions to protect their hearing from construction-generated noise at the Project site, in accordance with

occupational safety and health regulations, which would also serve to reduce their exposure to other existing noise sources. Therefore, the Project would have **no impact** on people living or working near the airport.

3.10.4 Cumulative Impacts and Mitigation

As discussed above, the Project would have no impact in relation to airport-related noise. Therefore, the Project could not contribute to any potential cumulative impacts in relation to this issue. The following section therefore analyzes the potential of the Project to contribute to cumulative impacts for the following noise issues[21] where the Project would have a less-than-significant or potentially significant impact:

- **Impact C-NOI-1:** Contribution to cumulative effects related to generation of noise or vibration.

Cumulative Impact C-NOI-1: Generation of Noise or Vibration

The overall cumulative impact for C-NOI-1 would be **less than significant**. No mitigation is required.

Cumulative Context

The geographic context for analysis of cumulative impacts related to noise and vibration is the immediate Project vicinity. Noise and vibration are localized occurrences and attenuate rapidly with distance. Therefore, only those cumulative development projects in the direct vicinity of the Project site could generate additional noise or vibration that could potentially combine with anticipated project-generated noise and vibration sources.

Cumulative Impact Analysis

None of the cumulative projects identified in Section 3.1.2, “Cumulative Impact Assessment Methodology,” would involve construction within half a mile of the Project site and overlap with the Project’s 10- to 12-month construction period. Therefore, there is no potential for noise or vibration emissions from the Project to combine with other nearby construction emissions to cause a significant cumulative impact on nearby sensitive receptors. The overall cumulative impact for noise and vibration would be **less than significant.**

[21] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-NOI-1 addresses the same issues as project-level impacts NOI-1 and NOI-2.

3.11 Population and Housing

This section describes the existing setting of the Project area related to population and housing and evaluates whether the Project would result in adverse effects on population and housing. No comments relating to population and housing were received during the public scoping period in response to the Notice of Preparation.

3.11.1 Environmental Setting

Population

The California Department of Finance estimates the City of San José's total population increased from 945,942 in 2010 to 1,049,187 in 2020, or a 10.9 percent increase over the 10-year period (California Department of Finance 2020). The population growth rate in the City was at approximately the same rate than that of Santa Clara County as a whole, which had a growth rate of approximately 10.1 percent from 2010 to 2020. ABAG projects that in 2040 the City of San José's total population will be 1,377,145 in 2040 and Santa Clara County's total population will be 2,538,320 (ABAG, 2018).

Housing

As of January 2020, the number of housing units in the City of San José was 336,507, with an average household size of 3.19 persons per household. This is an increase of 7.2 percent from the 314,038 housing units as reported in 2010 (California Department of Finance 2020). The City of San José's total number of housing units is projected to increase to approximately 448,310 in 2040, or a 33.2 percent increase between 2020 and 2040 (ABAG, 2018). Santa Clara County's total number of housing units is projected to increase 27.6 percent between 2020 and 2040 to 860,810 units (ABAG, 2018).

Employment

ABAG estimates total jobs in the City of San José would grow from 457,075 jobs in 2015 to 554,875 jobs in 2040. This represents a total increase of 97,800 jobs, and a growth of 21.4 percent, or approximately 3,912 jobs per year. During the same 25-year period, the estimated total jobs in Santa Clara County would grow from 1,087,225 jobs in 2015 to 1,289,870 jobs in 2040. This represents a total increase of 202,645 jobs, and a growth of 18.6 percent, or approximately 8,105 jobs per year (ABAG, 2018). As of January 2020, there were 470,625 total jobs and 499,315 total employed residents in the City of San José.

3.11.2 Regulatory Framework

3.11.2.1 Federal

There are no relevant federal regulations regarding population and housing applicable to the Project.

3.11.2.2 State

Regional Housing Needs Assessment

California Housing Law (California Government Code Section 65580 to 65589.8) mandates that local governments shall include an assessment of existing and future housing needs and an inventory of resources and constraints relevant to meeting these needs in the Housing Element of their respective General Plan. Local governments, through Councils of Government, quantify the need for housing within each region in a process known as the Regional Housing Needs Allocation (RHNA).

3.11.2.3 Local

Association of Bay Area Governments

ABAG is the regional planning agency for the San Francisco Bay Area, which is composed of the nine counties including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. ABAG is required by California Housing Law (California Government Code § 65580 to 65589.8) to complete a RHNA, in collaboration with the California Department of Housing and Community Development, to determine the number of housing units to meet the housing needs of people at all income levels.

3.11.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to population and housing:

- **Impact POP-1:** Would the Project directly or indirectly induce substantial unplanned population growth in an area?
- **Impact POP-2:** Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Impact POP-1: Inducement of Unplanned Population Growth

Impact POP-1 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines, the Project is considered to have a significant impact on population and housing if it would induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Impact Analysis

Project construction activities would generate temporary and short-term employment. As discussed in Section 2.4.1, “Construction Phase Activities,” the number of construction personnel onsite would vary depending on the construction phase. The phase with the highest anticipated staffing levels would be the site control and preparation phase with a maximum of 40 staff anticipated per day during this period, although it is possible that construction phases could overlap during the 10- to 12-month construction period. The source of the construction labor force is unknown at this time. However, due to its proximity to large urban centers, the Project would be expected to draw from the existing local workforce. In addition, if some nonlocal construction workers were employed for the Project, because of the temporary and short-term nature of the work, these workers would not reasonably be expected to relocate to the City while working at the Project site. Therefore, construction of the Project would not require temporary housing or indirectly result in a population increase by creating permanent new jobs. Furthermore, because the Project would only involve the demolition of the former City Hall building, there would be no substantial direct or indirect population growth in the City of San José.

See also Chapter 5, “Other CEQA Considerations,” for information related to growth-inducing impacts of the Project.

Impact POP-2: Displacement of People or Housing

Impact POP-2 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the State CEQA Guidelines, the Project is considered to have a significant impact on population and housing if it would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Impact Analysis

The Project site is occupied by the former City Hall building, which has been vacant since the City of San José moved its City Hall operations from the site in 2005. Therefore, there are no existing residents within the building that would be displaced by demolition of the building. The County intends to create a Temporary Housing Shelter within the driveway of the Project site prior to commencement of the former City Hall Project, which would provide temporary transitional housing for up to 25 families at a time (County of Santa Clara 2020). Due to the proximity of the proposed temporary shelter to the former City Hall building, the County would cease operations of the shelter during demolition activities and the temporary residents of the shelter would be relocated (Barry, 2020). However, the relocation of these temporary residents to different temporary or permanent abodes would not represent a permanent displacement of people or housing that would necessitate the construction of replacement housing elsewhere, as the Temporary Housing Shelter project was only intended to provide temporary housing for residents until they obtained permanent housing placements. Therefore, there the impact of the Project would be **less than significant**.

3.11.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts[22] relating to population and housing

- **Impact C-POP-1:** Would the Project directly or indirectly induce substantial unplanned population growth in an area or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Cumulative Impact C-POP-1: Inducement of Unplanned Population Growth or Displacement of Housing

The overall cumulative impact for C-POP-1 would be **less than significant**. No mitigation is required.

Cumulative Context

The geographic context for analysis of cumulative impacts related to population and housing is the City of San José city limits.

Cumulative Impact Analysis

As noted above, the Project would only involve the demolition of the former City Hall building and no future uses are proposed for the site as part of the Project. However, the proposed demolition would create a vacant site, and some form of redevelopment could occur in the future, although no details are known at this time regarding the uses or structures that might be planned and constructed at the site in the future.

Although the Santa Clara County Civic Center Campus Master Plan did not specifically identify demolition of the former City Hall building, it is assumed that any potential redevelopment of the site that may occur in the future would adhere to the overall intent of the Master Plan, which is to consolidate County facilities into a single campus and establish a long-term framework for the 55-acre area to guide development of

[22] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-POP-1 addresses the same issues as project-level impacts POP-1 and POP-2.

an affordable, integrated, resource-efficient, and forward-thinking campus. If the site was ultimately redeveloped for office use, then it could result in a net increase in jobs in the city and countywide. Because San José has a higher number of employed residents than jobs, this would help address the City's jobs/housing imbalance by providing future employment opportunities (see Civic Center Master Plan DEIR (May 2018), Section 3.10.3.5.) If the site was redeveloped for affordable housing, then that would help alleviate the critical shortage of affordable housing for existing residents of the City and County.

The less-than-significant effects on population and housing described for the Project above would not combine with the impacts of other past, present, or foreseeable future projects identified in Section 3.1.2, "Cumulative Impact Assessment Methodology," to directly or indirectly induce growth, remove any existing constraints to future unplanned growth or displace people or housing necessitating the construction of replacement housing elsewhere. Therefore, the Project's contribution to cumulative impacts would be **less than significant.**

3.12 Recreation

This section describes the existing Recreation setting of the Project area and evaluates whether the Project would result in adverse effects on recreation. The following comment relating to recreation was received during the public scoping period in response to the Notice of Preparation:

- A question as to whether the Project site would remain fenced following completion of demolition, or if the area would be open to pedestrian access.

3.12.1 Environmental Setting

The nearest park to the Project site is Guadalupe River Park, a 250-acre park that extends along the Guadalupe River for approximately three miles between Highway 280 and Highway 880, running through the downtown (City of San José 2017). Guadalupe River Park is approximately 0.3 miles southwest of the Project site and includes several trails, open fields, and plazas.

3.12.2 Regulatory Framework

3.12.2.1 Federal

There are no relevant federal regulations regarding recreation applicable to the Project.

3.12.2.2 State

Quimby Act

The Quimby Act (California Government Code Section 66477) authorizes local governments to preserve parkland and open space in the state. The Quimby Act allows local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two, at the discretion of the local government.

3.12.2.3 Local

There are no relevant local regulations or policies regarding recreation applicable to the Project.

3.12.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to recreation:

- **Impact REC-1:** Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- **Impact REC-2:** Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impact REC-1: Increased Use of Recreational Facilities

Impact REC-1 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Impact Analysis

Because the Project would only involve the demolition of the former City Hall building, it would not introduce any new populations to the Project area that would increase demand for, or use of, recreational facilities such that substantial physical deterioration of the facility would occur.

Because the Project would not result in any increased use of existing recreational facilities, there would be **no impact** to recreational resources.

Impact REC-2: Construction or Expansion of New Recreational Facilities

Impact REC-2 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impact Analysis

Because the Project would only involve the demolition of the former City Hall building, it would not include new recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Although the Project site would be unfenced and open to public pedestrian use once the Project is complete, similar to the existing landscaped areas within the Civic Center complex, the Project site would not be a formal park or recreational area. In any case, use of the area for informal recreational activities would not generate any adverse physical effects on the environment.

Because the Project would not include new recreational facilities or require construction or expansion of existing facilities, there would be **no impact** to recreational resources.

3.12.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts[23] relating to recreation:

- **Impact C-REC-1:** Contribution to cumulative effects related to increased use, or the construction, or expansion of recreational facilities?

Cumulative Impact C-REC-1: Increased Use or the Construction or Expansion of Recreational Facilities

The overall cumulative impact for C-REC-1 would be **less than significant**. No mitigation is required.

Cumulative Context

The geographic context for analysis of cumulative impacts related to recreational facilities is the City of San José city limits.

Cumulative Impact Analysis

As noted above, the Project would only involve the demolition of the former City Hall building and no future uses are proposed for the site as part of the Project. However, the proposed demolition of the former City Hall would create a vacant site, and some form of redevelopment could occur in the future,

[23] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-REC-1 addresses the same issues as project-level impacts REC-1 and REC-2.

although no details are known at this time regarding the uses or structures that might be planned and constructed at the site in the future.

If the site was ultimately redeveloped in the future, such a proposal would be evaluated as a separate project under CEQA at that time. If the future use would generate an increase in the demand for recreational facilities that would cause or accelerate physical deterioration of the facilities, appropriate avoidance or mitigation measures would be required by the project proponent, such as provision of recreational space or payment of applicable park impact fees. Similarly, any of the past, present, and probable future cumulative projects identified in Section 3.1.2, “Cumulative Impact Assessment Methodology,” would also be required to either provide recreational space to meet the City’s parkland standard or pay fees in lieu thereof.

Because past, present, and future projects would be required to meet the City’s parkland standards through provision of recreational space or payment of fees in lieu thereof, the overall cumulative impact to recreational resources would be **less than significant**.

3.13 Transportation

This section describes the existing transportation systems, the existing conditions for the major transportation facilities in the vicinity of the site, including the roadway network, transit service, and bicycle and pedestrian facilities. Also, the section describes regulatory environment relevant to the Project site and vicinity, the potential impacts of the Project related to transportation, the operating condition of roadways, public transit, and bicycle and pedestrian movement in the project vicinity and other areas affected by project trips.

No comments relating to transportation were received during the public scoping period in response to the Notice of Preparation.

3.13.1 Environmental Setting

Existing Roadway Network

Regional access to the project site is provided via Interstate 880, State Route 87, and Highway 101 (US 101) as described below:

- Interstate 880 is a six-lane, north-south freeway that extends from Oakland to Interstate 280 in San José, where it transitions to State Route 17 to Santa Cruz. Interstate 880 provides access to the project site via an interchange at First Street.
- State Route 87 is a six-lane, north-south freeway that extends from State Route 85 in south San José to US 101. State Route 87 provides access to the project site via an interchange at Taylor Street.
- US 101 is a six-lane, north-south freeway with four mixed-flow lanes and two high occupancy vehicle lanes through most of San José. US 101 extends from San Francisco southward through Gilroy and provides access to the project site via interchanges at Interstate 880, State Route 87, and Oakland Road.

Local access to the project site is provided via Mission, San Pedro, First, Hedding, Taylor, and Fourth streets. These roadways are described below:

- Mission Street is a two-lane east-west roadway that runs along the southern frontage of the project site and extends between Guadalupe Parkway and approximately 8th Street, where it is interrupted by the railroad before continuing further east. Direct access to the project site is provided via curved driveway with two entrances on Mission Street.
- San Pedro Street is a two-lane north-south roadway that runs along the western frontage of the project site and extends from Younger Avenue to Ryland Street. Access to the project site is provided via several driveways off San Pedro Street that connect to the Project site through surface parking lots.
- First Street is a four-lane north-south roadway that borders the eastern edge of the project site and extends from the north San José area through downtown San José. The roadway narrows to two lanes south of the project site. The Mountain View-Winchester and Alum Rock-Santa Teresa light rail transit lines run along the middle of First Street from Tasman Drive in north San José to downtown San José. Access to the project site from First Street is provided via West Mission Street.
- Hedding Street is an east-west roadway that extends from Interstate 880 to US 101. Hedding Street typically has two lanes in each direction west of the Highway 87 underpass and one lane on each direction with buffered bike lanes east of the underpass. Access to the project site from Hedding Street is provided via San Pedro Street.
- Taylor Street is generally a four-lane, east-west roadway that begins at US 191 and extends to the Alameda, where it transitions to Naglee Avenue. Access to the project site is provided via San Pedro Street.
- Fourth Street is a north-south roadway that begins at US 101 and extends to I-280 through downtown San José. Fourth Street has two-way operations north of Saint James Street and serves only one-

way southbound traffic south of Saint James Street. Access to the project area from Fourth Street is provided via Hedding or Taylor Streets.

Bicycle and Pedestrian Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Bicycle paths are paved trails that are separate from roadways. Bicycle lanes are lanes on roadways designed for bicycle use by striping, pavement legends, and signs. Bicycle routes are roadways designated for bicycle use by signs only.

The Guadalupe River trail is the only Class 1 bike path in the project area (VTA 2020). The trail extends 11 miles from Curtner Avenue north to Alviso. The trail is accessible via Hedding Street, west of State Route 87.

Class II bike lanes in the project vicinity include:

- Hedding Street – along its entire length
- Taylor Street – between First Street and The Alameda
- Coleman Avenue – between Earthquake Way and State Route 87
- Second Street – south of Taylor Street
- Third Street – south of Mission Street
- Fourth Street – south of Hedding Street

Class III bike routes in the project vicinity include:

- San Pedro Street – between Hedding Street and Coleman Avenue
- Mission Avenue – between Third Street and Seventh Street
- Seventh Street – between Hedding Street and Empire Street

In the vicinity of the project site, sidewalks are located on both sides of Hedding Street, First Street, San Pedro Street, and Mission Street east of San Pedro Street. There are no sidewalks on the south side of Younger Avenue west of San Pedro Street or the west side of Guadalupe Parkway. In the vicinity of the project site, crosswalks are provided at the following locations:

- All approaches of the San Pedro Street/Hedding Street intersection
- All approaches of the First Street/Hedding Street intersection
- South and east approaches of the San Pedro Street/Mission Street intersection
- All approaches of the First Street/Mission Street intersection

All of the crosswalks at the signalized intersections include pedestrian signal heads and push buttons.

Sidewalks in the project vicinity provide adequate access to the local pedestrian network and the nearby transit facilities. A pedestrian bridge over Hedding Street provides a connection between the existing parking structure and Main Jail and other Civic Center uses on the south side of Hedding Street.

Existing Transit Service

The existing transit service in the Project area is provided by the VTA and described in Table 3.13-1 below. The nearest bus stop locations are at the First Street/Mission Street intersection (Route181) and on Hedding Street, near San Pedro Street (Route 61). The nearest light rail transit station is the Civic Center station, on North First Street immediately adjacent to the Project site.

Table 3.13-1 Valley Transportation Authority Transit Service in the Project Area

Route	Route Description	Daily Headway (min)
Bus Service		
62	Good Samarian Hospital to Sierra and Piedmont via Union Avenue.	30
181	Fremont BART Station to San José Diridon Transit Center.	15
Light Rail Transit Service		
901	Santa Teresa to Alum Rock.	15
902	Mountain View to Winchester/Campbell.	15

Source: VTA 2019.

3.13.2 Regulatory Framework

Federal

There are no relevant federal regulations regarding transportation applicable to the Project.

State

Congestion Management Program

California Statute, Government Code 65088 requires that all urbanized counties in California prepare a Congestion Management Program in order to obtain each county's share of the increased gas tax revenues. The legislation requires that each Congestion Management Program contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County Congestion Management Program includes the five mandated elements and three additional elements, including a county-wide transportation model and database element, annual monitoring and conformance element, and a deficiency plan element.

The intent of the Congestion Management Program legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality.

Senate Bill 743

SB 743, which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research to prepare, develop, and transmit to the California Natural Resources Agency for certification and adoption proposed changes to the CEQA Guidelines to replace automobile delay—as described solely by LOS or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. The intent of the change is to appropriately balance the needs of congestion management with statewide goals related to infill development, the promotion of public health through active transportation, and the reduction of greenhouse gas emissions.

SB 743 requires the Governor's Office of Planning and Research to identify new metrics for identifying and mitigating transportation impacts for CEQA purposes. For land use projects, the Governor's Office of Planning and Research identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis. For transportation projects, lead agencies for roadway capacity projects have discretion, consistent with CEQA and planning requirements, to choose which metric to use to evaluate transportation impacts.

VMT is the total miles of travel a project is expected to generate in a day during project operations. VMT is calculated using the Origin-Destination VMT method, which measures the full distance of motorized vehicle-trips with one end within the project site. When assessing a residential project, the project's VMT is divided by the number of residents expected to occupy the project to determine the VMT per capita of the project. When assessing an office or industrial project, the project's VMT is divided by the number of employees expected to occupy the project to determine the VMT per employee of the project. When assessing a retail, hotel, or school project, the project's total VMT, as opposed to a per-capita or per-employee VMT metric, is usually employed. The total VMT for the region with and without the project is calculated. The difference between the two scenarios is the net change in total VMT that is attributable to the project. Construction-related travel is not included in VMT because it is temporary.

The Governor's Office of Planning and Research adopted CEQA Guidelines implementing SB 743 on December 28, 2018, and statewide implementation began July 1, 2020. Section 15064.3 of the Guidelines provide discretion for a lead agency to determine how to evaluate a project's VMT impacts.

Local

Santa Clara Valley Transportation Authority

The VTA is an independent special district that provides transportation options throughout Santa Clara Valley, and oversees several transportation programs such as the Congestion Management Program, Bicycle Program and Pedestrian Program.

The Congestion Management Program describes the VTA's strategies for addressing congestion problems and monitoring compliance. It contains level of service (LOS) standards for highways and arterials, multimodal performance standards, a capital improvement program, and a travel demand management (TDM) program (VTA 2017). Although the primary focus of the congestion management program was originally envisioned as reducing congestion and thus improving mobility for persons and freight, it recognizes the inextricable links between transportation, land use, and air quality. Over time, congestion management programs in the Bay Area have evolved to emphasize an overall reduction in single-occupant vehicle trips and increase in pedestrian, bicycle and transit mode share in addition to managing congestion.

The VTA prepared the Santa Clara Countywide Bicycle Plan (SCCBP) and Bicycle Technical Guidelines (BTG). The SCCBP provides a foundation for maintaining and enhancing the countywide bicycle network, which contains over 800 miles of bikeways (VTA 2018). The BTG contains standards and provides guidance for planning, designing, operating, retrofitting, and maintaining roadways and bikeways throughout the county.

The VTA's Pedestrian Program works to make walking a safer, more comfortable option for County residents and visitors, and recognizes that a safe and comfortable walking environment is important for everyone, but particularly important for transit riders and people with mobility impairments. The Pedestrian Program supports walking through countywide planning, development of pedestrian design guidelines and best practices, and focused studies.

County of Santa Clara

The County of Santa Clara has not yet adopted a VMT Policy.

City of San José VMT Policy

The City of San José adopted City Council Policy 5-1, entitled "Transportation Analysis Policy", on February 27, 2018. Council Policy 5-1 aligned the City of San José's transportation analysis with State law, and the major strategies, goals, and policies of the Envision San José 2040 General Plan. The new policy established VMT as the City's metric for CEQA transportation analysis. It also required development projects to conduct a Local Transportation Analysis to analyze their conformance with the multimodal transportation strategies, goals, and policies in the General Plan and address adverse effects to the transportation system. The Transportation Analysis Policy supports implementation of the Envision

San José 2040 General Plan by promoting dense, mixed use, infill projects in Planned Growth Areas, and focuses resources on the development of robust multimodal transportation networks envisioned in the General Plan. Key goals and policies of the Policy include:

Goal TR-5 – Vehicular Circulation Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.

Policy TR-5.3 – Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

A detailed CEQA transportation analysis would not be required if a project meets the City's screening criteria. The screening criteria are consistent with the purposes described in PRC Section 21099 and closely aligned with the recommended screening criteria provided in the Governor's Office of Planning and Research 2017 Technical Advisory with expansions to cover other land uses. Table 1 of the San José Transportation Analysis Handbook presents the screening criteria for projects that are expected to result in less-than-significant VMT impacts based on project description, characteristics, and/or location. If a component of a mixed-use project meets these screening criteria, only the component, not the entire project, would not require a detailed CEQA transportation analysis.

City of San José Municipal Code

City of San José Municipal Code Section 11.12.050 states:

- Any work at or within 150 feet of a signalized intersection may require traffic control, pursuant to San José Municipal Code Section 11.12.050, by Flagger(s) or City of San José Police Officer(s). The need for Flagger(s) or Reserve Police Officer(s) will be determined based on site conditions. Flagger(s) shall be sufficiently trained and equipped in accordance with Title 8 CCR Section 1599. In addition, flaggers shall be certified by the American Traffic Safety Services Association or the National Safety Council. The Director of Public Works reserves the right to require the use of Police Officers when conditions warrant.
- Any work in the Downtown Core area requires a minimum 10-day notice to City of San José Downtown Traffic Operations Engineer at (408) 975-3719, prior to the start of work. See the application form titled "Downtown Lane Closure Request Form".
- Any work near VTA light rail requires a minimum of 3 weeks advance notice to VTA Lightrail Operations at (408) 546-7608.
- Any work proposing to close a parking lane will require that "No Parking – Tow Away" signs be obtained from the Department of Transportation (408) 535-3850. If the parking lane has City parking meters, then additional fees will be due to compensate the City for lost revenue. See the application form titled "Tow Away Permit".

The purpose of a traffic control plan is to allow the contractor to work within the public right of way efficiently and effectively while maintaining a safe, uniform flow of traffic. The construction work and the public traveling through the work zone in vehicles, bicycles, or as pedestrians must be given equal consideration when developing a traffic control plan. Caltrans specifications may be used as a starting point, regarding the placement of traffic cones, lane tapers, arrowboards, etc. In accordance with the general provisions applicable to all encroachment permits, a traffic control plan is required to ensure that construction area signs are installed and maintained in accordance with the current edition of the California Manual on Uniform Traffic Control Devices (Caltrans 2020a). However, in situations where Caltrans standards cannot be implemented on City streets, City staff may modify the submitted plan to take into account the tighter conditions associated with urban streets.

3.13.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to transportation:

- **Impact TRA-1:** Would the Project conflict with a program plan, ordinance or policy addressing the circulation system?
- **Impact TRA-2:** Would the Project conflict with CEQA Guidelines related to vehicle miles traveled?
- **Impact TRA-3:** Would the Project substantially increase traffic-related hazards?
- **Impact TRA-4:** Would the Project result in inadequate emergency access?

Impact TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy

Impact TRA-1 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Impact Analysis

The proposed demolition of the former City Hall would result in additional traffic in the Project area because of the necessary transportation for construction workers, equipment, and materials to and from the project site.

As discussed in Section 2.4.1, “Construction Phase Activities,” approximately 37,500 cubic yards of demolition debris would be hauled from the Project site during the demolition and debris phase of the Project. This would require a total of 5,000 truck trips over the 3- to 4-month demolition phase (63 to 84 working days). During the site rehabilitation phase, approximately 2,500 cubic yards of clean fill would be imported to the site, requiring a total of 320 truck trips over the 2- to 4- week phase (10 to 20 working days). This equates to approximately 60 to 79 truck trips per day during the demolition phase, and approximately 16 to 32 truck trips per day during the rehabilitation phase. Applying a passenger-car equivalent value of 2.0, the maximum number of truck trips anticipated during the Project would be equivalent to 158 passenger-car trips per day, about 20 trips per hour. In addition to these trips, an average of 30 construction workers would be traveling to the site during the most intensive construction phase. In total, Project-related construction activities may add as many as 50 trips per hour to roadways in the Project area during the peak hours.

All demolition activities and construction staging would occur on the Project site, and construction activities would not fundamentally alter public rights-of-way, including pedestrian and bicycle facilities or access to transit stations in the vicinity of the project site, which would generally remain unchanged from existing conditions. As discussed in Section 2.4.1, construction for the Project would not require the closure of local roads and would include preparation and implementation of a construction traffic control plan which would be developed and implemented in coordination with agencies with jurisdiction over the affected routes (i.e., the City of San José), as appropriate, and would be consistent with the current edition of the California Manual on Uniform Traffic Control Devices (Caltrans 2020a) and San José Municipal Code Section 11.12.050. Implementation of the traffic control plan would avoid or minimize potential conflicts with transit, bicycle, and pedestrian traffic from construction traffic, as such users would be made aware of upcoming temporary changes to the local road network through the required advanced public notices prior to construction commencing. During construction, advanced warning signs and other traffic control measures, including flaggers, would help direct pedestrian and bicycle traffic safely through the area, if needed.

The Project would not exceed the recommended screening criterion from the Institute of Transportation Engineers (ITE) for construction traffic, which sets a threshold level of 50 or more new truck trips during the peak-hour, and is the most current "industry standard" guidance for assessing the effects of construction projects that create temporary traffic increases (ITE 1988).

Because the Project would not generate construction-related traffic in excess of industry-standard screening thresholds for construction traffic and would implement a traffic control plan to limit potential conflicts with roadway, pedestrians, bicyclist, and transit traffic during construction, there would be no conflict with applicable transportation-related programs, plans, ordinances, or policies and the impact would be **less than significant**.

Impact TRA-2: Consistency with CEQA Guidelines relating to Vehicle Miles Traveled

Impact TRA-2 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), which states that land use "projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact." According to the Technical Advisory on Evaluating Transportation Impacts, published by the Governor's Office of Planning and Research in December 2018, a 15 percent reduction in VMT per capita from existing development is "generally achievable" and supportive of State goals to reduce greenhouse gas emissions (Governor's Office of Planning and Research 2018). However, State guidance allows localities to set their own VMT standards based on substantial supporting evidence.

For this Project, because the Project site is within the incorporated area of the City of San José and would primarily use City streets, the County is using the recently adopted VMT policy of the City of San José. VMT analysis, which is not applicable to temporary construction-related traffic.

Impact Analysis

Because the Project would only involve the demolition of the former City Hall building, there would be no operational traffic generated from the site once demolition activities are complete. The few existing traffic trips associated with the former City Hall building, such as security or maintenance trips, would cease once the building is demolished. As such, there would be a small net decrease in VMT over existing conditions and the Project would have a **less-than-significant impact.**

Impact TRA-3: Potential for Creation of Substantial Traffic-Related Hazards

Impact TRA-3 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis

The Project would involve demolition of the former City Hall building, and all demolition and staging activities would be contained within the Project site, with no encroachment onto or alteration of public rights-of way. As such, the Project would not create any hazardous geometric design features or incompatible uses that would substantially increase traffic-related hazards. There would be **no impact.**

Impact TRA-4: Project-Related Interference with Emergency Access

Impact TRA-4 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in inadequate emergency access.

Impact Analysis

All demolition activities and construction staging would occur on the Project site, and construction activities would not fundamentally alter emergency access to the Project site or other properties in the vicinity. As discussed in Section 2.4.1, construction for the project would not require the closure of local roads and would include preparation and implementation of a construction traffic control plan which would include notification of emergency services and neighboring landowners and residents.

Therefore, the Project would not impede access for emergency vehicles and personnel, and would not impede emergency evacuation routes or emergency plans created by local or regional agencies. Thus, Project construction would have **no impact.**

3.13.4 Cumulative Impacts and Mitigation

As discussed above, the Project would have no impact in relation to vehicle miles travelled, traffic safety hazards, or emergency access. Therefore, the Project could not contribute to any potential cumulative impacts in relation to those issues. The following analyzes the potential of the Project to contribute to cumulative impacts for the following transportation impacts where the project would have a less-than-significant or potentially significant impact:

- **Impact C-TRA-1:** Contribution to cumulative effects related to conflict with applicable transportation plan or program.

Cumulative Impact C-TRA-1: Conflict with Transportation Plan, Program, Ordinance or Policy

The overall cumulative impact for C-TRA-1 would be **less than significant**. No mitigation is required.

Cumulative Context

The geographic context for analysis of cumulative impacts related to transportation is the local Project vicinity. The Project would only generate temporary construction-related traffic, which would be concentrated on the roadway network in the immediate vicinity, and would rapidly disperse with distance from the Project site since most trips would be expected to use a few local streets to access the nearby freeways. The potential for cumulative transportation impacts is therefore limited to those cumulative projects that would generate additional traffic on the same local roads during the Project construction period.

Cumulative Impact Analysis

None of the cumulative projects identified in Section 3.1.2, “Cumulative Impact Assessment Methodology,” would involve construction within half a mile of the Project site and overlap with the Project’s 10- to 12-month construction period. Therefore, there is no potential for construction-related traffic from the Project site to combine with traffic from nearby construction sites to cause a significant cumulative impact on local roadways in the Project vicinity.

As noted above, the Project would only involve the demolition of the former City Hall building and no future uses are proposed for the site. Although the proposed demolition of the former City Hall would create a vacant site, and some form of redevelopment could occur in the future, no details are known at

this time regarding the uses or structures that might be planned and constructed at the site in the future. As explained in Section 3.1.2, development of Site D within the Civic Center Master Plan, which includes the former City Hall facility, was expected to be implemented during the last phase (Phase 4) of the 20-year Master Plan. If the site was ultimately redeveloped in the future, such a proposal would be evaluated as a separate project under CEQA at that time. Because the Project site is located within an existing urban area and is immediately adjacent to several bus stops and a light rail station, it is not anticipated that future development of the site would contribute to a significant cumulative impact on traffic.

Therefore, the overall cumulative impact for transportation would be **less than significant.**

3.14 Tribal Cultural Resources

This section describes the existing tribal cultural resources and evaluates whether the Project would result in adverse effects on tribal cultural resources. Pertinent details relating to tribal cultural resources are taken from Section 3.4, “Cultural Resources,” and are repeated below.

Tribal cultural resources are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

The following comments relating to tribal cultural resources were received during the public scoping period in response to the Notice of Preparation:

- Request for consultation under AB52 and SB18 with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project.
- Recommendations on the content and method of cultural resource assessments to adequately assess the existence and significance of tribal cultural resources.

3.14.1 Setting

The following setting was adapted from the Santa Clara County Civic Center Master Plan EIR (County of Santa Clara 2018b), which analyzed environmental impacts to the same project area considered in this current document, and Arellano and others (2017) which deals with the ethnohistory of the Santa Clara Valley and San Francisco Bay Area.

Context

In June 2017, Holman & Associates completed a literature review at the Northwest Information Center of the California Historical Resources Information System (CHRIS) to identify potential archaeological deposits below the ground surface in the immediate project vicinity. All records of identified archaeological sites within a quarter mile, and all other cultural resources and archaeological resources reports within and abutting the project area were reviewed. Additional research was conducted using Holman & Associates’ library.

The Project site is within the area of the original San José pueblo (Site CA-SCL- 317H), which was established in 1778 and occupied by approximately 66 individuals. The pueblo was moved south in the late 1780’s or early 1790’s. In 1982, this area was researched but no associated deposits were identified in the limited surface area available.

One archaeological site CA-SCL-807/H, associated with Native American occupation, has been recorded within one-quarter mile of the project site. Site CA-SCL-807/H is located west of the project site and contained flaked stone buried beneath a historical layer.

Ethnography

Ethnographic literature indicates that the Project site is within the territory of the Ohlone. The Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone lived in small villages referred to as tribelets. Each tribelet occupied a permanent primary habitation site and also had smaller resource procurement camps. Their houses were small,

hemispherical huts with grass bundle thatching that sheltered anywhere from four to twenty-four nuclear or extended family members (Dill Design Group 2003:8).

The Ohlone, who were hunter/gatherers, traveled between their various village sites to take advantage of seasonal food resources (both plants and animals). They would typically establish settlements near a dependable water source and other available natural resources that served their subsistence needs. These early inhabitants of Santa Clara Valley exploited the creeks, grasslands, and oak woodlands for fish, game, and vegetable materials (Dill Design Group 2003:8). Women harvested plant foods, including a variety of seeds, nuts, fruits and bulbs. Women spent much of their time preparing food and weaving baskets, which were needed for gathering, storing, and preparing food. Men augmented the food supply by fishing and hunting (Dill Design Group 2003:8).

The Ohlone were also a part of an extensive trade network, which they used to obtain important resources that were not locally available. Trade items included obsidian from the Napa region, shells from the coast, sinew-backed bows from inland areas, and tobacco, basketry materials, and ornamental pigments from various locations (Dill Design Group 2003:8).

During winter months, tribelets would merge to share food stores and engage in ceremonial activities. Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which time the explorers encountered the Native American tribes who had occupied the area since prehistoric times. These initial incursions by Europeans were the start of a disastrous and violent disruption of traditional tribal lifeways. However, some of the early written accounts of these European explorers also provide insight into the types of sites, features, places, cultural landscapes, sacred places, and objects of cultural value that may be considered tribal cultural resources, but which may (though not necessarily) differ from the historical resources and unique archaeological resources discussed in Section 3.4.

From the reports of Fages, Font, Paloú, Crespi, Arroyo de la Cuesta, and others, it is clear that of all aspects of pre-contact native Californian culture, religion and ritual evoked the most hostility from Spanish colonial invaders whose observations accordingly are difficult to assess for accuracy. These ritual performances, which in Western discourse are referred to as dancing, were central aspects of religious ritual, not only in the sense of worship, but also as activities which could themselves positively affect the balance of forces in the world and universe (Bean and Vane 1978). While the priests of the San Francisco Bay Area Missions attempted to curtail, if not eradicate native Ohlone belief systems and rituals through the regimen of structured Catholic doctrine and discipline, there was minimal attempt to gain an understanding of the Ohlone religion, cosmology and symbolism as it manifested especially in dance regalia, body paint and tattoos. Although native religious expression was frowned upon, and in all likelihood continued to be practiced by tribal groups surreptitiously, especially at the missions, nonetheless Ohlone dancers were allowed by the Fathers to perform “secular” non-apostate dances for distinguished European visitors.

Dance enabled participants to open and travel through doors between the conscious world and an ongoing supernatural world where the beings who had initiated the creation of the world and of human beings continued to enact mythic dramas. Dancers' regalia were imbued with the power of these rituals, and certain natural locations, such as springs, rock formations, trees, etc. marked nodal points and served as shrines where ritual performance became particularly effective (see Bean 1975; Bean and Vane 1978, Davis 1992). The integration of the natural world into traditional cultural practices and religion highlights the difficulty in identifying tribal cultural resources today, and the range of resource types (beyond archaeological sites and burials) that may potentially be considered as tribal cultural resources.

3.14.2 Regulatory Framework

Federal

For this Project, there are no federal regulations of relevance to tribal cultural resources.

State

Assembly Bill AB 52

AB 52 (effective July 1, 2015) added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to CEQA, relating to consultation with California Native American tribes, consideration of "tribal cultural resources," and confidentiality. AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of effects on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. AB 52 establishes that if a project may cause a substantial adverse change in the significance of a tribal cultural resource, that project may have a significant effect on the environment. Lead agencies must avoid damaging effects to tribal cultural resources, when feasible, and shall keep information submitted by tribes confidential.

AB52 requires a lead agency to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation. Section 21080.3.1.(d) states that within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project location and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to requests consultation pursuant to this section.

Senate Bill SB 18

Enacted on March 1, 2005, SB 18 (California Government Code Sections 65352.3 and 65352.4) requires cities and counties to notify and consult with California Native American tribal groups and individuals regarding proposed local land use planning decisions for the purpose of protecting traditional tribal cultural places (sacred sites), prior to adopting or amending a general plan or designating land as open space. Tribal groups or individuals have 90 days to request consultation following the initial contact.

The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to cultural places. The consultation and notice requirements apply to adoption and amendment of both general plans (Government Code Section 65300 et seq.) and specific plans (Government Code Section 65450 et seq.). Specifically, Government Code Section 65352.3 requires local governments, prior to making a decision to adopt or amend a general plan, to consult with California Native American tribes identified by the NAHC for the purpose of protecting or mitigating impacts to cultural places. As previously discussed, the NAHC is the State agency responsible for the protection of Native American burial and sacred sites.

Local

County of Santa Clara

County Ordinance Code Sections B6-18 through B6-20 set forth the procedures to be followed in the event of an encounter with human skeletal remains or artifacts and discovery of a Native American burial site.

Upon discovering or unearthing any burial site as evidenced by human skeletal remains, the person making such discovery shall immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California NAHC, pursuant to Health and Safety Code Section 7050.5 (c) and the County Coordinator of Indian Affairs.

No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and this ordinance. The County Coordinator of

Indian Affairs shall contact the California NAHC and assist in contacting persons believed to be most likely descendants. Within 24 hours following receipt of information that a Native American burial site has been discovered or unearthed, the County Coordinator of Indian Affairs shall conduct inspection of the site in accordance with the provisions set forth in PRC Section 5097.98. Any agreement reached in accordance with PRC Section 5097.98 shall be presented to the County Engineer. The County Engineer shall issue a permit setting forth the conditions of the agreement to be met by the owner of the property.

Such conditions of the permit shall be in furtherance of the intent of this ordinance and shall be formulated by a Costanoan Advisory Committee appointed by the County Board of Supervisors and shall consist of three persons of Costanoan descent, two professional archeologists with fieldwork experience and with a degree in archaeology and one person with a background in civil engineering.

The process involves the County Engineer, the County Coroner, the County Coordinator of Indian Affairs, the NAHC, and advisory committee made up of three persons of Costanoan descent, two professional archaeologists, and a person with background in civil engineering. These professionals contribute to the determination of how to handle archaeological resources discovered.

3.14.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to tribal cultural resources:

- **Impact TCR-1:** Would the Project cause a substantial adverse change in in the significance of an as-yet unidentified tribal cultural resource?

Impact TCR-1: Impacts to Tribal Cultural Resources

Impact TRA-1 would be **potentially significant**. With implementation of MM-TCR-1, the impact would be reduced to **less than significant with mitigation.**

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the project may have a significant impact if it would cause a substantial adverse change in the significance of an as yet unidentified tribal cultural resource, PRC Section 21074 defines a tribal cultural resource as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is listed or eligible for listing on the California Register for Historical Resources or in a local register of historical resources as defined in PRC Section 5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria in Section 5024.1(c), the lead agency shall consider significance of the resource to the relevant California Native tribe.

Impact Analysis

As of August 2020, the County of Santa Clara Planning Department has not received any requests from tribes to be informed of projects for which the County is the lead agency, pursuant to AB 52. The County of Santa Clara requested a Sacred Lands File search and Native American contact list for the Project site from the NAHC on August 14, 2020. On August 19, 2020, the NAHC responded that the Sacred Lands File search was positive and that the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area should be contacted for more information (see Appendix A). The County sent notices of the Project to the designated tribal contacts for the Muwekma Ohlone on August 25, 2020 and attempted to follow up by telephone on September 18 and 22, 2020. As of September 25, 2020, no response from the Muwekma Ohlone Indian Tribe had been received by the County. Additional tribes that the NAHC identified as traditionally and culturally affiliated with the geographic area of the Project will be sent a copy of the Draft EIR when it is released.

No tribal cultural resources that are listed or eligible for listing in the CRHR or local register of historical resources were identified during Native American consultation conducted by the County pursuant to AB52 for the Project, or during background research conducted for the Project site during preparation of the Santa Clara County Civic Center Master Plan EIR (County of Santa Clara 2018b).

Although no tribal cultural resources were identified as part of the background research for this Project, records maintained by the Northwest Information Center and the NAHC are not exhaustive and negative results do not preclude the presence of tribal cultural resources at the project site. Given that the Project consists of the demolition of an existing building in a highly developed urban setting, it is highly unlikely that as-yet unidentified tribal cultural resources could be impacted by the Project. However, as discussed in Section 3.4, there is the potential for the project to impact as-yet unidentified buried archaeological resources, which may also be potentially eligible as tribal cultural resources under CEQA. Disturbance of such resources, if present, during Project demolition and regrading activities would be a potentially significant impact.

Mitigation Measures

The following mitigation measure is recommended to reduce impacts to tribal cultural resources:

MM-TCR-1: Inadvertent Discovery of Tribal Cultural Resources

In the event that potential tribal cultural resources are identified during the implementation of the requirements under Mitigation Measure MM-CUL-2, the qualified expert performing the cultural resources study, along with the County, will contact California Native American tribe(s) that have expressed interest and begin or continue consultation procedures with that tribe(s). If, as a result of the consultation, the County determines that the resource is a tribal cultural resource and the Project will have a potentially significant impact, additional mitigation measures as discussed with the tribe to avoid or reduce impacts to the resource shall be required and implemented. If the find(s) are human remains or grave goods, the procedures outlined in County Ordinance Code B6-18 through BC-20 shall be followed.

With implementation of mitigation measure MM-TCR-1, impacts to subsurface cultural resources would be reduced to **less than significant with mitigation.**

3.14.4 Cumulative Impacts and Mitigation

This section addresses the following potential cumulative impacts relating to tribal cultural resources:

- **Impact C-TCR-1:** Contribution to cumulative effects on tribal cultural resources.

Cumulative Impact C-TCR-1

The overall cumulative impact for C-TRC-1 would be **potentially significant.** Implementation of mitigation measure MM-TCR-1 would reduce the Project's contribution to **less than significant with mitigation**.

Cumulative Context

The cumulative context for tribal cultural resources addresses the impacts of the Project along with other closely related past, present, and probable future projects, and specifically focuses on local planned developments within the City of San José that could potentially change the environment by affecting tribal cultural resources.

Cumulative Impact Analysis

According to CEQA, the importance of tribal cultural resources is the value of the resource to California Native American tribes culturally affiliated with the Project area. Past, present, and future development, in conjunction with the Project, would have the potential to cumulatively impact tribal cultural resources.

Such impacts would be potentially significant; however, each of the cumulative projects would be subject to its own environmental review under CEQA, either at a project-level or as part of a programmatic CEQA analysis, and therefore appropriate mitigation measures to avoid or reduce potential impacts to tribal cultural resources such as MM-TCR-1 would be required, similar to the Project. With implementation of such mitigation measures, the cumulative effects on tribal cultural resources would be less than significant. Therefore, the overall cumulative impact due to the Project and probable future development would be **less than significant with mitigation**.

3.15 Utilities/Service Systems

This section describes the existing Utilities and Service Systems setting of the project area and evaluates whether the Project would result in adverse effects on Utilities and Service Systems.

The following comments relating to Utilities and Service Systems were received during the public scoping period in response to the Notice of Preparation:

- Concern for adverse impact to the waste stream that demolition would cause.

3.15.1 Environmental Setting

Water Supply

The San José Water Company provides water service to the project site. The water provided by San José Water Company comes variety of groundwater and surface water sources. On average San José Water Company purchases approximately 55 percent of its water supply from the Santa Clara Valley Water District, provides 37 percent of its supply from the groundwater aquifer, and provides the remaining 8 percent from local surface water sources (City of San José 2011).

The City of San José prepares an urban water management plan every 5 years, to project future demand and evaluate the adequacy of existing and projected supply. The City's 2015 Urban Water Management Plan describes how current and future water resources and demands within its service area will be managed to provide an adequate and reliable water supply. According to the Urban Water Management Plan, during multiple dry years, the City expects to experience some supply shortfalls. Implementation of its Water Shortage Contingency Plan is anticipated to provide additional water supplies to meet demands during these years (San José Municipal Water System, 2016).

Wastewater

The City owns and manages its wastewater collection systems in the area. Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility, which is jointly owned by the cities of San José and Santa Clara and managed by the City of San José Environmental Services Department. The San José/Santa Clara Regional Wastewater Facility treats an average of 110 million gallons per day, and has an operation capacity of 167 million gallons per day (City of San José n.d.)

Storm Drainage

The public storm drain system is owned, operated, and maintained by the City of San José. It consists of a network of storm drain inlets, manhole, pipes, outfalls, channels, and pump stations designed to protect the public and infrastructure from flood waters during storm events. The various components of the storm drain system function collectively to collect, convey, and discharge stormwater runoff to receiving water bodies. The City's collection system consists of approximately 1,250 miles of reinforced concrete pipes varying in size from 12 to 144 inches in diameter that function by gravity to carry untreated stormwater to local creeks and rivers (City of San José 2011).

Solid Waste

Republican Services has an agreement with the City to collect garbage, recyclables, and organics from all businesses. The majority of solid waste collected within the City is transferred to one of five local landfills/transfer facilities. Construction debris from the project would also be transferred to one of the five local landfills. The total approximate remaining capacity of the landfills in San José is approximately 49,446,600 cubic yards (California Department of Resources Recycling and Recovery 2020a through 2020e). The Zanker Road Resource Recovery Operation is active, however the landfill operations are noted as closing (California Department of Resources Recycling and Recovery 2020e).

Electricity and Natural Gas

As discussed in Section 3.5, “Energy,” electricity and natural gas delivery are provided to the project site and surrounding area by PG&E.

3.15.2 Regulatory Framework

Federal

There are no federal regulations related to utilities and service systems relevant to the Project.

State

California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act (AB 939) was signed into law on September 29, 1989. The Act requires all California cities, counties, and approved regional solid waste management agencies, responsible for enacting plans and implementing programs, to divert 25 percent of their solid waste by 1995 and 50 percent by year 2000. Later legislation mandates the 50 percent diversion requirement be achieved every year. The California Department of Resources Recycling and Recovery oversees and provides assistance to local governments as they develop and implement plans to meet the mandates of AB 939 and subsequent legislation. Local assistance staff serves as a liaison between local governments and the department and its program areas, providing input for the development of policies concerning local planning and implementation issues.

Local

City of San José Construction and Demolition Diversion Deposit Program

The City of San José’s Construction & Demolition Diversion Program was created in 2001 to encourage the recovery of debris from construction and demolition projects using financial incentives. The program successfully increased construction, renovation and demolition waste diversion through a refundable deposit system based on contractors providing proper documentation showing that construction debris has been appropriately diverted from landfilling. The City of San José adopted its own ordinance, aiming to ensure that at least 65 percent (now 75 percent) of construction waste is recovered and diverted. The program has been modified in recent years due to the establishment of statewide diversion requirements (California Green Building Standards Code).

Currently, most projects are subject to the California Green Building Standards Code reporting requirements that must be met prior to receiving occupancy permits. Projects not subject to the California Green Building Standards Code requirements are subject to the City’s deposit-based diversion requirements. The City handles both program requirements. All construction, renovation and demolition waste materials must be sent for reuse or to a certified processing facility. All processing facilities are mandated to divert 75 percent of incoming materials.

3.15.3 Project Impacts and Mitigation

This section addresses the following potential impacts relating to utilities and service systems:

- **Impact UTI-1:** Would the Project require new or expanded utility services that could cause significant environmental effects?
- **Impact UTI-2:** Would the Project have sufficient water supplies available?
- **Impact UTI-3:** Would the Project result in determination of inadequate wastewater treatment capacity?
- **Impact UTI-4:** Would the Project generate solid waste in excess of local standards or capacity of local infrastructure?

- **Impact UTI-5:** Would the Project comply with solid waste management and reduction statutes and regulations?

Impact UTI-1: New or Expanded Utility Services

Impact UTI-1 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Impact Analysis

The Project would involve demolition of the former City Hall building. As such, the Project would not require connecting to, or the construction of, new or expanded water, wastewater treatment, storm drainage, electric, natural gas, or telecommunications facilities. During construction, power would be provided by portable generators, and existing utility services to the building would be safely disconnected prior to demolition. There would be **no impact**.

Impact UTI-2: Water Supply Availability

Impact UTI-2 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would not have sufficient water supplies available to serve the project and probable future development during normal, dry and multiple dry years.

Impact Analysis

During demolition of the former City Hall, minimal water would be needed for activities such as soil compaction and dust control. This water would be obtained from the City's existing water supply and the quantity would be negligible compared with the available water quantities. After demolition and site restoration is completed, there would be a small amount of water used to establish and maintain the new landscaping within the demolition footprint. However, this additional water use would not substantially increase the existing irrigation volumes for the Project site, and would be negligible compared to available water quantities. There would be **no impact**.

Impact UTI-3: Wastewater Treatment Capacity

Impact UTI-3 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in a determination by the wastewater treatment provider that serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Impact Analysis

During construction, portable restrooms would be provided for construction workers over the 10- to 12-month construction period. Wastewater from portable restrooms would be disposed of at an appropriately licensed local facility with adequate capacity to accommodate project needs. No wastewater would be generated after the Project is completed. Thus, there would be **no impact**.

Impact UTI-4: Solid Waste Capacity

Impact UTI-4 would be **less than significant**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Impact Analysis

The Project would require demolition and removal of the existing building and foundation from the former City Hall, which is estimated to generate approximately 37,500 cubic yards of demolition debris. Following demolition, the site would be regraded, which would include backfilling with clean fill and hydroseeding with grass. An estimated 2,500 cubic yards of clean fill would be imported to the Project site. The existing driveway and parking lot and associated landscaping and hardscaping would be left in place to the extent practicable.

The 2016 California Green Building Standards Code (Title 24 CCR Part 11) requires all construction contractors to reduce construction waste and demolition debris by 60 percent. Code requirements include preparing a construction waste management plan, identifying the materials to be diverted from disposal by efficient usage, recycling, re-use on the project, or salvage for future use or sale; determining whether materials will be sorted on site or mixed; and identifying diversion facilities where the materials that are collected will be taken. In addition, the 2016 California Green Building Standards Code requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting primarily from land clearing be re-used or recycled. Solid waste generated in the form of construction debris that could not be re-used would be transported and disposed in accordance with all applicable federal and State laws at a nearby, appropriately licensed landfill. Solid waste would be transferred to one of the four local landfills in San José. As discussed above, the Project would generate approximately 37,500 cubic yards of demolition debris. The total approximate remaining capacity of the landfills in San José is approximately 49,446,600 cubic yards; therefore, the Project would be unlikely to generate solid waste that would exceed the capacity of any receiving landfill or in excess of State or local standards (California Department of Resources Recycling and Recovery 2020a through 2020e). As a result, the impact would be **less than significant.**

Impact UTI-5: Solid Waste Statutes and Regulations

Impact UTI-5 would be **no impact**. No mitigation is required.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impact Analysis

As discussed above, the Project would comply with all statutes and regulations related to solid waste, including the 2016 California Green Building Standards Code (Title 24 CCR Part 11) and the City's Construction & Demolition Diversion Program. In addition, prior to commencement of demolition activities, the Project contractor would submit a Demolition Plan, a Debris Recovery Plan, a Waste Management and Recycling Plan, and a Debris Recovery Report that comply with all local, state and federal laws, regulations, and ordinances related to solid waste. No solid waste would be generated after Project completion. Therefore, this impact would be **less than significant**.

3.15.4 Cumulative Impacts and Mitigation

As discussed above, the Project would have no impact in relation to new or expanded utility services, water supply availability, or wastewater treatment capacity. Therefore, the Project could not contribute to any potential cumulative impacts in relation to those issues. The following analyzes the potential of the Project to contribute to cumulative impacts for the following utility and service system impacts[24] where the project would have a less-than-significant or potentially significant impact:

- **Impact C-UTI-1:** Contribution to cumulative effects on solid waste capacity or conflicts with solid waste statutes and regulations.

Cumulative Impact C-UTI-1

The overall cumulative impact for C-UTI-1 would be **less than significant**. No mitigation is required.

Cumulative Context

The geographic context for analysis of cumulative impacts related to utilities and service systems is the City of San José city limits.

Cumulative Impact Analysis

All of the cumulative projects would be evaluated at a project-level to determine increase in demand for solid waste services and to ensure compliance with relevant solid waste statutes and regulations. Such regulations and statutes have been adopted in order to protect the environment, and projects that would exceed available landfill capacity would not be approved without appropriate mitigation or plans to address disposal of solid waste. Therefore, the overall cumulative impact related to solid waste would be **less than significant.**

[24] Note that project-level impacts have been combined for the purposes of cumulative analysis. Cumulative impact C-UTI-1 addresses the same issues as project-level impacts UTI-4 and UTI-5.

3.16 Environmental Topics for which No Impacts were Identified

This section provides a brief discussion of several environmental topics which, due to the nature of the Project site and/or the nature of the Project, would have no potential for environmental impact and, thus, no cumulatively considerable impact. Because no impacts were identified, and no comments relating to any of these topics were received during the public scoping period in response to the Notice of Preparation, a full description of the environmental setting, regulatory framework, and detailed analysis of impacts is not included in the EIR as it is for other environmental topics that do have potential for environmental impacts.

A brief justification for the exclusion of these topics from further analysis, including the basis for the no impact conclusion, is given for each of the topics listed below is presented in the following subsections:

- Aesthetics
- Agricultural and Forestry Resources
- Land Use and Planning
- Mineral Resources
- Public Services
- Wildfire

3.16.1 Aesthetics

Based on Appendix G of the CEQA Guidelines, the Project is considered to have a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point);
- In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Within the City of San José, scenic resources include Coyote, Los Gatos, and Silver Creeks; the Guadalupe River; the San Francisco Bay salt marshes; the Santa Teresa Hills; and the Diablo Mountain Range (City of San José 2011). Urban Throughways, including Interstate 101, Interstate 680, and Interstate 280; City Gateways, including North First Street at Interstate 880, Coleman Avenue at Interstate 880, 13th Street at Interstate 101; and Rural Scenic Corridors, including State Route 101 in the vicinity of State Route 85, are also identified as scenic resources in the City (City of San José 2016).

Given the Project site's location and surrounding development, there are no prominent views of identified scenic resources, and only limited views of ridgelines and hillsides from the Project site. The Project site is approximately 0.6 mile south of the city gateway at North First Street and the intersection of Interstate 880, and the Project site is not visible from this intersection. Therefore, the Project site would not affect views of scenic resources or City urban throughways or gateways.

There is no designated state scenic highway within or in close proximity to the Project site. Based on a review of the Caltrans-maintained list of eligible and officially designated scenic highways, the closest eligible state scenic highway to the Project area is Interstate 280, approximately three miles southwest of the Project area (Caltrans 2020b). The Project site is not visible from any officially designated or eligible state or locally designated scenic highway.

The site is located in a heavily urbanized area of San José. Therefore, the significance threshold for degrading the existing visual character or quality of public views in non-urbanized areas is not applicable.

During the construction period, the site would be fenced and demolition equipment would be visible from nearby public rights of way such as North First Street and West Mission Street. Such visual changes would be temporary and would not adversely affect a scenic vista or other scenic resources, conflict with applicable zoning or regulations governing scenic quality, or create a substantial source of light or glare.

Because the Project would only involve the demolition of the former City Hall building, there would be no new structures or new sources of light or glare. While removal of the existing building would change the view of the Project site from surrounding public vantage points, such changes would not adversely affect a scenic vista or other scenic resources, or conflict with applicable zoning or other regulations governing scenic quality. Any potential redevelopment of the site that may occur in the future would be subject to the Design Guidelines adopted by the Board of Supervisors to guide future development at the Civic Center. (See Design Guidelines (Aug. 2018); Civic Center Master Plan DEIR (May 2018), Sections 2.2.5.1 and 3.1.)

For the reasons described above, there would be **no impact** related to aesthetics under Project or cumulative conditions.

3.16.2 Agricultural and Forestry Resources

Based on Appendix G of the CEQA Guidelines, the Project is considered to have a significant impact on agricultural and forestry resources if it would:

- Convert Prime Farmland, Unique Farmland, or Farmland of State-wide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g));
- Result in the loss of forest land or conversion of forest land to non-forest uses; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

The Project site is currently developed with urban uses and is designated as “Urban and Built-Up Land” by the California Department of Conservation Farmland Mapping and Monitoring Program (California Department of Conservation 2018). The Project site is not located on lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor is it in on lands zoned as forestland, timberland, or a Timberland Production Zone and does not contain 10 percent native tree cover that would be classified as forestland under PRC Section 12220(g). Therefore, the Project would not conflict with existing agricultural zoning or a Williamson Act contract, convert or facilitate the conversion of prime farmland to non-agricultural uses, or result in the loss of forest lands. There would be **no impact** to agricultural and forestry resources under Project or cumulative conditions.

3.16.3 Land Use and Planning

Based on Appendix G of the State CEQA Guidelines, the Project is considered to have a significant impact on land use and planning if it would:

- Physically divide and established community, or
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

For an impact to be considered significant under the second threshold, any inconsistency would also need to result in a significant adverse change in the environment not already addressed in the other resource sections of this EIR.

The Project would not physically divide an established community. Construction activities would not require closure of any publicly accessible roadway in the vicinity of the Project site that provide access to County of Santa Clara offices in along West Mission Street and North Pedro Street or roadways that provide connectivity between the existing residences along North 1st Street or residential neighborhoods east of North 1st Street. Land uses following completion of demolition and site rehabilitation would consist of a flat area of lawn, surrounded by the same trees and landscaping that are currently present at the site (with the exception of those trees to be removed as part of the Project, as described in Section 2.4.1, “Construction Phase Activities”).

The Project site is on County-owned property but within the limits of the City of San José. Generally, cities and counties are exempt from each other’s land use regulations for public projects. However, the City of San José zoning and general plan designations would apply to the surrounding non-County-owned land uses or private projects on County-owned land. County of Santa Clara General Plan policies apply only to the unincorporated areas of the County and are therefore not applicable to the Project site (County of Santa Clara 1994). The County would comply with all applicable County ordinances with respect to County-owned property. Although the Civic Center Master Plan did not specifically identify demolition of the former City Hall building, the Project is generally consistent with the overall intent of the Master Plan, which sets out a long-term framework for the 55-acre area to guide development of an affordable, integrated, resource-efficient, and forward-thinking Civic Center campus. (See Civic Center Master Plan DEIR (May 2018), Section 3.10.3.3.) Therefore, the Project would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

For the reasons described above, there would be **no impact** related to land use and planning under Project or cumulative conditions.

3.16.4 Mineral Resources

Based on Appendix G of the State CEQA Guidelines, the Project is considered to have a significant impact on mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

The Project site is not located in an area designated as containing regionally or locally significant mineral resources. The nearest area containing mineral deposits which are of regional significance subject to the Surface Mining and Reclamation Act of 1975 is the Communications Hill Area, approximately 4.5 miles southeast of the Project site (City of San José 2011). Therefore, the Project would not result in the loss of mineral resources of statewide, regional or local importance. There would be **no impact** related to mineral resources under Project or cumulative conditions.

3.16.5 Public Services

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection;
- Police protection;
- Schools;
- Parks;
- Other public facilities

The Project would involve demolition of the former City Hall building, requiring up to a maximum of 40 construction workers per day for a period of approximately 10 to 12 months. The short-term presence of a small number of construction workers would not result in a need for new or physically altered fire or police facilities, or increased demand for facilities such as schools, parks or other public facilities. Construction for the Project would not require the closure of local roads and, as discussed in Section 2.4.1, "Construction Phase Activities," would include preparation and implementation of a construction traffic control plan which would include notification of emergency services.

The Project would not create new housing or other land uses that could increase the local population and demand for governmental facilities and services, such as fire protection, police protection, schools, or parks. The Project would involve physically altering a former, currently vacant government facility; however, retention of the former City Hall building is not needed to maintain acceptable service ratios, response times, or other performance objectives.

For the reasons described above, there would be **no impact** related to public services under Project or cumulative conditions.

3.16.6 Wildfire

Based on Appendix G of the State CEQA Guidelines, the Project would have a significant impact related to wildfire if it would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The Project site is not within a State Responsibility Area or within a Very High Fire Hazard Severity Zone and is more than 1.5 miles from the nearest such area or zone (CAL FIRE 2020). Therefore, the significance thresholds pertaining to wildfire hazards are not applicable to the Project. There would be **no impact** related to wildfire under Project or cumulative conditions.

3.17 Mandatory Findings of Significance

This section evaluates the following mandatory findings of significance outlined in CEQA Guidelines Appendix G:

- **Impact MFS-1:** Would the Project have a substantial adverse effect on wildlife or plant species or eliminate important examples of the major periods of California history or prehistory?
- **Impact MFS-2:** Would the Project have cumulative impacts that are individually limited but cumulatively considerable?
- **Impact MFS-3:** Would the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Impact MFS-1: Effects to Wildlife or Plant Species or Important Examples of California History or Prehistory

For plant and wildlife species, the impacts would be **potentially significant.** With implementation of mitigation measure MM-BIO-1, the impact would be reduced to **less than significant**.

For examples of California's history, the impact would be **significant and unavoidable**.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Impact Analysis

Based upon background research and the analysis in this EIR, the Project would not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As discussed above in Section 3.3, "Biological Resources," construction of the Project could disturb common birds that are nesting on or near the project site (see Impact BIO-1). Implementation of Mitigation Measure MM-BIO-1 would reduce this potentially significant impact to a less-than-significant level by conducting demolition and tree trimming/removal outside the nesting season (September 16 to January 14) or conducting preconstruction nesting bird survey for demolition during the nesting season (January 15 to September 15) and establishing active nest buffers until the nest is no longer active. All other construction-related biological resources impacts would be **less than significant**.

As discussed in Section 3.4, "Cultural Resources," the Project would have significant impacts related to a substantial adverse change in the significance of a historical resource (see Impact CUL-1) or unrecorded subsurface prehistoric and historic-era archeological resources (see Impact CUL-2). The Project would demolish the entire former City Hall building, and therefore would result in the loss of those physical characteristics of the former City Hall, a historical resource, that convey its historical significance and that justify its eligibility for inclusion in the CRHR. Mitigation measures MM-CUL-1a, MM-CUL-1b, and MM-CUL-1c, MM-CUL-1d, and MM-CUL-1e require preparation of a Historical Resource Mitigation Schedule, archival documentation of the historical resource, relocation by a third party or salvage of architectural materials prior to demolition, and the development of a commemorative and interpretive program and are detailed in Section 3.4. While implementation of these mitigation measures would preserve information related to the former City Hall and its historical significance, due to the irreversible nature of full demolition, no mitigation measures are available that would reduce the significant impact to a level less than significant. Therefore, the Project would result in a **significant and unavoidable** impact on a historical resource.

In addition, the Project site has a moderate to high sensitivity for buried Native American archaeological deposits and cultural materials based on its proximity to the Guadalupe River and documented nearby archaeological sites, as well as historic-era archaeological resources associated with the original Pueblo de San José del Guadalupe. Because MM-CUL-2 and MM-TCR-1 would require evaluation of the find to determine if it meets the definition of a historical or archaeological resource or not and make appropriate recommendations regarding the disposition of such find, impacts to unrecorded subsurface prehistoric and historic-era archaeological resources would be reduced to a **less-than-significant level**.

Impact MFS-2: Individually Limited but Cumulatively Considerable Impacts

The impact would be **no impact** or **less than significant** for all resource topics, except historical resources, for which the cumulative impact is **significant and unavoidable**.

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would have impacts that are individually limited, but cumulatively considerable.

Impact Analysis

Analysis of cumulative impacts is provided for each environmental topic within each of the “Cumulative Impacts and Mitigation” subsections within Section 3 of this EIR. As discussed within subsection 3.2.4 through subsection 3.15.4, the Project in combination with other past, present, and probable future projects would result in less-than-significant cumulative impacts, except for the loss of historical resources as documented in Section 3.4.4, “Cultural Resources.” The cumulative impact for built historical resources (Impact C-CUL-1) would be significant and unavoidable, and the Project’s contribution to the cumulative impact would be cumulatively considerable.

The Project would demolish the former City Hall building, which is a historical resource due to its association with the growth of industry, commerce, and population in San José between 1950 and 1970; with A. P. “Dutch” Hamann; and the International/Corporate Modern style as a good and early example of the style with unusual Expressionist elements. Other projects in the City of San José have also adversely affected historical resources within the City of San José buildings representing the International Style and the Modern movement. The overall cumulative effect would be cumulatively considerable (**significant and unavoidable)**.

Impact MFS-3: Direct or Indirect Adverse Effects on Human Beings

The impact would be **less than significant**. No mitigation is required

Standard of Significance

Based on Appendix G of the CEQA Guidelines, the Project may have a significant impact if it would have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Impact Analysis

Based upon background research and the analysis herein, construction of the Project would not cause substantial adverse effects on human beings. All construction-related environmental impacts that might cause substantial adverse effects on human beings, such as dust, hazardous materials, noise, water quality, or disturbance to local circulation would be **less than significant**.

4 Alternatives

The following comments relating to the analysis of alternatives were received during the public scoping period in response to the Notice of Preparation:

- Concern regarding the scope of the alternatives analysis. In particular, consideration of an alternative that would retain the former City Hall and incorporate new development on the project site was requested.
- Request to consider other alternative re-uses of the former City Hall aside from office, such as a hotel or community/arts center.

4.1 Introduction

CEQA requires that an EIR describe and evaluate a range of reasonable alternatives to the proposed project, or to the location of the proposed project, and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a), (d)). The “range of alternatives” is governed by the “rule of reason,” which requires the EIR to describe and consider only those alternatives necessary to permit informed public participation, and an informed and reasoned choice by the decision-making body (CEQA Guidelines Section 15126.6(a), (f)).

The range of alternatives must include alternatives that could feasibly attain most of the basic objectives of the project and could avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines Section 15126.6(a)-(c)). CEQA generally defines “feasible” to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors (CEQA Guidelines Section 15364). In addition, the following may be taken into consideration when assessing the feasibility of alternatives: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and the ability of the proponent to attain site control (CEQA Guidelines Section 15126.6(f)(1)). If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR (CEQA Guidelines Section 15126.6(f)(2)(B)).

The description or evaluation of alternatives does not need to be exhaustive, and an EIR need not consider alternatives for which the effects cannot be reasonably determined and for which implementation is remote or speculative. An EIR need not describe or evaluate the environmental effects of alternatives in the same level of detail as the proposed project, but must include enough information to allow meaningful evaluation, analysis, and comparison with the proposed project (CEQA Guidelines Section 15126.6(d)).

The “no project” alternative must be evaluated. This analysis is required to include a discussion of the continuation of the existing conditions, as well as what could be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6I(2)).

CEQA also requires that an environmentally superior alternative be selected from among the alternatives. The environmentally superior alternative is the alternative with the fewest or least severe adverse environmental impacts. If the “no project” alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)).

4.1.1 Project Objectives

As presented in Section 2.3, the objectives of the Project are reiterated below. The objectives of the Project are to:

1) Reduce the County's costs related to the former San José City Hall facility (e.g., maintenance, security, utilities).

2) Conduct demolition in a safe, cost-effective, environmentally responsible manner.

3) Leave the site in a clean and safe condition.

The Project site is within the boundaries of the Civic Center Master Plan, the EIR for which included the following objectives:

- Consolidate and modernize County facilities to improve public service and reduce the cost of operations.
- Provide adequate space for current and projected County program needs, which is estimated to require up to approximately 3.1 million square feet over the next 20 years.
- Promote economic development and enhance the Civic Center as a community asset for the neighborhood and North First Street corridor.
- Establish the basis for potential future revenue generating uses, which could include private development or non-County institutional uses.
- Reduce operational carbon emissions through transit-oriented planning, energy efficiency, and on-site electrical generation.
- Conserve water and reduce water quality impacts through water reuse, stormwater management, and use of greywater on-site.

These Master Plan objectives were formulated in 2017 during a period of unprecedented growth in the County. However, recent developments, including the Covid-19 pandemic, the economic downturn, and the potential for long-term employee remote working, have significantly affected the County's financial resources and facility needs. Therefore, some of the Master Plan objectives may no longer be necessary or feasible.

4.1.2 Summary of Significant Effects of the Project

Alternatives to the Project must substantially lessen or avoid one or more of the project's significant environmental impacts. The following significant and unavoidable impacts were identified for the Project, as discussed in more detail in Section 3:

- **Impact CUL-1:** The Project would cause a substantial adverse change in the significance of a historical resource.
- **Cumulative Impact C-CUL-1:** The Project would have a cumulatively considerable contribution to a significant cumulative impact on historical resources.

4.2 Alternatives Considered but Rejected from Further Analysis

Section 15126.6(c) of the CEQA Guidelines requires an EIR to identify and briefly discuss any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. Reasons for eliminating an alternative from detailed consideration include, but are not limited to:

- Failure to meet most of the basic Project objectives;
- Infeasibility; or
- Inability to avoid significant environmental impacts.

Section 15126(f)(1) of the CEQA Guidelines states that "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries…and whether the proponent can reasonably acquire control or otherwise have access to the alternative site. No one of these factors establishes a fixed limit on the scope of reasonable alternatives."

The following four potential alternatives to the Project were initially considered but were determined to be infeasible and, as such, were eliminated from further analysis:

- **Project Location Alternative:** EIRs often consider alternative locations for a project, which might avoid the significant environmental impacts [per CEQA Guidelines 15126.6(f)(2)(A)]. However, in this case, because the Project is the demolition of the existing structure, consideration of an alternative project location is not appropriate as it would not achieve the basic objective of the Project, which is to reduce the County's ongoing costs associated with maintaining the former City Hall building.
- **Addition Alternative:** It is sometimes possible to reduce impacts to a historical resource by constructing an addition to the original structure that allows for more efficient or cost-effective re-use of the building, provided the requirements of the SOI Standards for the Treatment of Historic Properties can be met. However, an addition would likely have a much greater impact on the historic resource than constructing a new standalone structure (Alternative 3), as attachment of a new exterior addition usually involves some degree of material loss to an external wall (Grimmer and Weeks 2010) and can otherwise impair the resource's historic character. As discussed in Section 3.4, key attributes of International Style modern architecture, which the former City Hall exemplifies, include rectilinear form, flat roofs, visible steel frames, large panes of glass, and no applied ornament, which create a visually weightless quality. For these reasons, the County decided to prepare a more detailed analysis of Alternative 3, and no further consideration of a building addition alternative is provided in the EIR.
- **Class A Office Re-Use Space Alternative:** Reuse of the former City Hall building as Class A (highest quality) office space would require upgrade of all building features to meet current building codes. This rehabilitation would require a full seismic upgrade and replacement of the existing glazed curtain wall, as well as many other electrical, mechanical, and life safety system replacements. Although the County normally builds or leases Class A office space, the costs associated with the required upgrades would be cost-prohibitive, with initial construction costs estimated at more than $128 million ($1,134 per square foot), and a 30-year total cost of approximately $630 per square foot. This is significantly more expensive that newly-constructed Class A office space (Gensler 2020, Cumming 2020, see Appendix B). Further, this alternative would not reduce impacts to the historical resource as much as the basic office re-use described in Alternative 1, which would not require replacement of the character-defining glazed curtain wall. For these reasons, no further consideration of this alternative is provided in the EIR.
- **Hotel or other Re-Use Alternative:** Reuse as a hotel or revenue-generating use, as suggested by scoping comments, would likely involve significant interior renovations in addition to upgrading all building features to meet current building codes, including a full seismic upgrade, code compliance upgrades, and replacement of the curtain wall, which make this alternative even more cost-prohibitive than Alternative 1 (Office Re-Use). The shape of the building also limits the range of other potential commercial reuses (e.g., to fitness and recreational uses and smaller retail and service businesses) and, thus, the feasibility of this alternative. While it is possible that another commercial reuse could generate revenue that would help offset the costs of upgrading the building, an alternative that considers third-party rehabilitation and operation of the building as a hotel or other commercial use would be significantly more speculative than Alternatives 1 and 2.

4.3 Alternatives Retained for Further Analysis

The following alternatives are evaluated in this EIR:

- No Project Alternative
- Alternative 1: Office Re-Use
- Alternative 2: Residential Re-Use
- Alternative 3: Office Re-Use with new residential structure on project site

Detailed descriptions and analysis of each of these alternatives are provided in Sections 4.3.1 through 4.3.4 below.

4.3.1 No Project Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR analyze a "No Project" alternative. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The No Project Alternative reflects the conditions that would reasonably be expected to occur in the foreseeable future if the project were not approved (CEQA Guidelines Section 15126.6(e)).

Description of Alternative

Under the No Project Alternative, the demolition of the former San José City Hall would not occur and no grading or hydroseeding would be completed on the Project site. The former San José City Hall would remain unoccupied and the site would remain vacant and unused under existing conditions.

This alternative assumes the former San José City Hall would undergo one-time stabilization activities ("mothballing treatment") in order to protect the building from further damage and deterioration. The mothballing treatment would adhere to the SOI Standards for the Treatment of Historic Properties (as codified in 36 CFR 68) and would be overseen by a SOI-qualified Architectural Historian/Historic Architect. It is anticipated that the stabilization activities (including preliminary assessments) would take approximately 6 months to complete and would involve:

- Conducting an up-to-date conditions assessment, including assessment of the roof, façade, fire protection systems and emergency egress, electrical system, and HVAC system.
- Securing the building from unauthorized entry, including installation of plexiglass or similar material in ground floor windows to reduce break ins, installation of motion detectors to the existing intrusion alarm system.
- Repairing the roof (e.g., roof patching at equipment curbs and roof penetrations).
- Maintaining the plumbing system to reduce risk of leaks.
- Correcting conditions that would cause or allow further deterioration (e.g., securing outdoor electrical equipment enclosures to prevent damage and risk hazard).

In the longer term, ongoing maintenance and security activities would be required, similar to existing activities at the site. It is anticipated that such activities would involve:

- Periodic security patrols.
- Periodic observation and prompt correction of conditions which cause or permit deterioration.
- Inspections after intrusion activities which could have resulted in damage.
- Regular maintenance activities, such as re-caulking, landscaping, maintaining utilities and building systems in safe and effective operation, and maintaining emergency egress.

Ability of Alternative to Meet Project Objectives

Although the one-time stabilization activities and ongoing maintenance activities would be undertaken in a safe, cost-effective, environmentally responsible manner (Objective 2), and the site would be maintained in a clean and safe condition (Objective 3), the No Project Alternative would increase, rather than reduce, the County's ongoing maintenance and security costs associated with the site. The one-time costs of undertaking the required stabilization activities required to "mothball" the facility are estimated at approximately $490,000, and the total cost over 30 years is estimated at $4.4 million (Gensler 2020, Cumming 2020, see Appendix B). Therefore, the No Project Alternative would not meet Objective 1.

Analysis of Environmental Impacts of Alternative

Agriculture and Forestry Resources, Mineral Resources, and Wildfire

As described in Section 3.1, "Environmental Topics for which No Impacts were Identified," there are no agricultural, forestry, or mineral resources in close proximity to the Project site, and the area is not within a wildfire hazard zone. As such, the No Project Alternative would have **no impacts** on agriculture and forestry resources, mineral resources, or wildfire hazards, which is the same level of significance as the Project.

Aesthetics

Under the No Project Alternative, minor stabilization measures would be undertaken to secure the building to prevent further damage or deterioration; however, no substantial changes to the building exterior would occur. Therefore, there would be no visual changes at the site. The No Project Alternative would not conflict with applicable zoning and other regulations governing scenic quality and would not result in new sources of light or glare. Therefore, **no impact** on aesthetics would occur as a result of the No Project Alternative, which is the same level of significance as the Project.

Air Quality

Under the No Project Alternative, it is anticipated that the mothballing treatment would take up to 6 months and would primarily involve the use of hand and power tools and minor equipment usage. Because there would be no ground disturbance, there would be no potential for fugitive dust emissions. Therefore, compared to the Project, there would be less construction-related criteria air pollutant emissions under the No Project Alternative.

After completion of the stabilization measures, ongoing maintenance and security activities would continue at the site, similar to existing conditions; therefore, there would be no changes to operation-related emissions at the site.

Overall, the No Project Alternative would have a **less than significant** impact on air quality, which is a lesser level of significance than the Project's less-than-significant-with-mitigation impact.

Biological Resources

Under the No Project Alternative, the former City Hall would remain vacant and only limited activities to stabilize the building would occur. Therefore, there would be limited potential for disturbance of common nesting birds at the site, and no trees would be removed. **No impacts** on biological resources would occur as a result of the No Project Alternative, which is a lesser level of significance than the Project's less-than-significant-with-mitigation impact.

Cultural Resources

Under the No Project Alternative, there would be no ground-disturbing activities; therefore, this alternative would have no potential to impact any archaeological resources and/or human remains that might be present at the site.

Under the No Project Alternative, the County would mothball the former City Hall with one-time stabilization activities to protect the vacant building from further damage and deterioration, thereby preserving the historical resource and its associated features in place. The National Park Service provides guidance on mothballing of historic buildings (Park 1993). The Civic Center Master Plan EIR identified a potentially significant impact if any future changes were made to the building that were inconsistent with the SOI Standards and included mitigation measures requiring assessment of the proposed changes by a qualified historic architect for consistency with the SOI Standards. Because the mothballing activities for the No Project Alternative, such as repair, maintenance, and security measures, would be undertaken in accordance with the SOI Standards and would be overseen by an SOI-qualified Architectural Historian/Historic Architect, such changes to the building would not materially alter the character-defining features of the former City Hall in an adverse manner. Therefore, the impact of the No

Project Alternative on historical resources would be **less than significant**, which is a lesser level of impact than the Project's significant and unavoidable impact.

Energy

Under the No Project Alternative, there would be no demolition and the former City Hall would undergo one-time stabilization activities which would include activities such as securing the building, repairing the roof, and correcting conditions that would prevent further deterioration. It is anticipated that the mothballing treatment would take approximately 6 months and primarily involve the use of hand and power tools and minor equipment usage. Therefore, there would be less construction energy consumption under the No Project Alternative compared to the Project.

After stabilization treatments are complete, ongoing maintenance and security activities would be required for the former City Hall, which would be similar to existing conditions. However, the ongoing operational energy use of the No Project Alternative would be greater than that of the proposed Project.

Overall, energy impacts for the No Project Alternative would be **less than significant,** which is the same level of significance as the Project.

Geology and Soils

Under the No Project Alternative, there would be no ground-disturbing activities at the Project site (such as excavation and grading), and therefore soils would not be exposed to erosion, and there would be no potential for adverse impacts on paleontological resources. The former City Hall would remain vacant; therefore, there would be no impact on or exacerbation of seismic or other geological hazards. **No impact** on geology and soils would occur as a result of the No Project Alternative, which is a lesser level of significance than the Project's less-than-significant impact.

Greenhouse Gas Emissions

Under the No Project Alternative, there would be no demolition activities, and the former City Hall would undergo one-time stabilization activities which would include activities such as securing the building, repairing the roof, and correcting conditions that would prevent further deterioration. It is anticipated that the mothballing treatment would take up to 6 months and would primarily involve the use of hand and power tools and minor equipment usage. Therefore, there would be substantially less construction-related GHG emissions under the No Project Alternative compared to the Project.

After completion of the stabilization measures, ongoing maintenance and security activities would continue at the site, similar to existing conditions. However, the ongoing operational GHG emissions from site under the No Project Alternative would be greater than those of the Project.

Overall, the impact of the No Project Alternative on GHG emissions would be **less than significant**, which is the same level of significance as the Project.

Hazards and Hazardous Materials

Under the No Project Alternative, stabilization measures would be undertaken to secure the building to prevent further damage or deterioration, which could involve the use of typical construction-related hazardous substances such as adhesives, paints, or fuel. Such use would be subject to the same comprehensive regulatory framework outside of CEQA as the Project. Similarly, if hazardous building materials needed to be disturbed or removed as part of the stabilization measures, California Occupational Safety and Health Administration and BAAQMD regulations would apply. The No Project Alternative would not include any ground disturbance or any ongoing operational use of the building; therefore, there would be no potential for impacts associated with potential existing contamination of site soils or for hazardous emissions within a quarter mile of a school. Similar to the Project, the No Project Alternative would have no impact on airport or wildfire hazards and would not impair implementation of an emergency response or evacuation plan. Therefore, **no impact** on hazards and hazardous materials would occur as a result of the No Project Alternative, which is a lesser level of significance than the Project's less-than-significant impact.

Hydrology and Water Quality

Compared to the Project, the No Project Alternative would result in a lesser level of impact, since major earthmoving activities at the project site (such as excavation and grading) would not occur, and the building would remain vacant. Therefore, soils at the site would not be exposed to erosion, and there would be no alterations to drainage patterns or changes in the quality or quantity of stormwater runoff from the site, frequency or scale of flooding, or groundwater conditions compared to existing conditions. Therefore, **no impact** on hydrology and water quality would occur as a result of the No Project Alternative, which is a lesser level of significance than the Project's less-than-significant impact.

Land Use and Planning

Under the No Project Alternative, the former City Hall would remain vacant and no demolition activities would occur. The No Project Alternative would not physically divide an established community or conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, **no impact** on land use and planning would occur as a result of the No Project Alternative, which is the same level of significance as the Project.

Noise

Under the No Project Alternative, there would be no demolition activities, and the former City Hall would undergo one-time stabilization activities which would include activities such as securing the building, repairing the roof, and correcting conditions that would prevent further deterioration. It is anticipated that the mothballing treatment would take up to 6 months and would primarily involve the use of hand and power tools and minor equipment usage, which are not anticipated to result in a perceptible increase in ambient noise or vibration for nearby receptors. Stabilization activities would occur during daytime hours and would therefore comply with the County Noise Ordinance and City of San José Municipal Code restrictions on construction hours.

After completion of the stabilization measures, ongoing maintenance and security activities would continue at the site, similar to existing conditions. Therefore, there would be no permanent change in noise levels generated at the Project site.

Although the No Project Alternative would produce lower levels of noise and vibration than the Project, this alternative's impacts would be **less than significant**, which is a lesser level of significance than the Project's less-than-significant-with-mitigation impact.

Population and Housing

Under the No Project Alternative, the number of temporary construction workers required to undertake stabilization activities is anticipated to be substantially less than that required for demolition under the Project. The building would remain vacant; therefore, no new residents or permanent employees would be introduced to the Project site. Therefore, for similar reasons as described for the Project, the No Project Alternative would not require temporary housing or indirectly result in a population increase by creating permanent new jobs resulting in substantial unplanned population growth in the City of San José. Therefore, **no impact** on population and housing would occur as a result of the No Project Alternative, which is a lesser level of significance than the Project's less-than-significant impact.

Public Services

Under the No Project Alternative, the number of temporary construction workers required to undertake stabilization activities is anticipated to be substantially less than that required for demolition under the Project. The building would remain vacant; therefore, no new residents or permanent employees would be introduced to the Project site. As a result, for similar reasons as described for the Project, there would be no additional demand for public services at the Project site and no effect on response times for service providers. Therefore, **no impact** on public services would occur as a result of the No Project Alternative, which is the same level of significance as the Project.

Recreation

Under the No Project Alternative, the building would remain vacant so that no new residents or permanent employees would be introduced to the Project site. As a result, for similar reasons as described for the Project, there would be no additional demand on existing recreational resources in the Project area. Therefore, **no impact** on public services would occur as a result of the No Project Alternative, which is a lesser level of significance than the Project's less-than-significant impact.

Transportation

Under the No Project Alternative, the number of temporary construction workers required to undertake stabilization activities is anticipated to be substantially less than that required for demolition under the Project, and the volume of materials and debris to be transported to or from the site would also be substantially less. Therefore, construction-related traffic associated with the No Project Alternative would be negligible and would not result in adverse temporary effects on the surrounding roadway network or to transit, pedestrian or bicycle users.

After completion of the stabilization measures, the building would remain vacant and no new residents or permanent employees would be introduced to the Project site. Operational traffic would be limited to ongoing maintenance and security activities, similar to existing conditions. Therefore, there would be no permanent change in traffic generation from the Project site.

Overall, the impact of the No Project Alternative to transportation would be **less than significant**, which is the same level of significance as the Project.

Tribal Cultural Resources

Under the No Project Alternative, there would be no ground disturbance so there would be no potential for disturbance of as-yet unidentified tribal cultural resources. The No Project Alternative would not have the potential to cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, **no impact** to tribal cultural resources would occur as a result of the No Project Alternative, which is a lesser level of significance than the Project's less-than-significant impact.

Utilities and Services Systems

Under the No Project Alternative, the former City Hall would remain vacant and no demolition activities generating substantial volumes of solid waste would occur. Demand for utilities would be the same as the existing condition, which would be the minimal amount to keep fire protection and security systems operating within the vacant building. Therefore, **no impact** on utilities and service systems would occur as a result of the No Project Alternative, which is a lesser level of significance than the Project's less-than-significant impact.

4.3.2 Alternative–1 - Office Re-Use

Description of Alternative

Under Alternative–1 - Office Re-Use, the former San José City Hall would remain in its current location. The County would reuse and rehabilitate the existing structure to accommodate approximately 113,430 square feet of Class B office space. The existing 97 parking spaces on the Project site would be retained. Landscaping and hardscaping around the building would also be retained, with minimal repair or replacement to meet ADA requirements. All upgrades would be undertaken in accordance with the SOI Standards for Rehabilitation (36 CFR Part 67) and would be overseen by an SOI-qualified Architectural Historian/Historic Architect.

Adaptation to office space under Alternative 1 would involve minimal change to the overall floor plan or defining features of the building, except for repair and recommissioning of those items necessary to make the building fit for occupancy. Because the type of building occupancy would not change, elements that met building code requirements when the building was constructed would not be required to be upgraded to current codes. In particular, the existing glass curtain wall that forms the exterior of much of the building would be retained and repaired (i.e., it would not be replaced with double-glazing), and no seismic retrofit would be required.

Anticipated construction activities under Alternative 1 would include a full building conditions assessment (including hazardous materials testing), and any hazardous building materials present within the structure would be stabilized or abated prior to renovation activities. Exterior finishes would be cleaned and repaired, and interior spaces cleaned and refurbished. Existing HVAC, plumbing, and electrical systems would be repaired and recommissioned, and an automatic sprinkler protection and fire alarm system would be provided throughout the building. Concrete paving and walkways to primary entrances would be replaced to comply with ADA requirements.

Construction of Alternative 1 is anticipated to take approximately 12- to 15- months to substantial completion. Estimated construction equipment and staffing levels throughout the construction period are shown in Table 4.3-1.

Table 4.3-1 Estimated Construction Phasing, Equipment and Personnel – Alternative 1

Construction Phase	Estimated Duration	Equipment Type	Construction Personnel
Hazardous Materials Abatement	6-9 months	Telehandler Forklift, Aerial Lifts/Scissor Lifts, Skid steer Loader, Dump Truck(s)	20 per day, on average 30 per day, maximum
Selective Demolition	1-2 months	Telehandler Forklift, Aerial Lifts/Scissor Lifts, Skid steer Loader, Dump Truck(s)	20 per day, on average 30 per day, maximum
Interior Construction	6-8 months	Forklift, Scissor lift, Concrete mixers, pumps and concrete vibrators, Wall plastering machine, Plaster mixing machine, Material delivery trucks, Dumpster, Dump Truck(s)	25 per day, on average 40 per day, maximum
Interior Finishes	4-5 months	Forklift, Scissor lift, Concrete mixers, pumps and concrete vibrators, Wall plastering machine, Plaster mixing machine, Material delivery trucks, Dump Truck(s)	25 per day, on average 40 per day, maximum

Ability of Alternative to Meet Project Objectives

Under Alternative 1, rehabilitation and repair of the former City Hall for office use would be undertaken in a safe, cost-effective, environmentally responsible manner and the site would be maintained in a clean and safe condition; thereby meeting Project Objectives 2 and 3.

Although Alternative 1 would repair and rehabilitate many of the existing building systems, which may result in improved efficiency, the County's ongoing maintenance and security costs associated with the

building would be increased compared to existing. As shown in Table 4.3-2, the initial cost of undertaking the required repair and rehabilitation activities has been estimated at approximately $48 million ($421 per square foot), and the total net cost of ownership over 30 years (taking into account the projected revenue from office use) is estimated at $26.4 million ($233 per square foot).[25] The useful life of the rehabilitated facility is expected to be substantially shorter than the useful life of a newly-constructed office building.

Table 4.3-2 Estimated Costs for Class B Office Re-Use

Metric	Total Cost	Cost Per Square Foot
Initial Cost	$47,811,100	$421/SF
Annual Net Revenue	$887,300	$7.82/SF
30-Year Total Cost (present value)	$26,445,100	$233/SF

Source: Gensler 2020, Cumming 2020, see Appendix B.
Acronyms: /SF = per square foot

Alternative 1 would therefore substantially increase the County's overall costs related to the facility and would not meet Objective 1.

Analysis of Environmental Impacts of Alternative 1

Agriculture and Forestry Resources, Mineral Resources, and Wildfire

As described in Section 3.1, "Environmental Topics for which No Impacts were Identified," there are no agricultural, forestry, or mineral resources in close proximity to the Project site, and the area is not within a wildfire hazard zone. As such, Alternative 1 would have **no impacts** on agriculture and forestry resources, mineral resources, or wildfire hazards, which is the same level of impact as the Project.

Aesthetics

Under Alternative 1, there would be no demolition activities and the former San José City Hall would remain in its current location. No substantial changes to the building exterior would occur. Therefore, there would be no visual changes at the site. The County would reuse and rehabilitate the existing structure to accommodate approximately 113,430 square feet of Class B office space. The existing 97 parking spaces on the Project site would be retained. Landscaping and hardscaping around the building would also be retained, with minimal repair or replacement to meet ADA requirements. Exterior lighting would consist of façade lighting and security lighting of public spaces, ingress/egress routes, and parking areas.

County of Santa Clara General Plan policies relating to aesthetics only apply to unincorporated areas of the County. Because the project site lies within the City of San José, there are no County General Plan policies applicable to Alternative 1. In addition, the project site is on County-owned property and the County is generally not subject to City of San José general plan policies and land use designations, City zoning, or other City regulations for public projects such as the Project. Therefore, Alternative 1 would not conflict with applicable zoning and other regulations governing scenic quality.

Under Alternative 1, exterior lighting would be similar to the lighting used at the City Hall building during its previous operations. Because the exterior façade of the building would not change, there would be no new sources of glare.

Therefore, Alternative 1 would result in **no impact** on aesthetics, which is the same level of significance as the Project.

[25] It is not possible to provide cost comparison data for newly-constructed Class B office space as, by definition, Class B office space is not new construction. However, the initial cost of upgrading the Former City Hall to achieve a Class A office space standard has been estimated at $1,134 per square foot, with a 30-year total cost of $630 per square foot. In comparison, the initial cost of constructing new Class A office space at the site has been estimated at $926 per square foot, with a 30-year total cost of $304 per square foot. See Gensler 2020, Cumming 2020 (Appendix B).

Air Quality

Under Alternative 1, rehabilitating the existing structure to accommodate Class B office space would require a similar construction duration (12 to 15 months) as the demolition activities required for the Project. As shown in Table 4.3-3, compared to the Project, Alternative 1 would result in slightly higher ROG emissions, but lesser NO_x and PM_{10} emissions and similar $PM_{2.5}$ emissions. Average daily criteria air pollutant emissions from construction activities associated with Alternative 1 would not exceed the applicable BAAQMD thresholds of significance, and therefore would be less than significant. However, as described for the Project in Section 3.2.3, fugitive dust emissions from any construction project are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust control during

Table 4.3-3 Construction-Related Criteria Air Pollutant Emissions – Alternative 1 vs Project

Estimated Construction Emissions	Alternative 1				Proposed Project			
	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Emissions (tons)	1.48	2.29	0.09	0.09	0.87	3.05	0.10	0.09
Average Daily Emissions[1] (lb/day)	**11.73**	**18.20**	**0.75**	**0.72**	**6.93**	**24.22**	**0.80**	**0.75**
Thresholds of Significance	54	54	82	54	54	54	82	54
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**

Source: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
Acronyms: lb/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter.
Note:
1 For both the Project and Alternative 1, average daily emission estimates are based on approximately 252 construction workdays (12 months of construction, 21 working days per month). As a conservative approach, the maximum construction period (15 months) was used to calculate total emissions, and the minimum construction period (12 months) was used to calculate average daily emissions.

Because the former City Hall is currently vacant and Alternative 1 proposes to rehabilitate the structure to accommodate office space, Alternative 1 would result in an increase in criteria air pollutants associated with operational activities at the site. Operational emission sources associated with Alternative 1 would include area (e.g., landscape and maintenance equipment), energy (e.g., natural gas combustion), and mobile (e.g., vehicle trips associated with employee commutes) sources. Emissions were estimated using CalEEMod 2016.3.2. Table 4.3-4 presents the operational emissions associated with Alternative 1, which would not exceed the BAAQMD thresholds of significance, and would therefore be less than significant.

Table 4.3-4 Operation-Related Criteria Air Pollutant Emissions – Alternative 1

Description	ROG	NO_X	PM_{10}	$PM_{2.5}$
Annual Emissions (tons/year)	0.69	0.79	0.56	0.16
Thresholds of Significance	10	10	15	10
Average Daily Emissions (lb/day)[1]	**3.77**	**4.32**	**3.09**	**0.88**
Thresholds of Significance	54	54	82	54
Exceeds Thresholds?	**No**	**No**	**No**	**No**

Notes: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
[1] Average daily emissions are based on the annual operational emissions divided by 365 days.
lb/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter.

Overall, due to potential fugitive dust emissions during construction, Alternative 1 would have a **potentially significant** impact on air quality. Similar to the Project, any fugitive dust generating activities associated with construction of Alternative 1 would be required to comply with BAAQMD standard BMPs for reducing construction emissions of uncontrolled fugitive dust (PM_{10} and $PM_{2.5}$), as described in MM-AIR-2 in Section 3.2.3. Therefore, with implementation of MM-AIR-2, the impact of Alternative 1 on air

quality would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Biological Resources

Similar to the Project, Alternative 1 would not impact any threatened or endangered species, riparian habitats, state or federally protected wetlands, or fish or wildlife movement and migration, as such biological resources are not present at the Project site. Impacts from construction of Alternative 1 would therefore be limited to impacts on resident and migrant nesting birds in the vicinity of the Project site.

Under Alternative 1, there would be no demolition of the existing building (and associated concrete crushing operations), earthwork, or removal of trees. Repair and recommissioning of the existing building systems and interior remodeling for office use under Alternative 1 would still generate construction noise; however, the majority of the work would be undertaken within the building, which would serve to reduce the noise to nesting birds in the vicinity.

Following completion of construction activities, although ongoing use of the former City Hall as an office building would represent an increase in human activity over the existing condition, such use would not cause further impacts to nesting birds, because such birds are accustomed to typical urban activities and would quickly adapt to the increased level of human activity in the Project area.

Overall, although impacts to nesting birds from Alternative 1 would be lesser than for the Project, the impact of construction-related activities on nearby nesting birds would still be **potentially significant.**

With the implementation of typical nesting bird avoidance measures during construction, as detailed in MM-BIO-1 in Section 3.3.3, impacts associated with Alternative 1 would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Cultural Resources

Under Alternative 1, the only subsurface disturbance would be associated with modification of exterior hardscaping to meet ADA requirements, which would be limited to shallow depths within previously disturbed areas. Therefore, the likelihood of uncovering as-yet unidentified buried archeological resources or human remains would be minimal. The impact of Alternative 1 to archaeological resources or human remains would be **less than significant,** which is a lesser level of significance than the Project's less-than-significant-with-mitigation impact.

Under Alternative 1, the County would retain and rehabilitate the former City Hall building for office use; therefore, this alternative would not result in total loss of the historical resource, as would occur under the Project. This alternative would include hazardous materials testing and abatement, modifications to meet ADA requirements, minimal changes to the interior floor plan, and other systems repairs and/or refurbishment, which could potentially alter some of the character-defining features of the former City Hall in an adverse manner. The existing curtain wall, one of the key character-defining features of the resource, would not be replaced under Alternative 1.

CEQA Guidelines Section 15064.5(b)(3) states: "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource. (See also CEQA Guidelines Section 15126.4.)"

The SOI Standards for Rehabilitation, as set forth in 36 CFR Section 67.7, are intended to assist the long-term preservation of a property's significance through the preservation of historic materials and features, including buildings, additions, and related landscape features. These SOI Standards acknowledge the need to alter the historic building to meet continuing or new uses while retaining the building's historic character and are the most appropriate of the four types (preservation, rehabilitation, restoration, or reconstruction) for Alternative 1 because the alternative would extensively repair the former City Hall for a compatible use, meeting the definition of rehabilitation as "the act or process of making possible a

compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values" (Grimmer 2017). The SOI Standards for Rehabilitation are:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

These SOI Standards and the associated SOI guidelines make it clear that even when these Standards are applicable to a project, precise conformity with each and every subsection of the standards is not required. As noted in the SOI Guidelines and the SOI Standards themselves, the Standards provide various options that are "depend[ent] upon the property's significance, existing physical condition, the extent of documentation" and must "consider[] the economic and technical feasibility of each project." (SOI Guidelines, page 19; 36 CFR § 68.3.) As also noted in the associated SOI Guidelines, "latitude is given in the Standards for Rehabilitation and Guidelines for Rehabilitation to replace extensively deteriorated, damaged, or missing features using either traditional or substitute materials." (Grimmer 2017, page 77.)

The 2018 Civic Center Master Plan EIR identified a potentially significant impact to historic resources if future reuse of the former City Hall would include changes to the building that were inconsistent with the SOI Standards. The Master Plan EIR included mitigation measures requiring a qualified historic architect to review any future reuse plans for consistency with the SOI Standards (County of Santa Clara 2018b, see Mitigation Measures CUL 2-1 through 2-3). Mitigation Measure ALT-MM-CUL-1 below is based on the requirements of the Master Plan EIR mitigation.

Mitigation Measure ALT-MM-CUL-1: Adherence to the Secretary of the Interior's Standards

Any reuse plan proposed for the former City Hall would be reviewed for consistency with the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties (as codified in 36 CFR 68) by an SOI-qualified historic architect or architectural historian prior to issuance of any permits. The findings of the analysis shall be provided to the County's Department of Planning and Development for review and approval. If inconsistencies are found between the reuse plan and the SOI Standards, the reuse plan shall be modified based on the recommendations of the historic architect. The historic architect shall serve as a construction monitor throughout construction to ensure that work is consistent with the reuse plan and to ensure that any inadvertent damage that might occur during construction is repaired in accordance with the SOI standards.

With implementation of ALT-MM-CUL-1, the repairs and rehabilitation activities under Alternative 1 would be undertaken in accordance with the SOI Standards and would be overseen by a SOI-qualified Architectural Historian/Historic Architect, and therefore would not materially alter the character-defining features of the former City Hall in an adverse manner. Because ALT-MM-CUL-1 would require rehabilitation and repair of the former City Hall to be completed in compliance with the SOI Standards, and under the oversight of an SOI-qualified Architectural Historian/Historic Architect, the former City Hall would retain its character-defining features and its significance would not be materially impaired. Implementation of ALT-MM-CUL-1 would therefore reduce potential impacts of Alternative 1 on historical resources to **less than significant with mitigation**, which is a lesser level of significance than the Project's significant and unavoidable impact.

Energy

Similar to the Project, Alternative 1 would increase energy consumption for the duration of construction in the form of electricity, natural gas, and fossil fuels (e.g., gasoline, diesel fuel). Alternative 1 would not require extensive demolition and associated grading material import and export quantities; therefore, the energy associated with transportation fuel is anticipated to be less. As such, energy consumption during construction activities of Alternative 1 would be less than the Project. Similar to the Project, Alternative 1 would not include unusual characteristics that would necessitate the use of construction equipment that is less energy-efficient than the equipment used at comparable construction sites. Consistent with MM-AIR-2, construction contractors would also be required to maintain and properly tune all construction equipment in accordance with the manufacturer's specification. These required practices would limit wasteful and unnecessary energy consumption.

Because the former City Hall is currently vacant and Alternative 1 proposes to rehabilitate the structure to accommodate office space, Alternative 1 would result in an increase in energy consumption associated with operations, such as electricity and natural gas usage, water and wastewater treatment and distribution, and transportation fuel usage associated with employee commutes. It is estimated that Alternative 1 would result in approximately 1,857 million British thermal units (MMBtu) per year of natural gas usage and approximately 2,036 megawatt-hours (MWh) per year of electricity consumption (see Appendix C). Because the building's occupancy type would not change from its original permitted use, elements that met building code requirements when the building was constructed would not need to be upgraded to current codes; therefore, the building would not be as energy efficient as modern construction. However, Alternative 1 would be subject to the same regulatory framework relating to energy and fuel efficiency as the Project, and transportation energy consumption would be anticipated to become more efficient over time as regulatory requirements change and technological advancements are made. In addition, as the County implements the strategies identified in the County of Santa Clara Climate Action Plan for Operations and Facilities, which includes the Green Building Policy and calls for improving energy efficiency in existing buildings, energy consumption associated with Alternative 1 is anticipated to decrease over time.

Overall, the impact of Alternative 1 on energy would be **less than significant**, which is the same level of significance as the Project.

Geology and Soils

As noted in Section 3.6, the Project site is composed of Holocene-age deposits, which are too young to contain unique paleontological resources and there are no unique geological features within or adjacent to the Project site. Alternative 1 would result in a substantially lesser impact than the Project in relation to soil erosion, because most improvements to the structure would be internal to the existing building. The only activities under this alternative that could expose disturbed surfaces to erosion would be modification of exterior pathways to meet ADA requirements, which would be localized and short term.

The Project site is not located within or adjacent to an Alquist-Priolo Fault Zone or within or adjacent to the trace of any known fault, and therefore Alternative 1 would result in the same hazards from surface fault rupture as compared to the Project (i.e., no impact).

Compared to the Project, Alternative 1 would result in a greater risk from hazards from strong seismic ground shaking, seismically-induced liquefaction and settlement, and unstable and expansive soils, because office workers would be present within the adapted building during working hours. Reuse as office space would not require a full upgrade to modern building codes and would not include a full seismic upgrade, as required under Alternative 2. However, the risks associated with use of the former City Hall for office space would be similar to other 1950s-constructed office space in the City of San José.

The overall impact of Alternative 1 on geology and soils would be **less than significant**, which is the same level of significance as the Project.

Greenhouse Gas Emissions

Construction activities under Alternative 1 would not require extensive demolition or grading; therefore, material import and export quantities would be substantially less than for the Project. Therefore, as shown in Table 4.3-5, the construction-related GHG emissions associated with Alternative 1 would be less than those generated from Project construction. Construction-related GHG emissions from Alternative 1 would not exceed the threshold of significance for construction-related emissions[26] and, therefore, would be less than significant.

Table 4.3-5 Construction-Related GHG Emissions – Alternative 1 vs Proposed Project

Construction Year	Alternative 1 Construction-Related GHG Emissions (MT CO_2e)	Proposed Project Construction-Related GHG Emissions (MT CO_2e)
2021	320	447
2022	174	254
Threshold of Significance	1,100	1,100
Exceeds Threshold?	No	No

Source: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.

Acronyms: MT CO_2e = metric tons carbon dioxide equivalents

Because the former City Hall is currently vacant and Alternative 1 proposes to rehabilitate the structure to accommodate office space, Alternative 1 would result in an increase in GHG emissions associated with operational activities at the site. Operational indirect and direct GHG emission sources associated with Alternative 1 would include area (e.g., landscape and maintenance equipment), energy (e.g., natural gas and electricity usage), mobile (e.g., vehicle trips associated with employee commutes), water consumption (e.g., treatment and distribution), and solid waste generation. Emissions were estimated using CalEEMod 2016.3.2. Table 4.3-6 presents the operational emissions associated with Alternative 1, which are below the thresholds of significance and, therefore, would be less than significant.

[26] As discussed for the Project in Section 3.7, "Greenhouse Gas Emissions," the SMAQMD-established construction threshold is used for determining if construction-related GHG emissions would be significant, due to no County or BAAQMD threshold having been established for construction-related emissions.

Table 4.3-6 Operational-Related GHG Emissions – Alternative 1

Source	Alternative 1 Operational-Related GHG Emissions (MT CO_2e)
Area	<0.01
Energy	292
Mobile	558
Waste	53
Water	42
Total	**945**
Emissions Per Service Population (MT CO_2e/SP)	**2.5**
BAAQMD 2020 Efficiency Threshold (MT CO_2e/SP)	4.6
2030 Efficiency Threshold (MT CO_2e/SP)	2.8
Exceeds Threshold?	**No**

Notes: Estimated by AECOM in 2020.

[1] Emissions per service population calculated by dividing the Project's emissions by the number of employees assumed for the project land uses. The analysis assumed the project would have approximately 378 new employees.

See Appendix C for detailed modelling assumptions, outputs, and results.

MT CO_2e = metric tons carbon dioxide equivalents; SP = service population

Overall, because construction-related and operation-related GHG emissions would be below the established thresholds, the impact of Alternative 1 would be **less than significant,** which is the same level of significance as the Project.

Hazards and Hazardous Materials

Under Alternative 1, repair and rehabilitation of the building to allow for office reuse would be undertaken, which could involve the use of typical construction-related hazardous substances such as adhesives, paints, or fuel. Future use of the building as office space would use typical quantities of janitorial and household chemicals. Such construction-related and operational use of hazardous materials would be subject to the comprehensive regulatory framework outside of CEQA, which has been promulgated to reduce the risks associated with use, transport, and disposal of hazardous materials. Similarly, any hazardous building materials that would be disturbed or removed as part of the rehabilitation would be subject to California Occupational Safety and Health Administration and BAAQMD regulations, as described for the Project.

Alternative 1 would only include extremely limited ground disturbance associated with modification of exterior pathways to meet ADA requirements; therefore, there would be no potential for impacts associated with potential existing contamination of site soils. Similar to the Project, Alternative 1 would have no impact on airport or wildfire hazards and would not impair implementation of an emergency response or evacuation plan.

Therefore, the impact of Alternative 1 to hazards and hazardous materials would be **less than significant**, which is the same level of significance as the Project.

Hydrology and Water Quality

Alternative 1 would result in a lesser level of soil disturbance during construction than the Project, as the only activities under this alternative that could expose disturbed surfaces to erosion would be modifications to exterior pathways to meet ADA requirements, which would be localized and short term.

Because Alternative 1 would be designed only to rehabilitate the existing office space for continued office use, no new construction would occur outside the building footprint that would change stormwater runoff from the Project site. Therefore, Alternative 1 would not result in alteration of on-site drainages or increased stormwater flows that could exceed the capacity of the existing stormwater drainage system and result in flooding or increase the amount of polluted runoff.

Alternative 1 would not change stormwater drainage patterns or groundwater recharge at the Project site, because the drainage characteristics of the site would remain largely unchanged from existing conditions. Consequently, there would be no impact with respect to the potential for violation of water quality

standards and increased pollutants. Because the existing building would remain at the site, Alternative 1 would not result in the beneficial impact on groundwater recharge that the Project would have by increasing the amount of pervious area at the Project site.

Overall, the impact of Alternative 1 on water quality would be **less than significant**, which is the same level of significance as the Project.

Land Use and Planning

Under Alternative 1, the County would reuse and rehabilitate the existing structure to accommodate approximately 113,430 square feet of Class B office space. Generally, cities and counties are exempt from each other's land use regulations for public projects. Therefore, the County would not be subject to City of San José general plan policies and land use designations, City zoning, or other City regulations. In addition, County of Santa Clara General Plan policies and zoning regulations apply only to the unincorporated areas of the County. Therefore, Alternative 1 would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Furthermore, use of the former City Hall building as office space is compatible with surrounding land uses and consistent with past uses of the site. Alternative 1 would not physically divide the community because no external changes would be made to the Project site. Therefore, Alternative 1 would have **no impact** on land use and planning, which is the same level of significance as the Project.

Noise

Similar to the Project, construction activities under this alternative would adhere to the County Noise Ordinance and City of San José Ordinance restrictions on construction hours. Anticipated construction activities under Alternative 1 would not require extensive demolition or grading; therefore, material import and export quantities would be substantially less than for the Project, resulting in less heavy truck movements and less traffic noise and vibration on local roads. Due to the nature of the repair and refurbishment activities, Alternative 1 would also require less heavy equipment and for shorter durations compared to the Project, which would also reduce the frequency and magnitude of construction noise and vibration emissions. Furthermore, the majority of the construction work under this alternative would be internal to the building, which would reduce the noise level perceived by nearby sensitive receptors. Alternative 1 would therefore generate less construction noise and vibration compared to the Project; however, there is potential that noise levels at adjacent properties could exceed the applicable thresholds at nearby commercial or residential properties.

Operational use of the former City Hall building as office space under Alternative 1 would generate new traffic volumes along the existing roadways in the project vicinity from office employees. As shown in Table 4.3-7, the total trips generated by these new uses at the Project site are estimated to be 1,105 daily trips, with 132 AM and 130 PM peak hour trips, respectively.

Table 4.3-7 Operational Traffic Generation – Alternative 1

Land Use Description (ITE Code)	Quantity	Daily Vehicle Trips	AM Hour Vehicle Trips	PM Hour Vehicle Trips
General Office (710)	113,430 SF	1,105	132	130
Total Trips		1,105	132	130

Acronyms: ITE = Institute of Transportation Engineers; SF = square feet

Source: ITE Trip Generation Rates – 10th Edition (ITE 2020).

Primary access to the Project site would be via Mission, San Pedro, North 1st, West Hedding, and Taylor streets. The existing average daily traffic (ADT) volume along Mission Street is approximately 3,000 trips per day, with approximately 4,000 trips per day along San Pedro Street (City of San José 2020c). North 1st Street and Taylor Avenue each have an existing ADT of approximately 20,000 trips per day, and West Hedding Street has just over 13,000 trips per day.

When a noise source doubles (e.g. traffic volumes along a street), noise levels increase 3 dB, a change that is barely perceptible. Noise level increases of 5 dB, by contrast, are readily perceptible (Caltrans 2013a). The Alternative 1-generated volume of 1,105 trips per day would not double the existing traffic volume along any of the surrounding streets that provide direct access to the Project site; therefore, operational traffic generated by Alternative 1 would not cause a substantial noise level increase at the nearby noise-sensitive receptors.

Overall, due to the potential for construction of Alternative 1 to cause noise levels at adjacent properties to exceed the applicable thresholds at nearby commercial or residential properties, the impact would be **potentially significant.**

Mitigation Measure MM-NOI-1, as described for the Project, would reduce construction noise from Alternative 1, such that the thresholds described in the County Noise Ordinance would not be exceeded. Therefore, with implementation of MM-NOI-1 as described for the Project in Section 3.10.3, the impact of Alternative 1 on noise and vibration would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Population and Housing

Construction of Alternative 1 would not require temporary housing for workers or result in a population increase by creating permanent new jobs. Similar to the Project, the number of construction personnel onsite would vary depending on the construction phase. The phase with the highest anticipated staffing levels would be the site control and preparation phase with a maximum of 40 staff anticipated per day during this period, although it is possible that construction phases could overlap during the 10- to 12-month construction period. The source of the construction labor force is unknown at this time. However, due to the Project site's location in the City of San José and within the larger South Bay, the Project would be expected to draw from the local workforce. In addition, if some non-local construction workers were employed for the Project, the temporary and short-term nature of the work would mean that these workers would not typically relocate to the City while working at the Project site.

Under Alternative 1, the former City Hall building would be rehabilitated and used as Class B office space. Based on employment estimates for a full range of office space in the City of San José, Alternative 1 could provide employment opportunities for approximately 378 employees (Keyser Marston Associates, Inc 2020).[27] Although the office space would likely be used to accommodate existing County employees, this EIR conservatively assumes that up to 378 new jobs could be generated by Alternative 1.

The California Employment Development Department indicated that in 2019, the average number of unemployed persons in the City of San José was 14,600 and 26,200 in the County as a whole (Employment Development Department 2019).[28] The number of unemployed persons has increased substantially due to the Covid-19 pandemic and accompanying economic disruption, and unemployment rates are not expected to recover soon. Thus, the workers employed at the refurbished building would likely come primarily from the city and county, and any new jobs generated by the Project would be unlikely to result in substantial direct or indirect population growth.

For the same reason, the workers employed at the rehabilitated former City Hall building would be expected to generate minimal additional housing demand. Future housing development in the City could accommodate this demand. The City of San José General Plan anticipates development of 120,000 new housing units in the City by 2035 (City of San José 2011). In addition, the Project site itself is within the City of San José's North 1st Street Local Transit Village Plan area, which the City anticipates will

[27] Based on the City's *Commercial Linkage Fee Nexus Analysis*, prior to the COVID-19 pandemic office uses in San José generate 333 jobs per 100,000 square feet of building area (Keyser Marston Associates, Inc 2020). Therefore, the 113,430 square feet of office uses could generate up to 378 employees (113,430/100,000 x 333). While the report anticipated that office density would decrease as a result of the COVID-19 pandemic, pre-pandemic office density figures were used for this EIR as a conservative estimate.

[28] The average 2019 unemployment was prior to the COVID-19 pandemic. As of June 2020 (during the on-going COVID-19 pandemic), the average number of unemployed persons in the City of San José was 69,100 and 110,900 in the County as a whole (Employment Development Department 2020).

accommodate 1,678 housing units (City of San José 2020b). Therefore, Alternative 1 would not increase housing demand in the city or region.

For the reasons described above, the impact of Alternative 1 related to population and housing would be **less than significant**, which is the same level of significance as the Project.

Public Services

Alternative 1 would not substantially increase demand for fire protection or police protection services to a level that would require construction of new or expansion of existing fire protection or police protection facilities, as the building is within the existing service areas of the SJFD and SJPD, and the change from a vacant building to occupied office space would reduce the risk of vandalism or arson (NFPA 2018). As described under the subheading “Population and Housing” above, this alternative would not result in permanent population increases at a level that would generate a substantial increase in demand for other public facilities, such as schools, parks, libraries, or other government services. Therefore, Alternative 1 would have **no impact** on public services, which is the same level of significance as the Project.

Recreation

Alternative 1 would not result in permanent population increases at a level that would generate substantial new demand for recreational facilities. The proposed new office uses at the project site would have a minimal effect on demand for recreational facilities. Therefore, Alternative 1 would have **no impact** on recreational resources**,** which is the same level of significance as the Project.

Transportation

Under Alternative 1, construction activities would be limited to the repair and recommissioning of those items necessary to make the building fit for occupancy. Alternative 1 would not require extensive demolition or grading; therefore, material import and export quantities would be substantially less than for the Project. Thus, construction of this alternative would require less total vehicular trips compared to Project, which would also be spread out over a slightly longer construction period, resulting in less daily traffic generation than the Project. Similar to the Project, Alternative 1 would also implement a construction traffic management plan to reduce the potential for conflicts with other roadway, bicycle, pedestrian and transit users.

Use of the former City Hall building as office space under Alternative 1 would generate new traffic volumes along the existing roadways in the project vicinity. Because the Project site is within the City of San José, the County has applied the City’s VMT Evaluation Tool to evaluate the traffic impacts of this alternative (see Appendix F). Per the City’s VMT Evaluation Tool, the appropriate VMT significance threshold for office uses is 12.22 VMT per employee. Application of the City’s Evaluation Tool indicated that Alternative 1 would generate VMT of 12.86 per employee, which is above the City’s VMT threshold for office uses. Although the County currently provides free transit passes to all employees, continuation of this TDM measure for all future employees would only reduce the VMT per employee to 12.47, which is still above the office threshold (see Appendix F).

Because the per employee VMT would exceed the City’s VMT significance threshold for office uses, the impact would be **potentially significant.** Mitigation Measure ALT-MM-TRA-1 is proposed to reduce VMT impacts of Alternative 1.

Mitigation Measure ALT-MM-TRA-1:

The County shall provide VMT reduction measure(s) as necessary to achieve a per employee VMT that is lower than the City of San José’s VMT significance threshold for office uses of 12.22 VMT per employee. Documentation shall be provided to the County Planning Office prior to building occupancy demonstrating that the per employee VMT is lower than the threshold. If the former City Hall building is leased by a third party, then the County shall either provide such reduction measures or require them as a condition of the lease agreement.

The City's VMT Evaluation Tool provides a list of several possible VMT reduction measures that could be implemented for employment land uses and indicates that the estimated maximum reduction for Alternative 1 from implementation of such measures could reduce per employee VMT to 7.73 (see Appendix F). However, due to the substantial long-term commitment and/or coordination with third parties such as the City of San José or VTA that would be required in order to implement many of the possible VMT reduction measures, the feasibility of implementing such measures in order to achieve a reduction in per employee VMT to below the threshold of significance is uncertain. For this reason, the County is conservatively identifying the impact of Alternative 1 on vehicle miles travelled as **significant and unavoidable**, which is a greater level of significance than the Project's less than significant impact.

Tribal Cultural Resources

Under Alternative 1, the only subsurface disturbance would be associated with modification of exterior hardscaping to meet ADA requirements, which would be limited to shallow depths within previously disturbed areas. Therefore, the likelihood of uncovering as yet unidentified buried archeological resources which may also be potentially eligible as tribal cultural resources would be minimal. The impact of Alternative 1 to tribal cultural resources would be **less than significant,** which is a lesser level of significance than the Project's less than significant with mitigation impact.

Utilities and Services Systems

Under Alternative 1, the former City Hall would be rehabilitated to accommodate new office uses resulting in increased demand for utilities such as, water, wastewater treatment, storm drainage, electrical, natural gas, and telecommunications facilities compared to the existing vacant building. Extensive demolition or grading would not be required; therefore, Alternative 1 would generate less solid waste than the Project. Alternative 1 would connect to existing utilities at the Project site and the change from vacant building to office uses is not anticipated to substantially increase demand for utilities and services systems to a level that would require construction of new or expanded facilities that would result in significant environmental impacts. Office space in San José generates water demand of approximately 128 gallons per employee per day (San José Water Company 2010). For Alternative 1, this equates to an operational water demand of approximately 48,000 gallons per day, which is negligible compared to San José Water Company's projected 2020 total water demand of 15,640 million gallons per day. Therefore, the impact of Alternative 1 on utilities and service systems would be **less than significant**, which is the same level of significance as the Project.

4.3.3 Alternative 2 – Residential Re-Use

Description of Alternative

Under Alternative 2 – Residential Re-Use, the former San José City Hall would remain in its current location. It is assumed that the County would lease the site to a developer who would rehabilitate and reuse the existing structure to accommodate affordable and/or supportive housing and related services. All repairs, rehabilitation, and upgrades would be undertaken in accordance with the SOI Standards for Rehabilitation, under the oversight of a SOI-qualified Architectural Historian/Historic Architect.

Conceptual designs for this alternative indicate that the former City Hall building could be adapted to provide approximately 57 larger dwelling units (one- to three-bedroom units) or up to 108 smaller dwelling units (studio and one-bedroom units), along with approximately 23,000 square feet of associated supportive services. The existing 97 parking spaces on the Project site would be retained.

Adaptation to residential use under Alternative 2 would require a much greater level of renovation and construction than required for Alternative 1, because all systems would need be brought up to current building codes. Similar to Alternative 1, a full building conditions assessment (including hazardous materials testing) would be undertaken, and any hazardous building materials present within the structure would be abated prior to renovation activities. The structure would then be upgraded in accordance with current building codes applicable to residential uses, including:

- full seismic upgrade
- replacement of curtain wall with a double-glazed system to meet Title 24 energy requirements
- replacement of all roofing to meet Title 24 energy requirements
- replacement of roof drains, existing piping, sanitary waste, vents and fittings to meet CBC
- replacement of the existing cooling tower, heating system, and air handling units
- repair and replacement of concrete paving to meet ADA standards
- In order to meet the SOI Standards, the replacement curtain wall system would need to be “visually in-kind” with the existing curtain wall.

Construction of this alternative is anticipated to take approximately 18 to 24 months to substantial completion. Estimated construction equipment and staffing levels throughout the construction period are shown in Table 4.3-8.

Table 4.3-8 Estimated Construction Phasing, Equipment and Personnel – Alternative 2

Construction Phase	Estimated Duration	Equipment Type	Construction Personnel
Hazardous Materials Abatement	6-9 months	Telehandler Forklift, Aerial Lifts/Scissor Lifts, Skid steer Loader, Dump Truck(s)	20 per day, on average 30 per day, maximum
Selective Demolition	1-2 months	Telehandler Forklift, Aerial Lifts/Scissor Lifts, Skid steer Loader, Dump Truck(s)	20 per day, on average 30 per day, maximum
Alterations to building structure and exterior façade	4-8 months	Telehandler Forklift, Aerial Lifts/Scissor Lifts, Concrete mixers, pumps and concrete vibrators, Material delivery trucks, Scaffolding, Crane, Dump Truck(s)	20 per day, on average 40 per day, maximum
Interior Construction	7-8 months	Forklift, Scissor lift, Concrete mixers, pumps and concrete vibrators, Wall plastering machine, Plaster mixing machine, Material delivery trucks Crane, Dumpster, Dump Truck(s)	25 per day, on average 40 per day, maximum
Interior Finishes	5-6 months	Forklift, Scissor lift, Concrete mixers, pumps and concrete vibrators, Wall plastering machine, Plaster mixing machine, Material delivery trucks Dumpster, Dump Truck(s)	25 per day, on average 40 per day, maximum

Ability of Alternative to Meet Project Objectives

Under Alternative 2, it is assumed that the housing developer would rehabilitate and upgrade the former City Hall for residential use in a safe, cost-effective, environmentally responsible manner, and the site would be maintained in a clean and safe condition; thereby meeting Objectives 2 and 3. Because the County would lease the site to a third party, the County's ongoing maintenance and security costs associated with the site would be reduced compared to existing. However, as shown in Table 4.3-9, the initial cost of undertaking the required upgrades and renovations has been estimated at approximately $105 million to $118 million, and the total cost over 30 years (taking into account the projected revenue from residential use) is estimated at $104 million to $107 million (Gensler 2020, Cumming 2020, see Appendix B). This is considerably higher than the cost of constructing new housing, and the useful life of the rehabilitated facility would be substantially shorter than the useful life of newly-constructed housing. Alternative 2 would also produce substantially fewer housing units than could be developed on the site with new construction.

Table 4.3-9 Estimated Costs of Residential Re-Use vs New Construction

Metric	Adaptive Reuse as Housing		New Construction	
Building Area	114,300 SF	114,300 SF	220,000 SF	436,000 SF
Number of units	57 (large units)	108 (small units)	200	410
Initial Cost Cost/Unit	$105,694,200 $1,854,300	$118,001,400 $1,092,600	$161,927,274 $810,000	$328,436,300 $801,100
Annual Cash Flow	-$24,300	$448,800	$1,855,200	$1,677,700
30-Year Total Cost (present value) 30-Year Cost/Unit	$104,701,900 $1,836,900	$107,046,000 $991,200	$136,069,962 $680,350$	$273,913,400 $668,081

Sources: Gensler 2020; Cumming 2020 (see Appendix B).

Acronyms: SF = square feet

The per unit costs are substantially greater than a housing developer would pay to construct a new housing development of this size. Therefore, it is expected that the County would need to provide supplemental funding to pay for the initial upgrades and renovations ($105 to $118 million), and possibly also a portion of the additional ongoing costs, to make the project financially feasible for a housing developer. Alternative 2 would, therefore, substantially increase the County's overall costs related to the facility and would not meet Objective 1.

Analysis of Environmental Impacts of Alternative

Agriculture and Forestry Resources, Mineral Resources, and Wildfire

As described in Section 3.1, "Environmental Topics for which No Impacts were Identified," there are no agricultural, forestry, or mineral resources in close proximity to the Project site, and the area is not within a wildfire hazard zone. As such, Alternative 2 would have **no impacts** on agriculture and forestry resources, mineral resources, or wildfire hazards, which is the same level of significance as the Project.

Aesthetics

Under Alternative 2, there would be no demolition activities and the former City Hall would remain in its current location. The existing curtain wall would be replaced with a double-glazed system. Landscaping and hardscaping around the building would be retained, but pathways would be upgraded to meet ADA standards. Exterior lighting would consist of façade lighting and security lighting of public spaces, ingress/egress routes, and parking areas.

The project would be required to comply with the City of San José's General Plan and Zoning regulations, which would include compliance with all applicable provisions governing scenic quality. Therefore, Alternative 2 would not conflict with applicable zoning and other regulations governing scenic quality.

Under Alternative 2, exterior lighting would be similar to the lighting used at the City Hall building during its previous operations. Alternative 2 would not include highly reflective materials that could create new sources of glare, as the replacement glazed curtain wall would be similar to the existing. Replacement of all roofing, roof drains, the existing cooling tower and repair and replacement of concrete paving would use materials similar in color and texture to existing materials.

Therefore, the impact of Alternative 2 on aesthetics would be **less than significant**, which is a greater level of impact than the Project's no impact.

Air Quality

Under Alternative 2, rehabilitation and upgrade of the existing structure to accommodate residential use would require additional construction activities than required for Alternative 1 in order to bring all systems up to current code. Therefore, a slightly longer construction duration (18 to 24 months) would be required. As shown in Table 4.3-10, Alternative 2 would result in higher total construction-related emissions of all criteria pollutants and average daily ROG, PM_{10} and $PM_{2.5}$ emissions, but average daily emissions for NO_x would be lower than the Project due to the longer construction duration. Construction activities associated with Alternative 2 would result in average daily emissions that would not exceed the applicable thresholds of significance and, therefore, would be less than significant. However, as described for the Project in Section 3.2.3, fugitive dust emissions from any construction project are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust control during construction.

Table 4.3-10 Construction-Related Criteria Air Pollutant Emissions – Alternative 2 vs Project

Estimated Construction Emissions	Alternative 2				Proposed Project			
	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Emissions (tons)	2.10	3.98	0.17	0.16	0.87	3.05	0.10	0.09
Average Daily Emissions[1, 2] (lb/day)	**11.12**	**21.06**	**0.90**	**0.87**	**6.93**	**24.22**	**0.80**	**0.75**
Thresholds of Significance	54	54	82	54	54	54	82	54
Exceeds Threshold?	No	No	No	No	No	No	No	No

Source: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
Acronyms: lb/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter.
Notes:
1 For Alternative 2, average daily emission estimates are based on approximately 378 construction workdays (18 months of construction, 21 working days per month).
2 For the Proposed Project, average daily emission estimates are based on 252 construction workdays (12 months of construction, 21 working days per month). As a conservative approach, the minimum construction period was used to calculate average daily emissions.

Because the former City Hall is currently vacant and Alternative 2 proposes to rehabilitate the structure to accommodate up to 108 dwelling units, Alternative 2 would result in an increase in criteria air pollutants associated with operational activities. Operational emission sources associated with Alternative 2 would include area (e.g., landscape and maintenance equipment), energy (e.g., natural gas combustion), and mobile (e.g., vehicle trips from residents and employees) sources. Emissions were estimated using CalEEMod 2016.3.2. Table 4.3.3-3 presents the operational emissions associated with Alternative 2, which would not exceed the BAAQMD thresholds of significance.

Overall, due to potential fugitive dust emissions during construction, Alternative 2 would have a **potentially significant** impact on air quality. Similar to the Project, any fugitive dust generating activities associated with construction of Alternative 2 would be required to comply with BAAQMD standard BMPs for reducing construction emissions of uncontrolled fugitive dust (PM_{10} and $PM_{2.5}$), as described in MM-AIR-2 in Section 3.2.3. Therefore, with implementation of MM-AIR-2, the impact of Alternative 2 on air quality would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Table 4.3-11 Operation-Related Criteria Air Pollutant Emissions – Alternative 2

Description	ROG	NO_X	PM_{10}	$PM_{2.5}$
Annual Emissions (tons/year)	0.72	0.65	0.57	0.16
Thresholds of Significance	10	10	15	10
Average Daily Emissions (lb/day)[1]	**3.94**	**3.54**	**3.12**	**0.89**
Thresholds of Significance	54	54	82	54
Exceeds Thresholds?	No	No	No	No

Notes: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
[1] Average daily emissions are based on the annual operational emissions divided by 365 days.
Lb/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter.

Biological Resources

Similar to the Project, Alternative 2 would not impact any threatened or endangered species, riparian habitats, state or federally protected wetlands, or fish or wildlife movement and migration, as such biological resources are not present at the Project site. Impacts from construction of Alternative 2 would therefore be limited to impacts on resident and migrant nesting birds in the vicinity of the Project site.

Under Alternative 2, there would be no demolition of the existing building (and associated concrete crushing operations), earthwork, or removal of trees, however replacement and upgrade of the existing building systems to accommodate residential use would still generate construction noise that could disturb nesting birds. In particular, Alternative 2 would require replacement of the exterior glass curtain wall on the building which would require use of a large crane and therefore would generate more noise than Alternative 1. The period of construction for Alternative 2 would be longer than for the Project or Alternative 1, and therefore the duration of disturbance to nesting birds would also be longer.

Although ongoing use of the former City Hall for residential purposes would represent a permanent increase in human activity over existing conditions, such use would not cause additional impacts to nesting birds, because such birds are accustomed to typical urban activities and would quickly adapt to the increased level of human activity in the Project area.

Overall, because of construction noise that would disturb nesting birds, the impact of Alternative 2 to nesting birds would be potentially significant. With the implementation of typical nesting bird avoidance measures, as detailed in MM-BIO-1 in Section 3.3.3, impacts to biological resources from Alternative 2 would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Cultural Resources

Under Alternative 2, subsurface disturbance would be associated with modification of exterior hardscaping to meet ADA requirements and trenching for utility upgrades. As there is the potential for unidentified archaeological resources or human remains to be present at the Project site, ground disturbance during construction of Alternative 2 could disturb such remains and would have a potentially significant impact to archaeological resources and human remains. However, with implementation of MM-CUL-2 and MM-CUL-3, as described for the Project in Section 3.2.3, potential impacts from Alternative 2 on archaeological resources and/or human remains would be reduced to a level of **less than significant with mitigation,** which is the same level of significance as the Project.

Under Alternative 2, the former City Hall building would be retained, rehabilitated and upgraded the former City Hall building for residential use; therefore, this alternative would not result in total loss of the historical resource, as would occur under the Project. This alternative would require bringing the building up to current building codes, which would include a full-seismic upgrade, replacement of the existing curtain wall, roofing, mechanical systems, fire life safety systems, modifications to meet ADA

requirements, extensive changes to the interior floor plan, hazardous materials testing and abatement, and other systems repairs and/or upgrades, which could potentially alter some of the character-defining features of the former City Hall in an adverse manner.

As discussed for Alternative 1, the 2018 Civic Center Master Plan EIR identified a potentially significant impact to historic resources if future reuse of the former City Hall would include changes to the building that were inconsistent with the SOI Standards. The Master Plan EIR included mitigation measures requiring a qualified historic architect to review any future reuse plans for consistency with the SOI Standards (County of Santa Clara 2018b, see Mitigation Measures CUL 2-1 through 2-3). Mitigation Measure ALT-MM-CUL-1 (described in detail for Alternative 1, above) is based on the requirements of the Master Plan EIR mitigation.

With implementation of ALT-MM-CUL-1, rehabilitation and upgrade activities would be completed in compliance with the SOI Standards, and under the oversight of an SOI-qualified Architectural Historian/Historic Architect, and the former City Hall would retain its character-defining features and its significance would not be materially impaired. Implementation of ALT-MM-CUL-1 would therefore reduce potential impacts of Alternative 2 on historical resources to **less than significant with mitigation**, which is a lesser level of significance than the Project's significant and unavoidable impact.

Energy

Similar to the Project, construction of Alternative 2 would temporarily increase energy consumption in the form of electricity, natural gas, and fossil fuels (e.g., gasoline, diesel fuel). Alternative 2 would not require extensive demolition and grading material import and export quantities; therefore, the energy associated with on-road transportation fuel is anticipated to be less than for the Project. However, Alternative 2 would require a longer construction period than the Project or Alternative 1, in order to bring all systems up to current code. As such, energy consumption by construction equipment for Alternative 2 would be similar to or slightly greater than the Project. Similar to the Project and Alternative 1, Alternative 2 would not include unusual characteristics that would necessitate the use of construction equipment that is less energy-efficient than the equipment used at comparable construction sites. Consistent with MM-AIR-2, construction contractors would also be required to maintain and properly tune all construction equipment in accordance with the manufacturer's specification. These required practices would limit wasteful and unnecessary energy consumption.

Because the former City Hall is currently vacant and Alternative 2 proposes to rehabilitate the structure to accommodate residential dwelling units, Alternative 2 would result in an increase in energy consumption associated with operations, such as electricity and natural gas usage, water and wastewater treatment and distribution, and transportation fuel usage associated with residential commutes. It is estimated that Alternative 2 would result in approximately 933 million British thermal units (MMBtu) per year of natural gas usage and approximately 459 megawatt-hours (MWh) per year of electricity consumption. Because the land use would change under Alternative 2, elements that do not meet current building code requirements would need to be upgraded. For example, under Alternative 2, the structure would be required to replace the existing curtain wall, roofing, heating and air conditioning systems, in order to meet Title 24 energy requirements. Title 24 requires that a project meet a number of conservation standards, including installation of water-efficient fixtures and energy-efficient appliances. Title 24 also regulates energy consumption for the heating, cooling, ventilation, and lighting of residential land uses. Therefore, Alternative 2 would not result in inefficient, wasteful, or unnecessary consumption of energy.

Overall, the energy impact of Alternative 2 would be **less than significant**, which is the same level of significance as the Project.

Geology and Soils

Alternative 2 would result in a substantially lesser impact than the Project in relation to soil erosion, because most improvements to the structure would be internal to the existing building. The only activities under this alternative that would expose disturbed surfaces to erosion would be minor trenching associated with utility upgrades and modification of exterior pathways to meet ADA requirements, which would be localized and short term.

As discussed for the Project in Section 3.6.3, the Project site is composed of Holocene-age deposits, which are too young to contain unique paleontological resources, and there are no unique geological features on the site. The Project site is not located within or adjacent to an Alquist-Priolo Fault Zone or within or adjacent to the trace of any known fault. Therefore, Alternative 2 would not disturb unique paleontological resources or geologic features, or be subject to fault rupture hazards.

Because the former City Hall is currently vacant and Alternative 2 proposes to rehabilitate the structure to accommodate up to 108 dwelling units, Alternative 2 would result in increased risk of seismic hazards compared to the existing condition or the Project. People residing within the rehabilitated structure would be subjected to strong seismic ground shaking, seismically-induced liquefaction and settlement during a major earthquake, and would be located on unstable and expansive soils. However, Alternative 2 would involve a full seismic upgrade to retrofit the existing building to meet the requirements of the current California Building Standards Code (CBC), which includes requirements for site-specific analyses and measures included in project engineering and design to prevent the collapse of buildings and other facilities resulting from seismic and other geologic hazards. Therefore, Alternative 2 would result in less risk from seismic hazards than Alternative 1, which would not include a seismic upgrade.

Overall, the impacts of Alternative 2 to seismic and other geologic hazards would be **less than significant**, which is the same level of significance as the Project.

Greenhouse Gas Emissions

Construction activities associated with rehabilitating the existing structure to accommodate residential dwelling units under Alternative 2 would require more intensive construction and a longer duration than for the Project or Alternative 1. As shown in Table 4.3-12, construction activities associated with Alternative 2 would result in slightly higher total GHG emissions than for the Project. Construction-related GHG emissions from Alternative 2 would not exceed the annual threshold of significance applicable to the construction phase of projects[29] and, therefore, would be less than significant.

Table 4.3-12 Construction-Related GHG Emissions – Alternative 2 vs Proposed Project

Construction Year	Alternative 2 Construction-Related GHG Emissions (MT CO_2e/year)	Proposed Project Construction-Related GHG Emissions (MT CO_2e/year)
2021	290	447
2022	540	254
Threshold of Significance	1,100	1,100
Exceeds Threshold?	No	No

Notes: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
MT CO_2e = metric tons carbon dioxide equivalents

Because the former City Hall is currently vacant and Alternative 2 proposes to rehabilitate the structure to accommodate residential dwelling units, Alternative 2 would result in an increase in GHG emissions associated with operational activities. Operational indirect and direct GHG emission sources associated with Alternative 2 would include area (e.g., landscape and maintenance equipment), energy (e.g., natural gas and electricity usage), mobile (e.g., vehicle trips associated with residents' commutes), water consumption (e.g., treatment and distribution), and solid waste generation. Table 4.3.3-5 presents the operational emissions associated with Alternative 2, which were estimated using CalEEMod 2016.3.2, and would not exceed the applicable thresholds of significance.

Because construction-related and operation-related GHG emissions would not exceed the applicable thresholds of significance, the impact of Alternative 2 on GHG emissions would be **less than significant**, which is the same level of significance as the Project.

[29] As discussed for the Project in Section 3.7, "Greenhouse Gas Emissions," the SMAQMD-established construction threshold is used for determining if construction-related GHG emissions would be significant, due to no County or BAAQMD threshold having been established for construction-related emissions.

Table 4.3-13 Operation-Related GHG Emissions – Alternative 2

Source	Alternative 2 Operation-Related GHG Emissions (MT CO_2e)
Area	6
Energy	94
Mobile	544
Waste	25
Water	15
Total	**683**
Emissions Per Service Population (MT CO_2e/SP)	**2.0**
BAAQMD 2020 Efficiency Threshold (MT CO_2e/SP)	4.6
2030 Efficiency Threshold (MT CO_2e/SP)	2.8
Exceeds Threshold?	**No**

Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.

Acronyms: MT CO_2e = metric tons carbon dioxide equivalents; SP = service population

Notes:

[1] Emissions per service population calculated by dividing the alternative's emissions by the number of residents and/or employees assumed for the proposed land uses. This analysis assumed the maximum of 108 units would be constructed and a population of 344 new residents to calculate total operational emissions and emissions per service population. Because the type of supportive services provided under this alternative, and the associated level of staffing, is unknown at this point in time, the service population calculation conservatively assumes no employees.

Hazards and Hazardous Materials

Under Alternative 2, rehabilitation and upgrade of the building to allow for residential reuse would be undertaken, which could involve the use of typical construction-related hazardous substances such as adhesives, paints, or fuel. Future use of the building as affordable housing would use typical quantities of janitorial and household chemicals. Such construction-related and operational use of hazardous materials would be subject to the comprehensive regulatory framework outside of CEQA, which has been promulgated to reduce the risks associated with use, transport, and disposal of hazardous materials. Similarly, any hazardous building materials that would be disturbed or removed as part of the rehabilitation would be subject to California Occupational Safety and Health Administration and BAAQMD regulations, as described for the Project.

Alternative 2 would only include limited ground disturbance associated with modification of exterior pathways to meet ADA requirements and trenching for utility upgrades; therefore, there would be limited potential for impacts associated with potential existing contamination of site soils. Similar to the Project, Alternative 1 would have no impact on airport or wildfire hazards and would not impair implementation of an emergency response or evacuation plan.

Therefore, the impact of Alternative 2 on hazards and hazardous materials would be **less than significant**, which is the same level of significance as the Project.

Hydrology and Water Quality

Alternative 2 would result in a lesser impact than the Project in relation to soil erosion, as most improvements to the structure would be internal to the existing building. The only activities under this alternative that could expose disturbed surfaces to erosion would be minor trenching associated with utility upgrades and repair to exterior pathways to meet ADA requirements, which would be localized and short term.

Because Alternative 2 would be limited to rehabilitating and upgrading the existing building for residential use, no new construction would occur outside the building footprint that would change stormwater runoff from the Project site. Therefore, Alternative 2 would not result in alteration of on-site drainages, increased stormwater flows that could exceed the capacity of the existing stormwater drainage system or result in flooding or increase the amount of polluted runoff.

Alternative 2 would not change stormwater drainage patterns or the amount of impervious surfaces at the Project site, because the drainage characteristics of the site would remain largely unchanged from

existing conditions. Consequently, there would be no impact with respect to the potential for violation of water quality standards, increased pollutants, or decreased groundwater recharge.

Conversion of the existing vacant building to residential use would substantially increase water usage compared to existing conditions, however, this alternative does not meet the definition of “project” under California Water Code (CWC) Section 10913 and therefore would not require preparation of a Water Supply Assessment (WSA) pursuant to SB 610 and SB 221.

Overall, the impact of Alternative 2 on water quality and hydrology would be **less than significant**, which is the same level of impact as the Project.

Land Use and Planning

Under Alternative 2, there would be no demolition activities and the former San José City Hall would remain in its original location. Conceptual designs for this alternative indicate that the former City Hall building could be adapted to provide approximately 57 larger dwelling units (one- to three-bedroom units) or up to 108 smaller dwelling units (studio and one-bedroom units), along with approximately 23,000 square feet of associated supportive services.

As noted previously, the Project site is within the incorporated area of the City of San José. Alternative 2 would be required to comply with the City of San José general plan policies and zoning regulations. Therefore, Alternative 2 would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, similar to the Project.

Use of the former City Hall building for affordable or supportive housing would not physically divide the community, as no new structures or barriers would be introduced to the site under this alternative.

For these reasons, Alternative 2 would have **no impact** on land use and planning, which is the same level of significance as the Project.

Noise

Similar to the Project, construction activities under Alternative 2 would adhere to the County Noise Ordinance and City of San José Ordinance restrictions on construction hours. Anticipated construction activities under Alternative 2 would not require extensive demolition or grading; therefore, material import and export quantities would be substantially less than for the Project, resulting in less heavy truck movements and less traffic noise and vibration on local roads. Due to the nature of the refurbishment and upgrade activities, Alternative 2 would require less heavy equipment and for shorter durations compared to the Project but would require more heavy equipment than for Alternative 1, due to the replacement of the exterior curtain wall. Alternative 2 would generate slightly less construction noise and vibration compared to the Project; however, there is potential that ambient noise levels at adjacent properties could exceed the applicable thresholds at nearby commercial or residential properties.

Use of the former City Hall building as residential space would generate new traffic volumes along the existing roadways in the vicinity of the Project site by residents of the building and employees of the ground floor supportive social services. As shown in Table 4.3-14 the total trips generated by Alternative 2 would be 811 daily trips with 66 AM and 73 PM peak hour trips.

Table 4.3-14 Vehicular Trips Generated – Alternative 2

Land Use Description (ITE Code)	Quantity	Daily Vehicle Trips	AM Hour Vehicle Trips	PM Hour Vehicle Trips
Apartment (220)	108 DU	587	39	47
General Office (710)*	23,000 SF	224	27	26
Total Trips		811	66	73

Source: ITE Trip Generation Rates – 10th Edition (ITE 2020).

Acronyms: ITE = Institute of Transportation Engineers; DU = dwelling units; SF = square feet

* General office space was determined to be the most appropriate land use code for the 23,000 SF of support services. Although potential supportive services associated with Alternative 2 could include childcare, such services would only serve on-site residents, therefore the ITE generation rates for daycare facilities would not be representative.

As noted previously, existing traffic volumes on local roadways range from just over 3,000 ADT to more than 20,000 ADT. Therefore, the additional traffic generated by Alternative 2 would not result in a doubling of existing traffic volumes on adjacent roadways and therefore would result in less than 3 dB increase in traffic noise, which is widely acknowledged to be imperceptible to the average human ear (Caltrans 2013a).

Overall, because construction noise from Alternative 2 could result in noise levels at nearby residential and commercial properties exceeding applicable thresholds from the County Noise Ordinance, the impact would be **potentially significant.**

Mitigation Measure MM-NOI-1, as described for the Project, would reduce construction noise from Alternative 2 such that the thresholds described in the County Noise Ordinance would not be exceeded. Therefore, with implementation of MM-NOI-1 as described for the Project in Section 3.10.3, the impact of Alternative 2 would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Population and Housing

Construction of Alternative 2 would result in a similar level of impact as compared to the Project (and to Alternative 1) since refurbishment, repair, and upgrade of the former City Hall to accommodate residential reuse would not require temporary housing for workers or result in a population increase by creating permanent new jobs. The number of construction personnel onsite would vary depending on the construction phase, with the highest anticipated staffing levels during the site control and preparation phase. A maximum of 40 construction workers per day are anticipated during this period, although it is possible that construction phases could overlap during the 18- to 24-month construction period. The source of the construction labor force is unknown at this time; however, due to the Project site's location in the City of San José and within the larger South Bay, the alternative would be expected to draw from the existing local workforce. In addition, if some non-local construction workers were employed, the temporary and short-term nature of the work means that these workers would not typically relocate to the area while working at the Project site.

Ongoing use of the former City Hall building for affordable housing under Alternative 2 would accommodate approximately 57 larger dwelling units (one- to three-bedroom units) or up to 108 smaller dwelling units (studio and one-bedroom units), along with approximately 23,000 square feet of associated supportive services. This would make a small contribution to meeting San José's Regional Housing Needs Allocation of 5,428 low income units by 2023 (City of San José 2015).

Based on the California Department of Finance's 2020 estimate of 3.19 persons per dwelling unit in the City of San José, Alternative 2 could result in between 182 to 344 new residents (California Department of

Finance 2020). Based on the City's *Commercial Linkage Fee Nexus Analysis*, the 23,000 square feet of supportive services space could generate up to 76 new employees.[30]

Similar to Alternative 1, the availability of a local labor force suggests that workers would likely come primarily from the local labor force, and that new jobs generated by the Project would not result in substantial direct or indirect population growth.

The City of San José's General Plan estimates that proposed development in the City would generate 367,200 persons by 2035 (City of San José 2011). The 182 to 344 new residents resulting from Alternative 2 represents less than one-tenth of 1 percent of the projected growth in the City.

Overall, Alternative 2 would not result in substantial unplanned population growth and impacts on population and housing would be **less than significant,** which is the same level of significance as the Project.

Public Services

As discussed above for Population and Housing, Alternative 2 would increase the population at the Project site by up to 344 residents. However, this additional population would not substantially increase demand for SJFD or SJPD services and facilities to a level that would require construction of new or expansion of existing fire protection or police protection facilities, because the building is within the existing service areas of the SJFD and SJPD, and would be upgraded to meet current fire code requirements. Additionally, the change from a vacant building to an occupied apartment building would reduce the risk of vandalism or arson (NFPA 2018). Although there could be additional demand for police and fire services from the new residents of the building, the increased population under Alternative 2 represents a small fraction of the total growth anticipated within the SJFD and SJPD service areas and would not preclude the SJFD and SJPD from meetings their service goals or require the construction of new or expanded fire or police facilities (City of San José 2011).

Alternative 2 would be required to pay applicable State-mandated school impact fees to the SJUSD. State law (Government Code Section 65996) specifies that an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a Building Permit. The affected school districts are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law.

The impact of Alternative 2 on public services would be **less than significant,** which is a greater level of significance than the Project's no impact.

Recreation

Under Alternative 2, the former City Hall building would be rehabilitated to accommodate new residential and supportive services that would increase the population at the Project site, resulting in increased demand for recreational facilities. Instead of dedicating land to meet the parkland standard of 3.0 acres of developed parkland per 1,000 residents, the housing developer would pay applicable fees in-lieu thereof. These fees would satisfy the need for any new or physically altered parks or recreational facilities in order to maintain current service ratios. Therefore, the impact of Alternative 2 on recreational facilities would be **less than significant**, which is the same level of significance as the Project.

Transportation

Under Alternative 2, the former City Hall building would undergo substantial refurbishment and upgrade to meet current building codes, however extensive demolition or grading would not be required; therefore, material import and export quantities would be substantially less than for the Project. Thus, construction

[30] Supportive services could include non-profit office space, behavioral health services, supportive housing services, or childcare. For the purposes of this EIR, the land use with the highest employee density (office space) was used to calculate the potential number of employees, to be conservative. Based on the City's *Commercial Linkage Fee Nexus Analysis*, office uses in San José generate 333 jobs per 100,000 square feet of building area (Keyser Marston Associates, Inc 2020). Therefore, the 23,000 square feet of office uses could generate up to 76 employees (23,000/100,000 x 333).

of this alternative would require less total vehicular trips compared to Project, which would also be spread out over a longer construction period, resulting in less daily traffic generation than the Project. Similar to the Project, Alternative 2 would implement a construction traffic management plan to reduce the potential for conflicts with other roadway, bicycle, pedestrian and transit users.

As discussed for Alternative 1, because the Project site is in the City of San José, the County has applied the City's VMT Evaluation Tool to evaluate traffic impacts of Alternative 2. The City's VMT Evaluation Tool identifies a significant impact if a project would generate VMT per employee or VMT per capita at a level that would exceed 15 percent less than the existing average VMT per employee or the existing average VMT per resident for the area in which the project is located. For Alternative 2, which involves both residential uses and associated support services (which would be considered an employment land use under the Evaluation Tool), the appropriate VMT thresholds are 10.12 VMT per capita and 12.22 VMT per employee.

VMT was calculated for Alternative 2 using the City of San José VMT Evaluation Tool (see Appendix F). Alternative 2 would generate a per capita VMT of 9.36, and a per employee VMT of 12.88. VMT generated from Alternative 2 would therefore be below the City's VMT residential threshold of 10.12 VMT per capita, but above the City's VMT office threshold of 12.22 VMT per employee. The support services under Alternative 2 would likely be provided by a third-party community-based organization, not the County itself, therefore it is unknown if subsidized transit passes would be provided to those employees. However, similar to Alternative 1, even if free transit passes were provided to all employees, this would not reduce per employee VMT for Alternative 2 to below the City's VMT significance threshold for office uses. Because the per employee VMT for Alternative 2 would exceed the City's VMT significance threshold, the impact would be **potentially significant.** Mitigation Measure ALT-MM-TRA-1, as discussed for Alternative 1 in Section 4.3.2 above, is also proposed to reduce VMT impacts of Alternative 2.

As discussed for Alternative 1, the City's VMT Evaluation Tool provides a list of several possible VMT reduction measures that could be implemented for employment land uses and indicates that the estimated maximum reduction for Alternative 2 from implementation of such measures could reduce per employee VMT to 7.73 (see Appendix F). However, due to the substantial long-term commitment and/or coordination with third parties such as the City of San José or VTA that would be required in order to implement many of the possible VMT reduction measures, the feasibility of implementing such measures in order to achieve a reduction in per employee VMT to below the threshold of significance is uncertain. For this reason, the County is conservatively identifying the impact of Alternative 2 on vehicle miles travelled as **significant and unavoidable**, which is a greater level of significance than the Project's less than significant VMT impact.

Tribal Cultural Resources

Alternative 2 would include subsurface disturbance associated with modification of exterior hardscaping to meet ADA requirements and trenching for utility upgrades. Such ground disturbance has the potential for impacts to as-yet unidentified archaeological resources which may also be potentially eligible as tribal cultural resources. This impact would be less than for the Project due to the lesser extent of ground disturbance, but would be **potentially significant.** With implementation of MM-TCR-1, as described for the Project in Section 3.12.2, potential impacts of Alternative 2 on tribal cultural resources would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Utilities and Services Systems

Under Alternative 2, extensive demolition or grading would not be required; therefore, Alternative 2 would generate less construction-related solid waste than the Project.

As discussed for Population and Housing, above, Alternative 2 would result in an increase of up to 344 new residents and up to 78 new employees at the Project site, which would result in increased demand for utilities and service systems. Water demand in San José averages approximately 78 gallons per person per day for residential uses and 128 gallons per day for business uses (San José Water Company 2010). For Alternative 2, this equates to an operational water demand of approximately 35,000 gallons per day, which is negligible compared to San José Water Company's projected 2020 total water demand

of 15,640 million gallons per day. This alternative does not meet the definition of a “project” under California Water Code (CWC) Section 10913 and therefore would not require preparation of a Water Supply Assessment (WSA) pursuant to SB 610 and SB 221.

This alternative could require upgrades and/or refurbishment of existing utility lines or facilities for water, wastewater, and stormwater drainage. However, the upgrade of these facilities is not anticipated to result in any potentially significant environmental impacts, as identified in relevant impact discussions throughout Section 4.3.3 such as Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality.

Therefore, the overall impact of Alternative 2 on utilities and service systems would be **less than significant**, which is the same level of impact as the Project.

4.3.4 Alternative 3 - Office Re-Use with New Residential Structure on Project Site

Description of Alternative

Under Alternative 3 - Office Re-Use with New Residential Structure on Project Site, the former City Hall would remain in its original location. Similar to Alternative 1, the County would rehabilitate and reuse the existing structure, in accordance with the SOI Standards for Rehabilitation and under the oversight of a SOI-qualified Architectural Historian/Historic Architect, to accommodate Class B office space. Alternative 3 would also include construction of a new building adjacent to the former City Hall building, to accommodate up to 100 affordable or supportive housing units with on-site parking.

Under Alternative 3, rehabilitation activities for the former City Hall building would be identical to those described for Alternative 1, i.e., repair and recommissioning of existing building systems to make the building fit for office re-occupancy. Under this alternative, the existing structure would not be upgraded to meet current building codes. The new residential structure on the Project site would be constructed in the area between the former City Hall building and Mission Street, within the semi-circular landscaped area and portions of the existing driveway. The new structure would have a footprint of approximately 34,000 square feet and would be up to five stories in height.

Construction phasing and equipment for refurbishment of former City Hall would be as described for Alternative 1 (see Table 4.3.2-1). In addition, Table 4.3.4-1 below outlines additional construction phases and equipment that would be required to construct the new residential structure. If refurbishment of the former City Hall building and construction of the new residential building are undertaken concurrently, construction of Alternative 3 could take approximately 32 to 38 months to substantial completion. If undertaken sequentially, the construction period could be approximately 42 to 50 months total.

Table 4.3-15 Estimated Construction Phasing, Equipment and Personnel – Alternative 3*

Construction Phase	Estimated Duration	Equipment Type	Construction Personnel
Site clearance and foundation work	5-6 months	Excavator, Loaders, Backhoe, Dump truck(s), Backfill compactor, Gas engine vibrator, Water truck, Concrete mixers, pumps and concrete vibrators, Piling boring / driving rig (if applicable)	20 per day, on average 30 per day, maximum
Superstructure, building enclosure and roof construction	10-12 months	Telehandler Forklift, Aerial Lifts/Scissor Lifts, Concrete mixers, pumps and concrete vibrators, Material delivery trucks, Scaffolding, Crane, Dumpster, Dump Truck(s)	30 per day, on average 40 per day, maximum
Interior Construction	9-10 months	Forklift, Scissor lift, Concrete mixers, pumps and concrete vibrators, Wall plastering machine, Plaster mixing machine, Material delivery trucks, Crane, Dumpster, Dump Truck(s)	30 per day, on average 40 per day, maximum
Interior Finishes	6-7 months	Forklift, Scissor lift, Concrete mixers, pumps and concrete vibrators, Wall plastering machine, Plaster mixing machine, Material delivery trucks, Dumpster, Dump Truck(s)	30 per day, on average 40 per day, maximum
Sitework	3-4 months	Bulldozer, Excavator, Loader, Backhoe, Bobcat, Bobcat, Dump Truck(s), Paver, Compactor, Water truck, street sweeper	10 per day, on average 15 per day, maximum

* This table includes construction estimates for the new residential building only. Refurbishment of the former City Hall building to accommodate office space would have phasing and equipment identical to that outlined for Alternative 1 and is assumed to overlap construction periods with the new construction described above.

Ability of Alternative to Meet Project Objectives

Under Alternative 3, rehabilitation and upgrade of the former City Hall for office use and construction of the new building would be undertaken in a safe, cost-effective, environmentally responsible manner and the site would be maintained in a clean and safe condition; thereby meeting Objectives 2 and 3.

Although Alternative 3 would repair and rehabilitate many of the existing systems within the former City Hall, which would likely increase efficiency, the County's ongoing maintenance and security costs associated with the building would be increased compared to existing. As discussed for Alternative 1 (see Table 4.3-2), the initial cost of undertaking the required repair and rehabilitation activities for the former City Hall building are estimated at approximately $48 million ($421 per square foot) and the total net cost of ownership over 30 years (taking into account the projected revenue from office use) is estimated at $26.4 million ($233 per square foot) (Gensler 2020, Cumming 2020, see Appendix B).[31]The useful life of the rehabilitated facility would also be substantially shorter than the useful life of a newly-constructed office building. Alternative 3 would therefore substantially increase County's overall costs related to the facility and would not meet Objective 1. Alternative 3 would allow for the development of new housing units on the same site, which would help fulfill the County's broader goals with regard to providing more affordable or supportive housing. Such housing typically would not be expected to generate net revenue for the County. As explained in the discussion of Alternative 2, these types of projects usually involve the County entering into a long-term ground lease with an affordable housing developer who constructs and operates the project. To make the project financing work, the County also often provides supplemental financing to the developer. Therefore, from a financial feasibility perspective, although Alternative 3 would allow increased utilization of the Project site, it would not offset the substantial repair/rehabilitation and ongoing operational costs associated with reusing the former City Hall for offices.

Analysis of Environmental Impacts of Alternative

Agriculture and Forestry Resources, Mineral Resources, and Wildfire

As described in Section 3.1, "Environmental Topics for which No Impacts were Identified," there are no agricultural, forestry, or mineral resources in close proximity to the Project site, and the area is not within a wildfire hazard zone. As such, Alternative 3 would have **no impacts** on agriculture and forestry resources, mineral resources, or wildfire hazards, which is the same level of significance as the Project.

Aesthetics

Under Alternative 3, there would be no demolition activities and the former San José City Hall would remain in its current location with no substantial exterior changes, as discussed for Alternative 1. Exterior lighting would consist of façade lighting and security lighting of public spaces, ingress/egress routes, and parking areas. A new, 5-story residential building would be constructed in the area between the former City Hall building and Mission Street, within the semi-circular landscaped area and portions of the existing driveway. The housing component of Alternative 3 would be required to comply with the City of San José general plan policies and zoning regulations. Therefore, Alternative 3 would not conflict with applicable zoning and other regulations governing scenic quality.

Under Alternative 3, exterior lighting on the former City Hall building would be similar to the lighting used during its previous operations, and no new sources of glare would be introduced to the building because the exterior façade would not change. Lighting for new residential building would include façade and parking lot lighting and security lighting and would be similar to other residential mid-rise projects in the area. Given the location of the new residential building amid other mid-rise buildings, the new residential building would not create a new source of substantial light or glare.

Therefore, the impact of Alternative 3 on aesthetics would be **less than significant**, which is a greater level of significance than the Project.

[31] See footnote 25 under Alternative 1 for an explanation of why no cost comparison data is available for newly-constructed Class B office space.

Air Quality

Alternative 3 would require more intensive construction activities and a longer construction duration than required under the Project and Alternatives 1 and 2, due to the construction of a new residential building on the site. It is anticipated that construction of Alternative 3 could take a minimum of 32 months if the new construction is undertaken concurrently to the rehabilitation of the former City Hall, or up to 50 months if construction is undertaken sequentially. As shown in Table 4.3-16 construction activities associated with Alternative 3 would result in higher total construction-related emissions than the Project, and average daily emissions would be higher than the Project for concurrent phasing, but lower than the Project for sequential phasing, with the exception of ROG emissions, which would be higher. Average daily emissions of criteria pollutants from construction of Alternative 3, with either concurrent or sequential phasing, would not exceed the applicable BAAQMD thresholds of significance and, therefore, would be less than significant. However, as described for the Project in Section 3.2.3, fugitive dust emissions from any construction project are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust control during construction.

Table 4.3-16 Construction-Related Criteria Air Pollutant Emissions – Alternative 3 vs Project

Estimated Construction Emissions	Alternative 3				Proposed Project			
	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Emissions (tons)	3.70	9.70	0.37	0.36	0.87	3.05	0.10	0.09
Average Daily Emissions[1] (lb/day)	**11.00 (7.04)**	**28.87 (18.48)**	**1.10 (0.71)**	**1.06 (0.68)**	**6.93**	**24.22**	**0.80**	**0.75**
Thresholds of Significance	54	54	82	54	54	54	82	54
Exceeds Threshold?	No	No	No	No	No	No	No	No

Source: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
Acronyms: lb/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter.
Notes:
[1] As a conservative approach, the maximum construction period was used to calculate the total emissions and the minimum construction period was used to calculate average daily emissions. For Alternative 3, average daily emission estimates are provided for concurrent phasing (based on 672 construction workdays, i.e., 32 months of construction, 21 working days per month) with estimates for sequential phasing provided in parentheses (based on 1,050 construction workdays i.e., 50 months of construction, 21 working days per month). For the Proposed Project, average daily emission estimates are based on 252 construction workdays (12 months of construction, 21 working days per month).

Because the former City Hall is currently vacant and Alternative 3 proposes to rehabilitate the structure to accommodate office space as well as construct a new residential building on the site, Alternative 3 would result in an increase in criteria air pollutants associated with operational activities. Operational emission sources associated with Alternative 3 would include area (e.g., landscape and maintenance equipment), energy (e.g., natural gas combustion), and mobile (e.g., vehicle trips from residents and employees) sources. Emissions were estimated using CalEEMod 2016.3.2. Table 4.3-17 presents the operational emissions associated with Alternative 3, which would not exceed the BAAQMD thresholds of significance and, therefore, would be less than significant.

Table 4.3-17 Operation-Related Criteria Air Pollutant Emissions – Alternative 3

Description	ROG	NO_X	PM_{10}	$PM_{2.5}$
Annual Emissions (tons/year)	0.93	1.02	0.94	0.27
Thresholds of Significance	10	10	15	10
Average Daily Emissions (lb/day)[1]	**5.11**	**5.56**	**5.16**	**1.47**
Thresholds of Significance	54	54	82	54
Exceeds Thresholds?	No	No	No	No

Notes: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.
[1] Average daily emissions are based on the annual operational emissions divided by 365 days.
lb/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter.

Overall, due to potential fugitive dust emissions during construction, Alternative 3 would have a **potentially significant** impact on air quality. Similar to the Project, any fugitive dust generating activities associated with construction of Alternative 3 would be required to comply with BAAQMD standard BMPs for reducing construction emissions of uncontrolled fugitive dust (PM_{10} and $PM_{2.5}$), as described in MM-AIR-2 in Section 3.2.3. Therefore, with implementation of MM-AIR-2, impacts to air quality from Alternative 3 would be less **than significant with mitigation**, which is the same level of significance as the Project.

Biological Resources

Similar to the Project, Alternative 3 would not impact any threatened or endangered species, riparian habitats, state or federally protected wetlands, or fish or wildlife movement and migration, as such biological resources are not present at the Project site. Impacts from construction of Alternative 3 would therefore be limited to impacts on resident and migrant nesting birds in the vicinity of the Project site.

Under Alternative 3, there would be no demolition of the existing building (and associated concrete crushing operations), and adaption of the former City Hall to accommodate office reuse would have similar impacts to those described for Alternative 1. Construction of the new residential building adjacent to the former City Hall would have additional impacts.

Construction of the new building would require the removal of approximately 14 trees, including three redwood trees and eleven ornamental trees, some of which would be protected trees as defined under County of Santa Clara Ordinance Code Sec. C16-3. Therefore, Alternative 3 would have a slightly greater impact than the Project and, similar to the Project, would be required to apply for an administrative tree removal permit from the County Planning Office. The administrative permit would include a replanting plan for all trees to be removed, including a detailed description of replacement trees.

Construction of the new building would use similar noise-generating equipment and machinery as the Project; however, the area within which such equipment would be operating would be greater than the construction zone for the Project, as would the duration of construction. Therefore, potential construction impacts to nesting birds from Alternative 3 would be greater than for the Project.

Although ongoing use of the former City Hall for office space and use of the new building for residential purposes would represent an increase in human activity over the existing condition (and over Alternatives 2 and 3), such uses would not cause additional adverse impacts to nesting birds, because such birds are accustomed to typical urban activities and would quickly adapt to the increased level of activity in the Project area.

Overall, because of construction noise that would disturb nesting birds, the impact of Alternative 3 to nesting birds would be **potentially significant**. With the implementation of typical nesting bird avoidance measures, as detailed for the project in MM-BIO-1, biological impacts of Alternative 3 would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Cultural Resources

Under Alternative 3, rehabilitation of the former City Hall building for office use would have similar less-than-significant impacts on archaeological resources or human remains as described for Alternative 1. However, the additional construction of a new 5-story building on the Project site would include an additional 34,000 square feet of ground disturbance. As there is the potential for unidentified archaeological resources or human remains to be present at the Project site, ground disturbance from Alternative 3 could disturb such remains, and would have a **potentially significant** impact to archaeological resources and human remains. However, with implementation of MM-CUL-2 and MM-CUL-3, as described for the Project in Section 3.2.3, potential impacts on archaeological resources and/or human remains would be reduced to a level of **less than significant with mitigation,** which is the same level of significance as the Project.

As discussed for Alternative 1, because Alternative 3 would retain the former City Hall in place, this alternative would not result in total loss of a historical resource, as would occur under the Project, and adherence to the SOI Standards, as required by mitigation measure ALT-MM-CUL-1 (described for

Alternative 1, above) would mean that the rehabilitation and repairs required to prepare the former City Hall for office use would not materially alter the character-defining features in an adverse manner.

Similarly, although the new construction of a residential building adjacent to the former City Hall would alter its associated landscaping features and setting, adherence to the SOI Standards would mean that the new construction would be compatible with the historical resource, and the former City Hall would retain sufficient character-defining features and integrity to convey its historical significance. The design of the new residential building would be specifically considered under Standards 9 and 10, which apply to new construction. Although the new construction would alter the setting of the former City Hall, the alternative could meet Standard 9 if the new, standalone residential building was sited to preserve the spatial relationships that characterize the former City Hall, particularly views of its main entrance and curvilinear façade, and if it was designed to be differentiated and compatible with the former City Hall by implementing similar Modern materials, like glass, metal, and concrete, and Modern features, like external structural systems, flat roof, and horizontality, and limiting the scale and massing of the new construction immediately adjacent to the former City Hall. The new construction could also meet Standard 10 because it entails a standalone building that, although permanent, if removed in the future, the essential form and integrity of the former City Hall and its environment would be unimpaired.

Because ALT-MM-CUL-1 would require repair and rehabilitation of the former City Hall building and construction of the new residential building to be completed in compliance with the SOI Standards and under the oversight of an SOI-qualified Architectural Historian/Historic Architect, the former City Hall would retain its character-defining features and its significance would not be materially impaired either directly or indirectly. Implementation of ALT-MM-CUL-1 would therefore reduce potential impacts of Alternative 3 on historical resources to **less than significant with mitigation**, which is a lesser level of impact than the Project.

Energy

Similar to the Project, Alternative 3 would increase energy consumption for the duration of construction in the form of electricity, natural gas, and fossil fuels (e.g., gasoline, diesel fuel). Rehabilitating the existing structure to accommodate office uses and constructing a new residential building would require more intensive construction activities and a longer construction duration than required under the Project and Alternatives 1 and 2. As such, energy consumption during construction activities of Alternative 3 would be greater than the Project. However, similar to the Project, Alternative 3 would not include unusual characteristics that would necessitate the use of construction equipment that is less energy-efficient than the equipment used at comparable construction sites. Consistent with MM-AIR-2, construction contractors would also be required to maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. These required practices would limit wasteful and unnecessary energy consumption.

Because the former City Hall is currently vacant and Alternative 3 proposes to rehabilitate the structure to accommodate office space as well as add a new residential structure, Alternative 3 would result in an increase in energy consumption associated with project operations, such as electricity and natural gas usage, water and wastewater treatment and distribution, and transportation fuel usage associated with residential and employee commutes. It is estimated that Alternative 3 would result in approximately 2,721 million British thermal units (MMBtu) per year of natural gas usage and approximately 2,449 megawatt-hours (MWh) per year of electricity consumption.

As explained previously, rehabilitation activities for the former City Hall building under Alternative 3 would be identical to those described for Alternative 1. Because the type of occupancy of the building would not change from its original use, elements that met building code requirements when the building was constructed would not need to be upgraded to meet current building codes; therefore the building would not be as energy efficient as modern construction.

However, Alternative 3 would be subject to the same regulatory framework relating to energy and fuel efficiency as the Project, and transportation-related energy consumption would be anticipated to become more efficient over time as regulatory requirements change and technological advancements are made. In addition, as the County implements the strategies identified in the County of Santa Clara Climate

Action Plan for Operations and Facilities, which includes the Green Building Policy and calls for improving energy efficiency in existing buildings, energy consumption associated with the Office Re-Use space under Alternative 3 is anticipated to decrease over time.

In addition, the new residential structure would be required to meet Title 24 energy requirements. Title 24 requires that a project meet a number of conservation standards, including installation of water-efficient fixtures and energy-efficient appliances. Title 24 also regulates energy consumption for the heating, cooling, ventilation, and lighting of residential land uses. Therefore, ongoing use of the Project site under Alternative 3 would not result in inefficient, wasteful, or unnecessary consumption of energy.

Overall, the impact of Alternative 3 on energy would be **less than significant**, which is the same level of significance as the Project.

Geology and Soils

As noted in Section 3.6, the Project site is composed of Holocene-age deposits, which are too young to contain unique paleontological resources, and there are no unique geological features within or adjacent to the Project site. Therefore, Alternative 3 would not disturb such resources. Similarly, the Project site is not located within or adjacent to an Alquist-Priolo Fault Zone or within or adjacent to the trace of any known fault, and therefore Alternative 3 would not be subject to hazards from surface fault rupture.

Alternative 3 would result in a greater level of major earthmoving activities at the project site (such as excavation and grading), as compared to the Project. However, as with the Project, the required implementation of a SWPPP with associated BMPs would also apply to Alternative 3 which would reduce potential impacts from construction-related soil erosion.

Compared to the Project, Alternative 3 would result in a greater risk from geological hazards such as strong seismic ground shaking, seismically-induced liquefaction and settlement, and unstable and expansive soils, because office workers would be present within the adapted building during working hours, and a new residential population would be introduced to the site. Similar to Alternative 1, the former City Hall would not be retrofitted to meet the requirements of the current CBC; therefore, office workers would be subject to similar risks as other 1950s-era construction office space in San José. The new residential structure would be designed and built in accordance with all requirements of the current CBC, which includes requirements for site-specific analyses and measures included in project engineering and design to prevent the collapse of buildings and other facilities resulting from seismic and other geologic hazards.

Overall, the operational impact of Alternative 3 on geology and soils would be **less than significant**, which is the same level of significance as the Project.

Greenhouse Gas Emissions

Rehabilitating the existing structure to accommodate office space and constructing a new residential building under Alternative 3 would require more intensive construction and a longer construction duration than for the Project. As shown in Table 4.3-18, Alternative 3 would generate higher total construction-related GHG emissions, but annual emissions would be less than for the Project due to the longer construction period. Construction-related GHG emissions from Alternative 3 would not exceed the annual threshold of significance applicable to the construction phase of projects[32] and, therefore, would be less than significant.

[32] As discussed for the Project in Section 3.7, “Greenhouse Gas Emissions,” the SMAQMD-established construction threshold is used for determining if construction-related GHG emissions would be significant, due to no County or BAAQMD threshold having been established for construction-related emissions.

Table 4.3-18 Construction-Related GHG Emissions – Alternative 3 vs Project

Construction Year	Alternative 3 Construction-Related GHG Emissions (MT CO_2e/year)	Project Construction-Related GHG Emissions (MT CO_2e/year)
2021	327	447
2022	819	254
2023	535	n/a
2024	438	n/a
2025	95	n/a
Threshold of Significance	1,100	1,100
Exceeds Threshold?	**No**	**No**

Notes: Estimated by AECOM in 2020. See Appendix C for detailed modelling assumptions, outputs, and results.

Acronyms: MT CO_2e = metric tons carbon dioxide equivalents; n/a = not applicable

Because the former City Hall is currently vacant and Alternative 3 proposes to rehabilitate the structure to accommodate office space as well as construct a new residential building on the site, Alternative 3 would result in an increase in GHG emissions associated with operational activities. Operational indirect and direct GHG emission sources associated with Alternative 3 would include area (e.g., landscape and maintenance equipment), energy (e.g., natural gas and electricity usage), mobile (e.g., vehicle trips associated with residential and employee commutes), water consumption (e.g., treatment and distribution), and solid waste generation. Table 4.3-19 presents the operational emissions associated with Alternative 3, which were estimated using CalEEMod 2016.3.2 and would not exceed the applicable thresholds of significance.

Table 4.3-19 Operation-Related GHG Emissions – Alternative 3

Source	Alternative 3 Operation-Related GHG Emissions (MT CO_2e)
Area	5
Energy	378
Mobile	818
Waste	76
Water	55
Total	**1,332**
Emissions Per Service Population (MT CO_2e/SP)	**1.9**
BAAQMD 2020 Efficiency Threshold (MT CO_2e/SP)	4.6
2030 Efficiency Threshold (MT CO_2e/SP)	2.8
Exceeds Threshold?	**No**

Notes: Estimated by AECOM in 2020.

[1] Emissions per service population calculated by dividing the Project's emissions by the number of residents assumed for the project land uses. The analysis assumed the project would have approximately 378 new employees and 319 residents.

See Appendix C for detailed modelling assumptions, outputs, and results.

MT CO_2e = metric tons carbon dioxide equivalents; SP = service population

Because construction-related and operation-related thresholds of significance would not be exceeded, the impact of Alternative 3 from GHG emissions would be **less than significant,** which is the same level of significance as the Project.

Hazards and Hazardous Materials

Under Alternative 3, rehabilitation and upgrade of the former City Hall building and construction of a new residential building would involve the use of typical construction-related hazardous substances such as adhesives, paints, or fuel. Future use of the former City Hall building as office space, and use of the new building for residential purposes, would use typical quantities of janitorial and household chemicals. Such construction-related and operational use of hazardous materials would be subject to the comprehensive regulatory framework outside of CEQA, which has been promulgated to reduce the risks associated with use, transport, and disposal of hazardous materials. Similarly, any hazardous building materials that would be disturbed or removed as part of the rehabilitation would be subject to California Occupational Safety and Health Administration and BAAQMD regulations, as described for the Project.

Alternative 3 would include minimal ground disturbance associated with rehabilitation of the former City Hall building, but would require additional disturbance of approximately 34,000 square feet for construction of the new residential building. As discussed for the Project in Section 3.8, the Project site may contain naturally occurring asbestos and elevated levels of heavy metals or pesticides, which could be mobilized by construction activities at the site. Similar to Project, Alternative 3 would be required to adhere to BAAQMD's Airborne Toxics Control Measure, which requires preparation and implementation of an asbestos dust mitigation plan, which would reduce fugitive dust emissions from the site, and therefore reduce potential exposure to asbestos fibers and other contaminants such as pesticides, nickel, or cobalt that might be present in site soils.

Similar to the Project, Alternative 1 would have no impact on airport or wildfire hazards and would not impair implementation of an emergency response or evacuation plan.

Overall, the impact of Alternative 3 on hazards and hazardous materials would be **less than significant**, which is the same level of significance as the Project.

Hydrology and Water Quality

Construction of the new residential building would result in alteration of on-site drainages and the addition of approximately 34,000 square feet of new impervious surfaces on the Project site. Therefore, Alternative 3 would result in increased stormwater runoff with increased potential for downstream flooding and pollutant transport, and increased potential for construction and operation-related erosion compared to the Project. The existing on-site drainage system would likely require modification to handle the increased stormwater flows from the new impervious surfaces of the residential building and surface parking. These impacts under Alternative 3 would be less than significant with required adherence to the applicable federal (Clean Water Act), state (NPDES), and local (SCVURPPP, MS4, General Plan, Municipal Code, Drainage Manuals, and Standard Specifications) laws, policies, ordinances, regulations, and permits.

The Santa Clara Civic Center campus does not presently contribute to recharging of the groundwater aquifers (County of Santa Clara 2018b); therefore the overall decrease in pervious surfaces at the site would not impact groundwater recharge. Alternative 3 does not meet the definition of "project" under California Water Code (CWC) Section 10913 and therefore would not require preparation of a Water Supply Assessment (WSA) pursuant to SB 610 and SB 221. Therefore, this alternative would not impede implementation of the Santa Clara Valley Water District's Alternative Groundwater Sustainability Plan.

The overall impact of Alternative 3 on hydrology and water quality would therefore be **less than significant,** which is the same level of significance as the Project.

Land Use and Planning

Under Alternative 3, there would be no demolition activities and the former San José City Hall would remain in its original location. The County would rehabilitate and reuse the existing structure, in accordance with the SOI Standards for Rehabilitation, to accommodate Class B office space. Alternative 3 would also include construction of a new building adjacent to the existing former City Hall building, to accommodate up to 100 affordable housing units.

As previously discussed under Alternative 1, the County's reuse of the former City Hall building for offices would not be subject to City of San José general plan policies and land use designations, City zoning, or other City regulations. In addition, County of Santa Clara General Plan policies apply only to unincorporated areas of the County, and are therefore not applicable to the Project site which is in the City of San José. However, the new housing development would be required to comply with the City of San José general plan policies and zoning regulations. Therefore, Alternative 3 would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, similar to the Project.

Although Alternative 3 would include a new structure on the Project site, the structure would not physically divide a community as it would be located on an existing land parcel and would not impede pedestrian, bicycle or vehicular access through the existing community.

For these reasons, Alternative 3 would have **no impact** on land use and planning, which is the same level of significance as the Project.

Noise

Similar to the Project, construction activities under this alternative would adhere to the County Noise Ordinance and City of San José Ordinance restrictions on construction hours. Under Alternative 3, rehabilitation of the former City Hall to accommodate office space and construction of a new residential building on the Project site would require more intensive construction and a substantially longer construction duration than for the Project.

If rehabilitation of the former City Hall is undertaken concurrently with construction of the new building, the number of construction workers at the site during peak periods could be up to twice that of the Project and could generate an average of up to 60 vehicular trips during peak hours. The exact quantity of cut and fill required to construct the new residential building is unknown, therefore the number of truck trips cannot be determined; however, given the substantially longer duration of construction for Alternative 3, the average daily truck traffic on local roads are not expected to exceed that of the Project (estimated at 63 truck trips per day, or approximately 8 truck trips per hour, throughout the 8-hour workday during peak construction periods). Given the existing traffic volumes along the roads in the vicinity of the Project site, the additional worker commute and truck trips generated by construction of Alternative 3 would not double existing traffic volumes, and therefore would not result in a perceptible increase in traffic noise along those roads.

Alternative 3 would include construction equipment that would generate higher levels of noise emissions than for the Project, such as pile driving/boring rigs. The reference noise level at a distance of 50 feet for pile drivers can be as high as 96 dBA_{max} for sonic pile drivers, or up to 101 dBA_{max} for impact pile drivers (FTA 2018), which is 10 to 16 dBA higher than the loudest equipment used for the Project. Noise levels at adjacent properties could therefore exceed the applicable noise thresholds of the County Noise Ordinance.

Pile drivers would also generate higher levels of vibration than the equipment used for the Project. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 4.3-20 shows the calculated vibration levels for both impact and sonic pile drivers at a reference distance of 25 feet, as well as at 60 feet (the minimum distance between the new building footprint and the former City Hall and other adjacent County buildings) and at 300 feet (the distance to the closest residential receptor).

Table 4.3-20 Vibration Levels from Pile Driving – Alternative 3

Construction Equipment	At 25 Feet		At 60 Feet		At 300 Feet	
	PPV	VdB	PPV	VdB	PPV	VdB
Pile Driver (Impact) - upper range	1.52	112	0.41	101	0.04	80
Pile Driver (Impact) - typical	0.64	104	0.17	93	0.02	72
Pile Driver (Sonic) - upper range	0.73	105	0.20	94	0.02	73
Pile Driver (Sonic) - typical	0.17	93	0.05	82	0.00	61

Source: calculated by AECOM in 2020 using methodology and reference levels from FTA 2018.

Acronyms: PPV = peak particle velocity (in/sec); VdB = Vibration decibels

As presented in Table 3.10-6 in Section 3.10, the threshold for damage to buildings that are highly susceptible to damage (e.g., historical buildings such as the former City Hall) is 90 VdB. Due to the close proximity of new construction to the former City Hall building (within 60 feet at its closest point), there is potential for damage to the structure from both impact and sonic pile driving activities.

As presented in Table 3.10-7 in Section 3.10, the threshold for human annoyance from occasional vibration at residences and buildings where people normally sleep is 75 VdB, and at institutional land uses with primarily daytime uses is 78 VdB. Sonic pile driving methods would not generate levels of

vibration that would be likely to annoy residents of the nearest residential structures (approximately 300 feet to the northwest), but impact pile driving could. Both impact and sonic pile driving methods would generate levels of vibration that would be likely to annoy employees at the County's Re-entry Resource Center (approximately 60 feet to the west).

Adaptation of the former City Hall building to office space and construction of a new residential building under Alternative 3 would generate new traffic volumes along the existing roadways in the vicinity of the Project site by employees and residents. As shown in Table 4.3-21, the total trips generated by Alternative 3 would be 1,649 daily trips with 168 AM and 174 PM peak hour trips.

Table 4.3-21 Vehicular Trips Generated – Alternative 3

Land Use Description (ITE Code)	Quantity	Daily Vehicle Trips	AM Hour Vehicle Trips	PM Hour Vehicle Trips
Apartment (220)	100 DU	544	36	44
Office Building (710)	113,430 SF	1,105	132	130
Total Trips		1,649	168	174

Acronyms: ITE = Institute of Transportation Engineers; DU = dwelling units; SF = square feet

Source: ITE Trip Generation Rates – 10th Edition (ITE 2020).

As noted previously, existing traffic volumes on local roadways range from just over 3,000 ADT to more than 20,000 ADT. Therefore, the additional traffic generated by Alternative 3 would not result in a doubling of existing traffic volumes on adjacent roadways. Thus, Alternative 3 would result in less than 3 dB increase in traffic noise, which is widely acknowledged to be imperceptible to the average human ear (Caltrans 2013a). Alternative 3 would not cause a substantial noise level increase at the nearby noise-sensitive receptors.

Overall, due to the potential for construction of Alternative 3 to generate noise levels that may exceed relevant thresholds of the County Noise Ordinance, and to generate vibration that may cause damage to the former City Hall building and annoy nearby residents and office employees, the impact would be **potentially significant.**

Mitigation Measures MM-NOI-1 as described for the Project in Section 3.10-3, and MM-ALT-NOI-1 described below, are recommended to address this potentially significant impact.

Mitigation Measure ALT-MM-NOI-1: Vibration Reduction Measures

The County shall include the following requirements within its contractor specifications for construction of Alternative 3:

- *Where practicable, pile installation shall use drilled pile installation methods rather than pile driving.*
- *Where use of drilled piles is not practicable, sonic pile driving methods may be undertaken, subject to the following additional requirements:*
    - *A Vibration Control Plan shall be developed in coordination with an acoustical consultant and geotechnical engineer, and submitted to the County Project Manager for review and approval. The plan shall include measures demonstrated to ensure that vibration exposure does not exceed 94 VdB at the former City Hall building, or 78 VdB at other nearby occupied buildings. Such measures could include, but would not be limited to, designing building foundations to avoid the need for pile driving within 85 feet of the former City Hall, pre-drilling pilot holes prior to sonic pile driving, or other methods that can be demonstrated to reduce vibration levels to below the specified thresholds.*
    - *If vibration levels cannot be reduced to below the specified threshold at the former City Hall, they shall be minimized to the extent practicable and the*

contractor shall photo-document current conditions at the former City Hall building prior to commencement of pile installation operations, including photos of existing cracks and other material conditions both interior and exterior. The contractor shall regularly inspect and photograph the former City Hall building during installation of piles. If, based on inspection of building conditions, it is determined that damage has occurred, the contractor shall coordinate with the County Project Manager to implement corrective actions. All corrective actions and repairs shall be undertaken in accordance with the Secretary of the Interior's Standards for the Treatment of Historical Buildings, in consultation with an SOI-qualified architectural historian.

- *If vibration levels cannot be reduced to below the specified threshold at nearby occupied buildings, the contractor shall notify affected buildings of the dates and times of scheduled pile driving activities. A disturbance coordinator shall be designated and this person's number shall be posted around the project site and in construction notifications. The disturbance coordinator shall receive complaints about construction disturbances and, in coordination with the County Project Manager, shall determine the cause of the complaint and implementation of feasible measures to alleviate the problem.*

- *Impact pile driving methods shall not be used.*

With implementation of Mitigation Measure ALT-MM-NOI-1, vibration levels at the former City Hall would either be below the threshold for damage to susceptible structures or any damage from vibration would be repaired in accordance with the SOI Standards for Historic Resources. With implementation of ALT-MM-NOI-1, vibration levels at other nearby structures would either be below the threshold for human annoyance or building management would be informed of scheduled vibration-generating activities so that employees can be notified.

With implementation of mitigation measure MM-NOI-1, noise levels generated by construction of Alternative 3 would be reduced. The USEPA has indicated that feasible noise minimization measures can reduce noise levels by up to 16 dBA for trucks, and by up to 13 dBA for jackhammers (USEPA 1971). Temporary barriers such as field-erected curtains or panels, if designed and installed properly, could be expected to yield at least 7 to 12 dBA of noise reduction in the field.

Implementation of ALT-MM-NOI-1 and MM-NOI-1 would therefore reduce the potential impacts of Alternative 3 on noise and vibration to **less than significant with mitigation**, which is the same level of significance as the Project.

Population and Housing

The number of workers onsite during construction of Alternative 3 would vary throughout the construction period and would depend on whether refurbishment of the former City Hall building would be undertaken concurrently or sequentially with construction of the new residential building. If sequential, the maximum number of staff anticipated per day during peak periods would be similar to the Project (up to 40 staff per day); concurrent phasing would result in up to 80 staff per day during peak construction periods.

Similar to the Project, the source of the construction labor force is unknown at this time; however, due to the Project site's location in the City of San José and within the larger South Bay, the Project would be expected to draw from the existing local workforce. In addition, if some non-local construction workers were employed, the temporary and short-term nature of the work means that these workers would not typically relocate to the area while working at the Project site.

As discussed for Alternative 1, reuse of the former City Hall as office space could accommodate approximately 378 employees[33]. The new residential building proposed under Alternative 3 would

[33] Based on the City's *Commercial Linkage Fee Nexus Analysis*, office uses in San José generate 333 jobs per 100,000 square feet of building area (Keyser Marston Associates, Inc 2020). Therefore, the 113,400 square feet of office uses could generate up to 378 employees (113,400/100,000 x 333).

accommodate up to 100 affordable housing units, which would result in up to 319 new residents[34] and would make a small contribution to meeting San José's Regional Housing Needs Allocation of 5,428 low income units by 2023 (City of San José 2015). The City of San José's General Plan estimates that proposed development in the City would generate 367,200 persons by 2035 (City of San José 2011). The 319 new residents resulting from Alternative 3 represents less than one-tenth of 1 percent of the projected growth in the City.

The California Employment Development Department indicated that in 2019, the average number of unemployed persons in the City of San José was 14,600 and 26,200 in the County as a whole (Employment Development Department 2019).[35] The number of unemployed persons has increased substantially due to the Covid-19 pandemic and accompanying economic disruption, and unemployment rates are not expected to recover soon. Thus, the workers would likely come primarily from the city and county, and the new jobs generated by the Alternative 3 would not result in substantial direct or indirect population growth.

Overall, Alternative 3 would not result in substantial unplanned population growth and the impact of Alternative 3 on population and housing would be **less than significant**, which is the same level of significance as the Project.

Public Services

As discussed for Alternative 1, rehabilitation of the former City Hall building for use as office space would not result in impacts to public services as the risk of vandalism or arson would be reduced, and no new permanent populations would be introduced to the building that would increase demand for other public services.

Construction of a new residential structure adjacent to the former City Hall building would increase the population at the Project site by up to 344 residents, as discussed above for Population and Housing. However, this additional population would not substantially increase demand for SJFD or SJPD services and facilities to a level that would require construction of new or expansion of existing fire protection or police protection facilities, because the Project site is within the existing service areas of the SJFD and SJPD, and would be constructed to current fire code requirements. Although there could be additional demand for police and fire services from the new residents of the building, the increased population under Alternative 3 represents a small fraction of the total growth anticipated within the SJFD and SJPD service areas and would not preclude the SJFD and SJPD from meetings their service goals or require the construction of new or expanded fire or police facilities (City of San José 2011).

The housing development component of Alternative 3 would be required to pay applicable State-mandated school impact fees to the SJUSD. State law (Government Code Section 65996) specifies that the payment of school impact fees constitutes sufficient mitigation for a project's effect on school facilities. The affected school districts are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law.

The impact of Alternative 3 on public services would be **less than significant,** which is the same level of significance as the Project.

Recreation

As discussed for Alternative 1, rehabilitation of the former City Hall building for use as office space would not result in impacts to recreation as no new permanent populations would be introduced that would increase demand for recreational facilities.

[34] Based on the California Department of Finance's 2020 estimate of 3.19 persons per dwelling unit in the City of San José and 100 proposed dwelling units, Alternative 3 is estimated to accommodate 319 new residents at buildout (100 x 3.19).
[35] The average 2019 unemployment was prior to the COVID-19 pandemic. As of June 2020 (during the on-going COVID-19 pandemic), the average number of unemployed persons in the City of San José was 69,100 and 110,900 in the County as a whole (Employment Development Department 2020).

Construction of a new residential structure adjacent to the former City Hall building would increase the population at the Project site by up to 344 residents, as discussed above for Population and Housing. This increased population at the Project site would result in increased demand for recreational facilities. Instead of dedicating land to meet the parkland standard of 3.0 acres of developed parkland per 1,000 residents, the housing developer would pay applicable fees to the City in-lieu thereof. These fees would satisfy the need for any new or physically altered parks or recreational facilities in order to maintain current service ratios.

Therefore, the impact of Alternative 3 on recreational facilities would be **less than significant**, which is the same level of significance as the Project.

Transportation

Under Alternative 3, rehabilitation of the former City Hall to accommodate office space and construction of a new residential building on the Project site would require more intensive construction and a substantially longer construction duration than for the Project. If rehabilitation of the former City Hall is undertaken sequentially with construction of the new building, the number of construction workers driving to or from the site during peak periods would be similar to that of the Project, generating an average of up to 30 vehicular trips during peak hours. If rehabilitation and new construction are undertaken concurrently, the number of construction workers at the site during peak periods could be up to twice that of the Project, generating an average of up to 60 vehicular trips during peak hours. As discussed for Alternative 1, rehabilitation of the former City Hall as office space would require substantially less truck trips for materials and debris hauling. The quantity of cut and fill required to construct the new residential building is unknown, therefore the number of truck trips cannot be determined; however, given the substantially longer duration of construction, the average daily truck traffic on local roads as a result of Alternative 3 is expected to be less than from the Project. Similar to the Project, Alternative 3 would implement a construction traffic management plan to reduce the potential for conflicts from construction traffic with other roadway, bicycle, pedestrian and transit users.

As discussed for Alternative 1, because the Project site is in the City of San José, the County has applied the City's VMT Evaluation Tool to evaluate traffic impacts of Alternative 3. The City's VMT Evaluation Tool identifies a significant impact if a project would generate VMT per employee or VMT per capita at a level that would exceed 15 percent less than the existing average VMT per employee or the existing average VMT per resident for the area in which the project is located. For Alternative 3, which involves both residential uses and office space, the appropriate VMT thresholds are 10.12 VMT per capita and 12.22 VMT per employee.

VMT was calculated for Alternative 3 using the City of San José VMT Evaluation Tool (see Appendix F). The residential portion of Alternative 3 would generate a per capita VMT of 7.48, and the office space portion of Alternative 3 would generate a per employee VMT of 12.86. VMT generated from Alternative 3 would therefore be below the City's VMT residential threshold of 10.12 VMT per capita, but above the City's VMT office threshold of 12.22 VMT per employee. Similar to Alternatives 1 and 2, even if free transit passes were provided to all employees, the VMT per employee would only be reduced to 12.47, which is still above the City's VMT office threshold (see Appendix F).

As discussed for Alternative 1, the City's VMT Evaluation Tool provides a list of several possible VMT reduction measures that could be implemented for employment land uses and indicates that the estimated maximum reduction for Alternative 3 from implementation of such measures could reduce per employee VMT to 7.73 (see Appendix F). However, due to the substantial long term commitment and/or coordination with third parties such as the City of San José or VTA that would be required in order to implement many of the possible VMT reduction measures, the feasibility of implementing such measures in order to achieve a reduction in per employee VMT to below the threshold of significance is uncertain. For this reason, the County is conservatively identifying the impact of Alternative 3 on vehicle miles travelled as **significant and unavoidable**, which is a greater level of significance than the Project's less than significant impact.

Tribal Cultural Resources

Because Alternative 3 would require substantial ground disturbance for construction of the new residential building, there is the potential for impacts to as-yet unidentified archaeological resources which may also be potentially eligible as tribal cultural resources. This impact would be greater than for the Project due to the greater extent of ground disturbance and would be **potentially significant.**

With implementation of MM-TCR-1, as described in Section 3.12.2, potential impacts of Alternative 3 on tribal cultural resources would be reduced to **less than significant with mitigation**, which is the same level of significance as the Project.

Utilities and Services Systems

As discussed for Population and Housing, above, Alternative 3 would result in an increase of up to 319 new residents and up to 378 new employees at the Project site, which would result in increased demand for utilities and service systems. Water demand in San José averages at approximately 78 gallons per person per day for residential uses and up to 128 gallons per employee for business use (San José Water Company 2010). For Alternative 3, this equates to an operational water demand of approximately 73,000 gallons per day, which is negligible compared to San José Water Company's projected 2020 total water demand of 15,640 million gallons per day. This alternative does not meet the definition of a "project" under California Water Code (CWC) Section 10913 and therefore would not require preparation of a Water Supply Assessment (WSA) pursuant to SB 610 and SB 221.

This alternative could require refurbishment of existing or construction of new utility lines or facilities for water, wastewater, and stormwater drainage. However, the upgrade and construction of these facilities is not anticipated to result in any potentially significant environmental impacts that cannot be mitigated to a less than significant level, as identified in relevant impact discussions throughout Section 4.3.4 such as Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality. Therefore, the impact of Alternative 3 on utilities and service systems would be **less than significant**, which is the same level of impact as the Project.

4.4 Environmentally Superior Alternative

CEQA requires that, among the alternatives, an “environmentally superior” alternative be selected and that the reasons for such selection be disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts. Table 4.4-a below provides a comparison of the Project to the four alternatives with respect to the potential to avoid or substantially reduce environmental impacts.

For the purposes of this EIR, the No Project Alternative is environmentally superior, since it would have reduced impacts compared to the Project with regard to the greatest number of environmental impact areas, would avoid the significant and unavoidable impact on historic resources, and would not have any other significant and unavoidable environmental impacts (Table 4.4-1). When the No Project Alternative is environmentally superior, another alternative must be identified.

As show in Table 4.4-1, the next environmentally superior alternative would be Alternative 1 – Office Reuse. Although all three alternatives would avoid the Project’s significant and unavoidable impact to historical resources, Alternative 1 would retain more character-defining features of the former City Hall than Alternative 2 (which would replace the historic materials of the exterior curtain wall with a visually in-kind replacement that would simulate the historic character) and Alternative 3 (which would alter the setting by construction of an adjacent new building that would alter the former City Hall’s spatial relationships). Additionally, Alternative 1 would have a lesser level of significance on tribal cultural resources than the Project and Alternatives 2 and 3 (less than significant rather than less than significant with mitigation), due to the reduced level of ground disturbance associated with the refurbishments and repairs required to convert the structure to office use. Alternative 1 would also have fewer impacts that are at a greater level of significance than the Project, compared to Alternatives 2 and 3, although all three alternatives would have a significant and unavoidable impact on transportation.

Table 4.4-1 Comparison of Environmental Impacts of the Alternatives to the Project

Environmental Issue Area	Project	No Project Alternative	Alt 1: Office Reuse	Alt 2: Residential Reuse	Alt 3: Office Reuse with New Structure
Aesthetics	NI	NI	NI	LTS	LTS
Agriculture & Forestry	NI	NI	NI	NI	NI
Air Quality	LTSM	LTS	LTSM	LTSM	LTSM
Biological Resources	LTSM	NI	LTSM	LTSM	LTSM
Cultural Resources	**S&U**	LTS	LTSM	LTSM	LTSM
Energy	LTS	LTS	LTS	LTS	LTS
Geology and Soils	LTS	NI	LTS	LTS	LTS
GHG Emissions	LTS	LTS	LTS	LTS	LTS
Hazards and Hazardous Materials	LTS	NI	LTS	LTS	LTS
Hydrology and Water Quality	LTS	NI	LTS	LTS	LTS
Land Use and Planning	NI	NI	NI	NI	NI
Mineral Resources	NI	NI	NI	NI	NI
Noise	LTSM	LTS	LTSM	LTSM	LTSM
Population and Housing	LTS	NI	LTS	LTS	LTS
Public Services	NI	NI	LTS	LTS	LTS
Recreation	LTS	NI	LTS	LTS	LTS
Transportation	LTS	LTS	**S&U**	**S&U**	**S&U**
Tribal Cultural Resources	LTSM	NI	LTS	LTSM	LTSM
Utilities and Service Systems	LTS	NI	LTS	LTS	LTS
Wildfire	NI	NI	NI	NI	NI
Number of categories with increased level of significance compared to Project	n/a	0	2	3	3
Number of categories with decreased level of significance compared to Project	n/a	11	2	1	1
Number of categories with same level of significance compared to Project	n/a	9	16	16	16

Acronyms:
NI = No Impact
LTS = Less than Significant Impact
LTSM = Less than Significant with Mitigation
S&U = Significant and Unavoidable

5 Other CEQA Considerations

5.1 Significant Environmental Effects That Cannot be Avoided if the Project is Implemented

Section 21100(b)(2)(A) of the California Environmental Quality Act (CEQA) requires that a draft EIR identify significant environmental effects that cannot be avoided if a project is implemented.

Most impacts identified related to the Project would either be less than significant or could be mitigated to a less-than-significant level. However, the Project would also result in some significant impacts that cannot be mitigated to less-than-significant levels. Based on the environmental analyses within this Draft EIR, the County has determined that implementation of the Project would result in the following significant and unavoidable impacts:

- **Impact CUL-1:** The Project would cause a substantial adverse change in the significance of a historical resource.
- **Cumulative Impact C-CUL-1:** The Project would make a considerable contribution to a significant cumulative impact on historical resources.

Due to these significant unavoidable environmental effects, if the County Board of Supervisors decides to approve the Project, it would need to adopt a Statement of Overriding Considerations, which would include findings that the County is aware of the significant environmental consequences but has concluded that the benefits of the Project outweigh the impacts.

5.2 Significant Irreversible Environmental Changes

CEQA (PRC Section 21100(b)(2)) provides that an EIR shall include a detailed statement setting forth "[i]n a separate section…[a]ny significant effects on the environment that would be irreversible if the project is implemented." CEQA Guidelines Section 15126.2(c) provides the following guidance for analyzing the significant irreversible environmental changes of a project:

> *Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since 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, irretrievable 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.*

If the Project is implemented, it would demolish the former City Hall building, which would cause an irreversible loss of an historical resource. As discussed in Section 3.4, implementation of mitigation measures would not reduce the impact to a less-than-significant level.

If the Project is implemented, it would involve the use of nonrenewable resources. Demolition would involve consumption of energy, typically through use of petroleum-based fuels and non-metal mineral resources, that would deplete supplies of nonrenewable resources. However, because of its temporary and one-time nature, demolition under the Project would not represent a significant irreversible use of resources.

Once demolition is complete, the land uses associated with the Project would use little to no energy, because the site would be vacant, with only minimal expenditure of energy to support ongoing grounds maintenance. Thus, operation under the Project would not represent a significant irreversible use of resources.

5.3 Growth Inducement

Section 15126.2(d) of the State CEQA Guidelines requires that an EIR discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. An EIR must also discuss the characteristics of the project that could encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through the establishment of policies or other precedents that directly or indirectly encourage additional growth. This section evaluates the Project's potential to create such growth inducements.

Growth-inducement itself is not an environmental effect, but it may lead to environmental effects. These environmental effects may include increased demand on community and public services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, or conversion of agricultural and open space land to urban uses.

Direct growth inducement would result if a project involved construction of new housing that would facilitate new unplanned population to an area. Indirect growth inducement would result if, for instance, implementation of a project resulted in any of the following:

- Substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises);
- Substantial short-term employment opportunities (e.g., construction employment) that indirectly stimulate the need for additional housing and services to support the new temporary employment demand; and/or
- Removal of an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area).

The decision to allow those projects that result from induced growth is the subject of separate discretionary processes by the lead agencies responsible for considering such projects. Because the decision to allow growth is subject to separate discretionary decision making, and such decision making is itself subject to CEQA, the analysis of growth-inducing effects is not intended to determine site-specific environmental impacts or specific mitigation for the potentially induced growth. Rather, the discussion is intended to disclose the potential for environmental effects to occur more generally, such that decision makers are aware that additional environmental effects are a possibility if growth-inducing projects are approved. The decision of whether impacts do occur, their extent, and the ability to mitigate them is appropriately left to consideration by the agencies responsible for approving such projects if and when applications for those development projects are submitted.

5.3.1 Growth-Inducing Impacts of the Project

As discussed in Section 3.11, "Population and Housing", the Project does not include the development of new housing or new employment-generating land uses, and the short-term and temporary nature of the construction activities would not require construction workers to relocate to the City while working at the Project site. Therefore, the Project would not directly induce development of new housing or employment activities, nor indirectly stimulate the need for additional housing to support temporary employment demand. The Project would not extend existing roadways or other infrastructure in the vicinity of the Project site; therefore, it would not remove an obstacle to additional growth by removing a constraint on a required public utility or service.

The County acknowledges that the proposed demolition of the former City Hall building would create a vacant site in the heart of the County Civic Center, and that some form of redevelopment of that site could occur in the future. However, the potential uses or structures that might be planned and constructed at the site in the future are unknown, and any such future redevelopment would be subject to separate analysis

under CEQA to determine any project-specific environmental impacts. Furthermore, the creation of a vacant site would not, in and of itself, create additional demand for development in the Project area.

The Civic Center Master Plan EIR concluded that the Master Plan would not have a significant growth-inducing impact because Civic Center is an infill site surrounded by existing infrastructure and existing and planned development and would not require upgrades or expansion of infrastructure that would facilitate growth in the project area or other areas of the City or County. Although development of the proposed Master Plan would place new office space in the middle of a mixed-use area with existing retail, housing, and commercial/office development, the Master Plan EIR concluded that that development would be compatible with the neighboring land uses and would not pressure adjacent properties to redevelop with new or different land uses in a manner inconsistent with the existing San José General Plan.

Due to the relatively small size of the site and its location in the County Civic Center, any future redevelopment of the site is not anticipated to result in new housing or job-generating uses beyond that identified in the *Envision San José 2040 General Plan* (2011). The City's General Plan anticipates that future growth of the City would be accommodated in Urban Villages, Specific Plan areas, the Downtown Growth Area, and on vacant land within the City's Urban Service Boundary (City of San José 2011). The Project site is within the boundaries of the City of San José's proposed North 1st Street Local Transit Village Plan area and is zoned for residential development. The City of San José anticipates that the North 1st Street Local Transit Village Plan area will accommodate 1,678 housing units and approximately 756,000 square feet of job-generating development (City of San José 2020b). Therefore, any new land uses, should the Project site be redeveloped in the future, would be consistent with the amount of growth envisioned in the City's General Plan for the Project site. Demolition of the former City Hall would therefore not directly or indirectly induce unplanned growth.

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