

Addendum

to the Final Program Environmental Impact Report
for the North San José Development Policies Update
(SCH# 2004102067)

545-575 River Oaks Parkway

File No. PDC-06-067

Prepared by the



May 2008

PREFACE

PURPOSE OF AN ADDENDUM

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

In June 2005, the City of San José certified the Final Program Environmental Impact Report (EIR) for the North San José Development Policies Update (SCH# 2004102067) that allows for 26.7 million square feet of new industrial/office/research and development (R&D) uses, 1.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new residential units in the Rincon Area.

The purpose of this Addendum is to analyze the impacts of the 545-575 River Oaks Parkway Project that proposes the construction of residential units at a minimum density of 55 dwelling units per acre (du/ac) with up to 777 units and an approximately 2.6-acre public park on an approximately 14.3-acre project site in north San José. The project proposes to dedicate 1.4 acres of the project site for public right-of-way (ROW), including new public streets. The proposed project also includes approximately 0.5-acres of off-site street dedication improvements.

The CEQA Guidelines §15162 state that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines §15164 state that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred.

Based on the proposed project description, knowledge of the project site (based on the environmental review prepared for the North San José Development Policies Update EIR), and the attached analysis, the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the North San José Development Policies Update EIR and would not result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the EIR. For these reasons, an addendum to the North San José Development Policies Update EIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the North San José Development Policies Update EIR, pursuant to CEQA Guidelines §15164(c).

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SECTION 1.0 INTRODUCTION AND PURPOSE

This Addendum of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 *et. seq.*), and the regulations and policies of the City of San José.

The City of San José is the Lead Agency under CEQA and has prepared this Addendum to address the impacts of implementing the proposed rezoning on the project site.

This Addendum evaluates the environmental impacts which might reasonably be anticipated to result from the proposed rezoning of an approximately 14.3-acre site in north San José from *IP – Industrial Park* to *A(PD) – Planned Development* to allow for the development of residential uses at a minimum density of 55 du/ac with up to 777 units. The project proposes to dedicate approximately 2.6 acres of the project site to the City for a future public park and dedicate 1.4 acres of the project site for public right-of-way (ROW), including new public streets. The proposed project also includes approximately 0.5-acres of off-site street dedication improvements on the adjacent industrial property southeast of the site.

Tiering of the Environmental Review

In accordance with CEQA Sections 21093(a) and 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the City of San José Final Program EIR for the North San José Development Policies Update (State Clearinghouse #2004102067) certified by the City Council in June 2005 (hereinafter referenced as the NSJ FPEIR).

CEQA Section 21093(b) states that environmental impact reports shall be tiered whenever feasible, as determined by the lead agency. “Tiering” refers to using the analysis of general matters contained in a broader Environmental Impact Report (EIR) (such as one prepared for a general plan or policy statement) in subsequent EIRs or Initial Studies/negative declarations on narrower projects; and concentrating the later environmental review on the issues specific to the later project [CEQA Guidelines 15152(a)].

Tiering is appropriate when it helps a public agency to focus on issues at each level of environmental review and to avoid or eliminate duplicative analysis of environmental effects examined in previous environmental impact reports [CEQA Section 21093(a)].

The amount of residential development proposed was included and analyzed in the certified 2005 NSJ FPEIR, and the FPEIR evaluated, at a program level, developing parks within the area that includes the project site. This Addendum evaluates the project specific environmental impacts that were not addressed in the 2005 NSJ FPEIR. The CEQA Guidelines (§15164 and 15162) describe a process for evaluating the potential significance of new information. The process can reach one of three conclusions:

1. The new information does not result in the identification of a new significant environmental impact not already addressed in the EIR, and it does not identify a substantial increase in the magnitude of a previously-identified significant environmental impact. Therefore, no additional environmental review is required.

2. The new information does result in identification of a new significant environmental impact not previously disclosed in the EIR and/or it identifies a substantial increase in the magnitude of a previously-identified significant environmental impact. Therefore, preparation of a Supplemental EIR is required.
3. In order to make a determination of whether the existing EIR is adequate or whether preparation of a Supplemental EIR is warranted, further technical studies are required.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

545-575 River Oaks Parkway

2.2 PROJECT LOCATION

The approximately 14.3-acre project site is rectangular in shape and located at 545-575 River Oaks Parkway. The project site is located at the east quadrant of the River Oaks Parkway and Seely Avenue intersection in north San José. Coyote Creek and an adjacent public trail are located northeast of and immediately adjacent to the project site. Regional and vicinity maps of the project site are shown on Figure 2.0-1 and 2.0-2, respectively.

The surrounding land uses include a creek trail to the northeast, an orchard to the east, light industrial/research and development (R&D) uses to the south and southeast, and residential uses to the west, and residential and commercial uses to the southwest. An aerial photograph and surrounding land uses is shown on Figure 2.0-3.

2.3 PROPERTY OWNER/PROPONENT

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Palo Alto, California 94303
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2.4 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
John Baty, Project Planner
200 East Santa Clara Street
San José, CA 95113-1905
(408) 535-7894

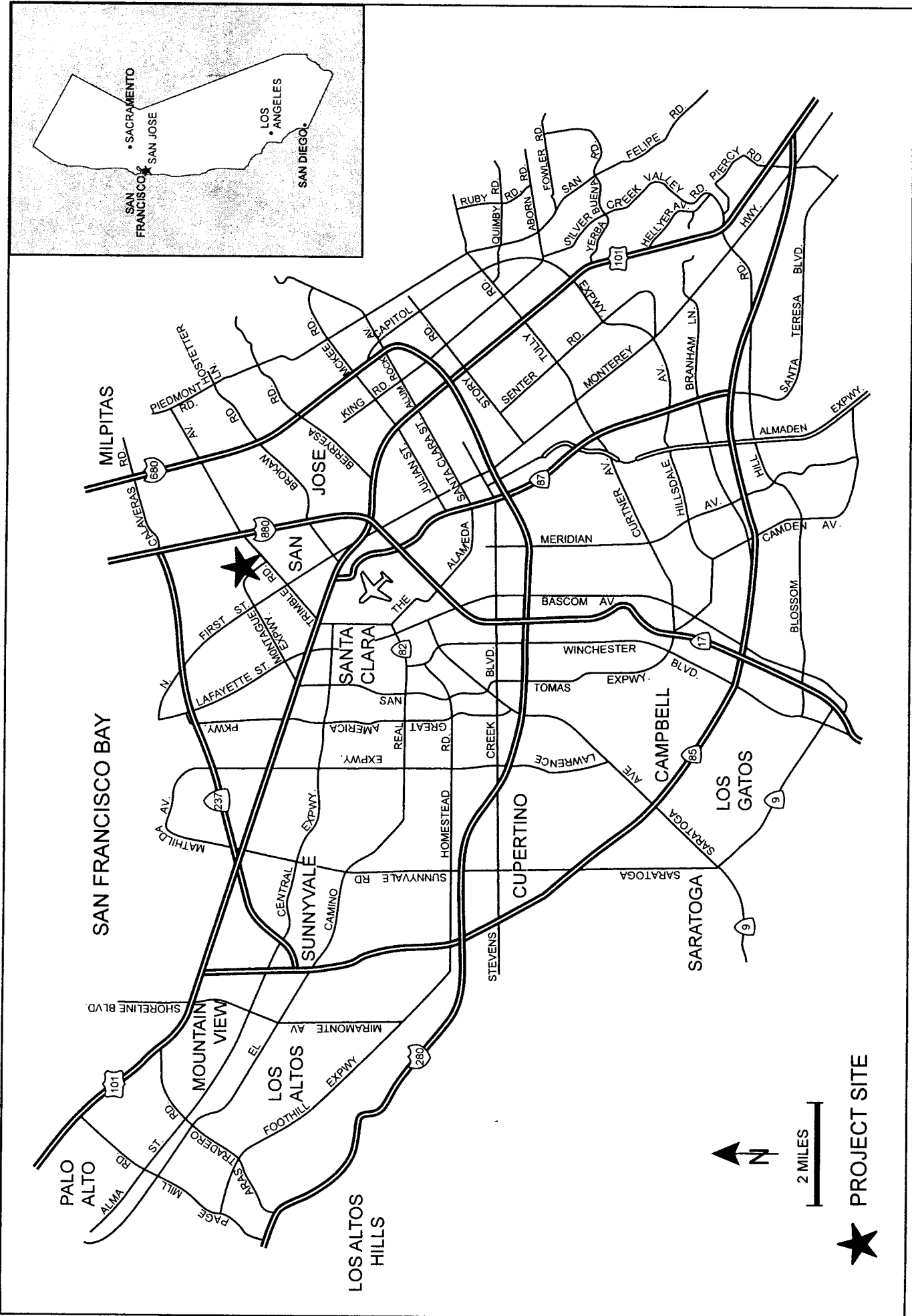
2.5 ASSESSOR'S PARCEL NUMBERS

097-15-026 and 097-15-027

2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

General Plan Land Use Designation: *Industrial Park with a Transit/Employment Residential District [55+ dwelling units per acre (du/ac)] overlay*

Zoning Designation: *IP – Industrial Park*



REGIONAL MAP

FIGURE 2.0-1

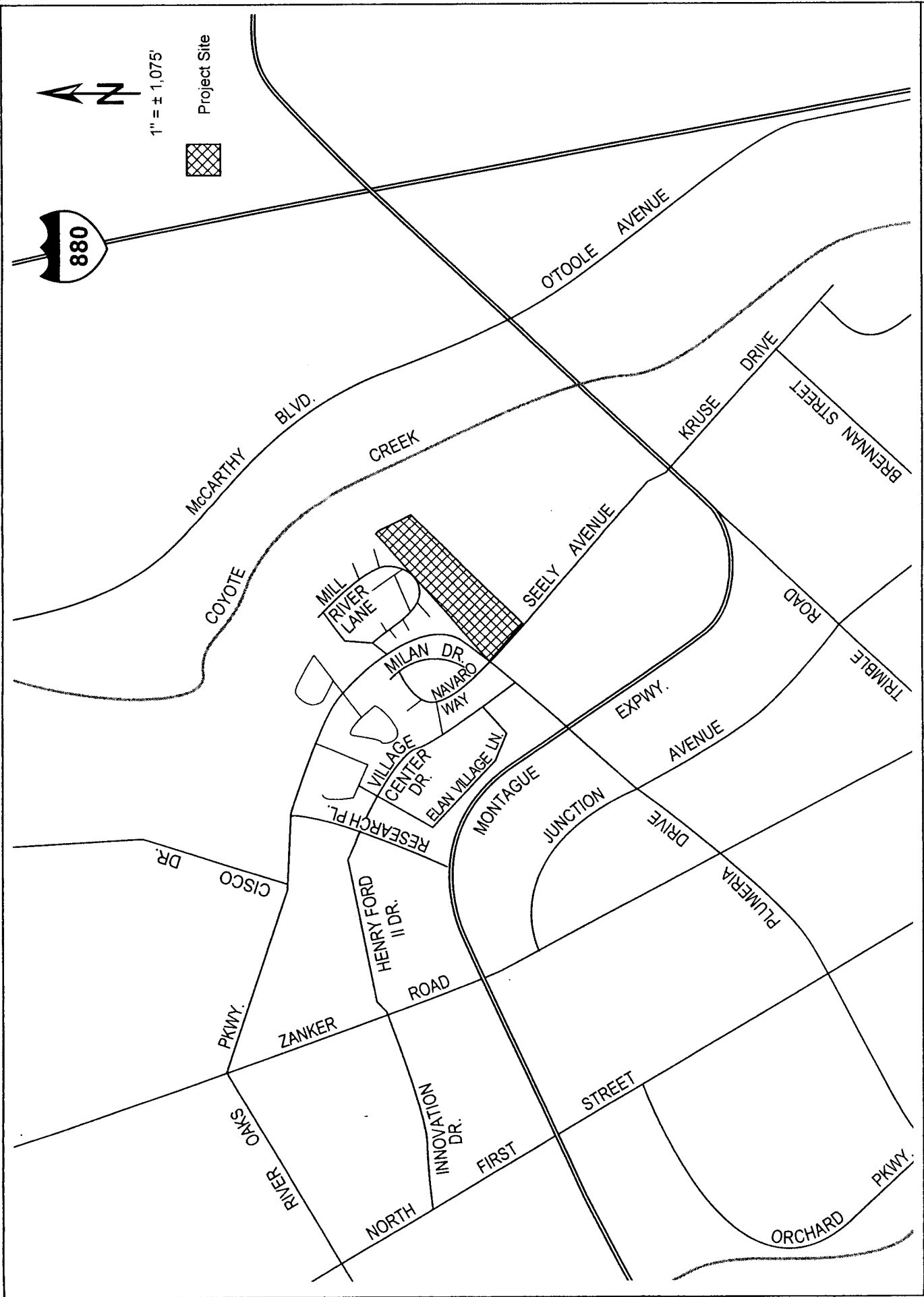


FIGURE 2.0-2

VICINITY MAP

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW OF THE PROPOSED PROJECT

Currently, the approximately 14.3-acre project site has a General Plan land use designation of *Industrial Park* with a *Transit/Employment Residential District* [55+ dwelling units per acre (du/ac)] overlay and is zoned *IP – Industrial Park* (refer to Figure 3.0-1). The project proposes to rezone the project site to *A(PD) – Planned Development* to allow for residential development at a minimum density of 55 du/ac with up to 777 residential units and an approximately 2.6-acre public park (see Figures 3.0-2 and 3.0-3). The project proposes to dedicate approximately 1.4 acres of the site for public ROW for the construction of public streets (see Streets A and B on Figure 3.0-2). The proposed project also includes approximately 0.5-acres of off-site street dedication improvements from the adjacent industrial property southeast of the site.

The project would result in excavation up to 10 feet below grade, with approximately 70,000 cubic yards of cut and 5,000 cubic yards of fill. The remaining 65,000 cubic yards of soil would be hauled away to one or more as-yet unknown locations. The project applicant anticipates constructing the project in phases, over a two to three year period, starting in mid-2009.

The main components of the proposed project, including the residential development and public park, are summarized in Table 3.0-1, shown in Figures 3.0-2 and 3.0-3, and described in **Section 3.2 Project Components**.

Project Components	Description	Approximate Acreage
Residential Development	Residential development at a minimum of 55 du/ac with a maximum of 777 units, courtyards and private open space, an emergency vehicle access road, and a pedestrian paseo.	10.3
Public Park	Dedication of land to the City for a public park. The public park would be developed as a neighborhood serving park and may include such uses as play lots, pathways, open space, and picnic areas.	2.6
Public Right-of-Way	Dedication of land along the northeastern and southeastern boundary of the site for the construction of public streets (a portion of Street A and all of Street B) and sidewalks.	1.4
Total Project Site Area		14.3
Off-Site Public Right-of-Way	Dedication of land on the northwestern boundary of the adjacent industrial property southeast of the project site for the construction of a portion of Street A, 10-foot wide sidewalk and tree well area, and a three-foot wide landscaping buffer.	0.5
Total Off-Site Area		0.5

3.2 PROJECT COMPONENTS

The project components are described below. The conceptual site plan and cross-sections of the proposed project are provided in Figures 3.0-3 and 3.0-4, respectively.

3.2.1 Residential Development

The southernmost 10.3-acre portion of the project site is proposed for residential development at a minimum of 55 du/ac (up to 777 residential units) with common open space, private open space, an emergency vehicle access road, and a pedestrian paseo. The density of the residential development would be between 55 and 75 du/ac.¹

As shown on the conceptual site plan (Figure 3.0-3), the residential units could be located on top of three podium parking structures. Each podium would have two levels of parking; one level of parking would be located above grade and the second level would be semi-subterranean (i.e., partially above grade and partially below grade).

The residential units could be grouped into five buildings. A total of four buildings could be located on Podiums 1 and 2 (two buildings on each podium) and the fifth residential building could be located on Podium 3. It is anticipated that the units on Podiums 1 and 2 would be for-rent and the units on Podium 3 would be for-sale. The residential buildings would be up to five stories tall (refer to Figure 3.0-4). The maximum height of the project (i.e., podium parking structure plus residential development) would be up to 65 feet tall.

The units in the residential buildings on Podiums 1 and 2 would be situated around common courtyard areas, which would also be located on top of the podium parking structure (see Figure 3.0-3). The two residential buildings on Podium 1, as well as Podium 2, would have a pool area located between the two buildings. The residential units on Podium 3 would be situated around common courtyard areas and a pool. All the proposed courtyards would include grass and patio areas, and landscaping (e.g., vines, groundcover, shrubs, and trees).

Each residential unit would have private open space in the form of a deck or patio/porch area. The ground floor units would have porch areas that would open to the street (Seely Avenue and the proposed streets) with stairs and stooped entrances (see Figure 3.0-4).

The residential development area of the project site also includes the construction of a 20-foot wide pedestrian paseo/emergency vehicle access road along the northwest boundary of the project site (see Figure 3.0-3). The pedestrian paseo/emergency vehicle access road would be accessible from River Oaks Parkway. No parking is proposed on this road. Ten-foot wide areas consisting of sidewalks and tree wells would be provided along all proposed streets on the project site. In addition, another pedestrian paseo is proposed to provide access through the project site (see Figure 3.0-3).

¹ The density of the proposed residential development would be a minimum of 55 du/ac. The maximum density was calculated by dividing the number of units proposed (777 units) by the total acres of the project site proposed for residential development (approximately 10.3 acres). Therefore, the calculated maximum density is 75 du/ac.

3.2.2 Public Park

The project proposes to dedicate approximately 2.6-acres of the project site to the City for a public park. The park would be located at the northeast end of the project site adjacent to the existing trail along Coyote Creek (refer to Figure 3.0-2). Parking for the park would be provided along the proposed public Streets A and B.

The public park would be developed as a neighborhood serving park and may include such uses as play lots, pathways, open space, picnic areas, and a connection point to the existing Coyote Creek trail. The specific park design and layout is currently unknown. If the City approves the proposed rezoning, the City and applicant will hold a community meeting(s) to begin the design process for the 2.6 acre public park. Park development and improvements are not analyzed in this Addendum and would require subsequent environmental review when proposed.

The project proponent shall meet the City's *Parkland Dedication Ordinance* (PDO) and/or *Park Impact Ordinance* (PIO) through a combination of parkland dedication, improvements, and/or payment of fees.

3.2.3 Dedication of Public Right-Of-Way

3.2.3.1 *On-Site*

The project proposes to dedicate and construct approximately 1.4 acres of the project site for public right-of-way (ROW) for the construction of public streets along the northeast and eastern site boundary. The ROW dedication would be for a portion of Street A and all of Street B. The remainder of Street A would require ROW dedication from the adjacent property southeast of the project site. The proposed public streets would include sidewalks with tree wells for street trees (refer to Figure 3.0-4).

3.2.3.2 *Off-Site*

The proposed project includes approximately 0.5-acres (27-foot wide by approximately 170-foot in length) of off-site street dedication improvements from the adjacent industrial property southeast of the site (see Figures 3.0-3 and 3.0-4).

Currently, there is an agreement in place between the project proponent and the adjacent industrial property (Cadence Design Systems) to develop half of the proposed Street A on the industrial property. Cadence Design Systems has agreed to dedicate this approximately 0.5-acre portion of their industrial property to the City upon completion of the road. The construction of Street A on the adjacent industrial property would coincide with the development of the proposed project. The project proponent proposes an irrevocable offer of ROW dedication for the portion of the street that is on the project site and will dedicate the entire street to the City once completed.

As a condition of approval, the City will require the project to dedicate a minimum 40-foot wide ROW (half-street) for Street A along the southeast boundary of the project site that is adjacent to the industrial property in the event the agreement between the project proponent and the adjacent industrial property dissolves.

3.2.4 Landscaping

A conceptual landscape plan for the project site is provided in Figure 3.0-5. The project proposes to plant trees, shrubs, and groundcover on the project site. In addition, the project proposes to preserve the existing pine trees located along the northwest boundary of the site (refer to **Section 4.4 Biological Resources**). All proposed streets (private and public) and the pedestrian paseo would have trees and landscaping.

3.2.5 Site Access

The project site would be accessible via one driveway on Seely Avenue. This driveway leads to proposed Street A and Street B (see Figure 3.0-3). Vehicular access to the under-podium parking would be via driveways on Street A for Podiums 1 and 2 and from Street B for Podium 3. Emergency vehicles would be able to access the project site from a driveway on River Oaks Parkway (see Figure 3.0-3)

3.2.6 Parking

As discussed above, parking for the proposed residential development would be provided in the three podium parking structures. Each podium parking structure will have two levels of parking (one above grade and one semi-subterranean). The proposed project shall provide parking per the City's parking requirement standards (see Table 3.0-1). Based on the types of units shown on the conceptual site plan (i.e., 350 one bedroom units, 407 two bedroom units, and 20 three bedroom units), the proposed project would be required to provide a total of 1,298 parking spaces for the residential development. The project proposes 1,337 parking spaces for residents and their guests. The proposed project exceeds the City's residential parking requirements by 39 parking spaces. Public parking (approximately 65 spaces) would be provided along proposed Streets A and B.

Unit Size	Parking Spaces*
1 Bedroom	1.5
2 Bedroom	1.8
3 Bedroom	2.0
Note: *Parking ratios are based on all open parking and no tandem spaces being provided (City of San José. <u>Residential Design Guidelines</u> . February 1997).	

The project also proposes to provide bicycle parking in conformance with the City's Zoning Ordinance, which requires one bicycle parking space per four units (SJMC 20.90.310). Per the Zoning Ordinance, a project with 777 residential units would be required to provide 194 bicycle parking spaces. The location of the bicycle parking would be determined at the PD Permit stage.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the City of San José 2005 NSJ FPEIR (approved June 2005).

The amount of residential development proposed was included and analyzed in the certified 2005 NSJ FPEIR, and the FPEIR evaluated, at a program level, developing residential and park uses on the project site. This Addendum evaluates the project specific environmental impacts that were not addressed in the 2005 NSJ FPEIR.

This section, **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to compare the environmental impacts of the “Proposed Project” with those of the “Approved Project” (i.e., development approved in the 2005 NSJ FPEIR) and to identify whether the proposed project would likely result in new significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are required by law or are City standard conditions of approval are categorized as “Standard Measures.” Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as “Avoidance Measures.”

4.1 AESTHETICS

4.1.1 Setting

The approximately 14.3-acre project site is rectangular in shape and located at the east quadrant of River Oaks Parkway and Seely Avenue in north San José (refer to Figure 2.0-2). The project site is developed with four two-story tilt-up industrial office buildings, small outdoor seating areas adjacent to the buildings, a basketball half-court, a grass volleyball court, surface parking, and landscaping. The existing buildings range from 25 to 33 feet tall and total approximately 144,000 square feet in size. Building 1 is 38,000 square feet, building 2 is 43,000 square feet, building 3 is 32,000 square feet, and building 4 is 31,000 square feet (refer to Figure 2.0-3). The buildings were constructed in the 1980s and are concrete structures on slab-on-grade foundations with glass and concrete exteriors. The landscaping includes trees, bushes, and grass areas throughout the site. As discussed in **Section 4.2 Biological Resources**, there are a total of 542 trees on-site. Most of the trees on the site range from fair to poor condition.

There is an approximately 15-foot tall levee northeast of the site. An unpaved creek trail is located on top of the levee. Coyote Creek is located northeast of the levee and trail. Other surrounding uses include an orchard east of the project site, two-story industrial office buildings southeast of the project site, Seely Avenue (a two-lane roadway) and one-story industrial office buildings southwest of the site, and two-story townhouses and two-story multi-family units on top of podium parking west of the site. Figure 2.0-3 is an aerial photograph of the project area with surrounding land uses. The project site and surrounding area are flat, and as a result, the project site is only visible from the immediate area.

The approximately 0.5-acre (approximately 27-feet wide by 170 feet long) off-site area proposed for street dedication improvements is developed with a 15-foot wide landscaping strip of trees, bushes, and grass, and a row of 65 parking spaces.

Photos 1 – 9 provide views of the project site and adjacent uses.



Photo 1 – View of project site from Seely Avenue looking northeast.



Photo 2 – View of project site's northwestern boundary looking northeast.



Photo 3 – View the building located on the southeast corner of the site (575 River Oaks Parkway) looking northeast.



Photo 4 – View of project site and southeastern boundary looking northeast. Adjacent light industrial building is shown on the right side of the photo in the background.



Photo 5 – View of adjacent light industrial building located southeast of the project site looking northeast.



Photo 6 – View of basketball half-court and volleyball grass court located to the southwest of southern most building (575 River Oaks Parkway) looking northwest.



Photo 7 – View of northernmost building on-site (545 River Oaks Parkway) looking north.



Photo 8 – View of Coyote Creek trail located to the northeast of the project site. The project site is visible in the background on the right side of the photo.



Photo 9 – View of adjacent orchard located southeast of the site.

4.1.1.3 Scenic Vistas

The project site is not located within a scenic viewshed or along a scenic highway. Views of the foothills, however, are available from the project site looking north/northeast. Views of the foothills from surrounding properties located south of the project site are interrupted by trees and existing buildings on-site.

4.1.2 Environmental Checklist and Discussion of Impacts

AESTHETICS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

AESTHETICS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Increase the amount of shading on private or public open space (e.g., backyards, parks, plazas, and/or school yards)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.1.2.1 Change in Visual Character

The implementation of the proposed project would result in the demolition and removal of the four existing buildings and associated parking and amenities (e.g., basketball half court) and the construction of up to 777 residential units and an approximately 2.6-acre public park on-site. The project proposes to construct new roadways and a pedestrian paseo on the project site (refer to Figure 3.0-3). In addition, the project would replace the existing 15-foot wide landscaping buffer and a row of parking on the adjacent industrial property southeast of the site with a 17-foot wide roadway lane with on-street parking, a 10-foot wide sidewalk and tree well area, and a three-foot wide landscaping strip (see Figure 3.0-4).

As discussed in **Section 4.4 Biological Resources**, the project could result in the removal of up to 488 trees, including 45 ordinance-size trees and 12 non-ordinance size trees off-site. However, the project proposes to mitigate the loss of those removed trees by planting additional trees and landscaping (including shrubs, vines, and groundcover) and/or paying in-lieu fees for off-site tree planting in the community (refer to **Section 4.4 Biological Resources** and Figure 3.0-5).

Residential Development Visual Impact

As shown in the conceptual site plan (Figure 3.0-3), most of the site would be developed with residential uses. The proposed project would consist of three large podium parking structures with residential buildings of up to five stories tall located on top of the podiums. The podium parking structures plus the residential buildings on top of the podium would be up to 65 feet tall (see Figure 3.0-4). The podium parking structures would be concealed by units placed around the podium structure and first floor exterior unit porch areas that open to the street (Seely Avenue and the proposed streets) with stairs and stooped entrances (see Figure 3.0-4).

The residential buildings on Podiums 1 and 2 would be situated around common courtyard areas, which would also be located on top of the podium parking structure (see Figure 3.0-3). The two residential buildings on Podium 1, as well as Podium 2, would have a pool area located between the two buildings. The residential units on Podium 3 would be situated around common courtyard areas

and a pool. All the proposed courtyards would include grass and patio areas, and landscaping (e.g., vines, groundcover, shrubs, and trees).

Public Park Visual Impact

The project proposes to dedicate approximately 2.6 acres of the project site for a public park. The park would be located at the northeast portion of the project site and would be developed as a neighborhood serving park. Parking for the park would be provided along Streets A and B. The park design and layout is unknown at this time. For this reason, the impacts of park development and improvements are not analyzed in this Addendum and would require subsequent environmental review when proposed.

The certified 2005 NSJ FPEIR analyzed the visual impacts associated with the development of high-density residential in north San José, including those areas designated for the *Transit Employment Residential District Overlay*. As discussed in the 2005 NSJ FPEIR, the proposed project would result in development of greater building mass and density than the existing uses on-site. It was concluded in the 2005 NSJ FPEIR that future development's conformance with the City's *Residential Design Guidelines* would avoid significant visual and aesthetic impacts.

The proposed project would not result in any new or more significant visual or aesthetic impacts than were described in the certified 2005 NSJ FPEIR.

Impact AES – 1: The proposed project would result in visual and aesthetic impacts.
(Significant Impact)

Mitigation Measure: The following mitigation measure was identified as part of the certified 2005 NSJ FPEIR to be required of future development in North San José and shall be implemented by the proposed project as a condition of approval:

- MM AES -1.1:** The proposed project shall be required to comply with the City of San José *Residential Design Guidelines*, including the following at the PD permit stage:
- *Chapter 5 – Perimeter Setbacks:* Residential structures of three stories or more are to be set back a minimum of 15 feet from incompatible uses. Residential structures of three stories or more are to be setback a minimum of 25 feet from public open space.
 - *Chapter 9 – Landscaped Areas:* Landscaping should be provided in all setback areas between project walls and/or fences and the rights-of-way of public streets and sidewalks. The landscaping should be generous and should include trees and/or shrubs as well as groundcover. Tall shrubs or vines should be planted to help screen walls and fences and provide protection from graffiti. Landscaping should be installed in a manner that maximizes views of the park and adjacent trail systems to enhance public safety.
 - *Chapter 11 – Building Design:* This chapter specifies minimum facade articulation, vertical and horizontal roof articulation, the quality of building materials and details, stylistic consistency, and the need for care and attention to detail in design of street facades.

4.1.2.2 *Light and Glare Impacts*

As discussed in the certified 2005 NSJ FPEIR, because the proposed buildings would be of greater mass and density than the existing buildings on-site, light in the project area would generally increase. It was concluded in the certified 2005 NSJ FPEIR that significant light and glare impacts, including light spillover onto adjacent properties, would be reduced or avoided by compliance with the City's *Outdoor Lighting Policy* (4-3).

The proposed project would not result in any new or more significant light and glare impacts than were described in the certified 2005 NSJ FPEIR.

Impact AES – 2: The project would increase light in the project area. **(Significant Impact)**

Mitigation Measure: The following mitigation measure was identified as part of the certified 2005 NSJ FPEIR to be required of future development in North San José and shall be implemented by the proposed project as a condition of approval:

MM AES – 2.1: The proposed project shall comply with the City's *Outdoor Lighting Policy* (Policy 4-3), which includes the use of low-pressure sodium outdoor security lighting on-site, along walkways, entrance areas, common outdoor use areas, and parking areas.

4.1.2.3 *Impacts to Scenic Vistas*

The certified 2005 NSJ FPEIR analyzed the impacts of the development of *Transit/Employment Residential District* (55+ du/ac) uses at several locations in North San José, including the project site. It was concluded that the amount of development proposed would reduce the availability of views of the foothills. The views of the foothills from streets and existing buildings in the project vicinity may be reduced as a result of the proposed taller buildings on-site; however, the views from the new, proposed development would provide improved views of the foothills in comparison to the views provided by the existing buildings on-site.

The proposed project would contribute to the identified impacts to scenic vistas in the certified 2005 NSJ FPEIR. The proposed project will not result in any new or more significant impacts to scenic vistas than those described in the certified 2005 NSJ FPEIR.

4.1.2.4 *Shade and Shadow Impacts*

Shade and shadow impacts occur when a structure reduces access to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. During summer, shading may even be desirable. As discussed in the certified 2005 NSJ FPEIR, the City of San José typically identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on private or public open spaces, measured midday on the first day of winter (December 21) and on the vernal and autumnal equinoxes (March/September 21).² Shade and shadow analyses of the existing industrial buildings and the

² On the first day of winter, the sun is lowest in the sky and shading is greatest. On both the vernal and autumnal equinoxes, the sun is at the same location, over the equator. This threshold evaluates shading from September 21 through March 21.

proposed project were completed by *KTGY Group, Inc.* in May 2008 and included in Appendix A of this Addendum.

Maximum shading occurs on December 21, the winter solstice, when the sun is at the lowest angle above the horizon. Shadow length and bearing calculations were performed for various locations on the project site to determine whether the proposed project would cast substantial shadows on surrounding properties.

Generally, in the winter, when shadows are the longest, the proposed project would result in the shading of the project itself and the adjacent residential development east of the site during the morning hours. The project would result in the shading of itself (including the proposed park) and minimal shading of the adjacent residential development east of the site during the early afternoon hours. During the afternoon hours, the project would shade itself, including the proposed park.

During the vernal and autumnal equinoxes, the proposed project would result in shading of the project itself and minimal shading of the residential development east of the site during the morning hours. In the afternoon hours, the proposed project would result in shading of the project itself (including minimal shading of the proposed park).

Shade and shadow are typical in an urban environment. Nearby structures and trees create shade that changes by hour and by season. Generally shade is not considered a significant environmental impact in an urban setting unless it limits access to sunlight in public settings where the public expects to enjoy the sun (such as parks or trails).

Compared to the existing industrial buildings on the site (ranging from 25 to 33 feet tall), the proposed parking podiums and residential buildings (up to 65 feet tall) are of greater height and mass. The proposed structures are also located closer to the property line between the site and residential uses northwest of the site. For these reasons, the shade and shadow created by the proposed structures are greater than those created by the existing industrial buildings. However, the existing pine trees (ranging from 10 to 60 feet tall) located along the northwest site boundary, which would be preserved with the development of the proposed project, currently shade four of the adjacent residential buildings similar to the proposed structures. Two more buildings are shaded by the proposed project during the same time periods. The shade of the proposed structures, however, would be solid where as the shade created by the trees would be scattered and vary in length based on different tree heights. Refer to Appendix A of this Addendum for shade and shadow analyses of the existing industrial buildings and the proposed project.

The project would not result in any new or substantially more significant shade and shadow impacts than were described in the certified 2005 NSJ FPEIR.

4.1.2.5 *Solar Access*

The City's *Residential Design Guidelines* contain guidelines for the orientation of buildings to gain optimum solar access. The guidelines include constructing the long axis of a building along the east-west axis so that the broad face of the building facades face south, maximizing the incidence of south facing windows (*Residential Design Guidelines*, Chapter 14, Guidelines A.2). The proposed buildings are not oriented along the east-west axis. The project, therefore, is not consistent with Chapter 14, Guideline A.2. Less than optimum solar orientation may affect the project's ability to use photovoltaics or passive solar principles effectively; however, since the 2005 NSJ FPEIR did not

assume that residential projects would necessarily use solar energy, this would not be a new or significant impact.

4.1.3 **Conclusion**

Impact AES – 1: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant visual and aesthetic impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact AES – 2: The proposed project, with the implementation of the above mitigation measure, would not result in any new or more significant light and glare impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.2 AGRICULTURAL RESOURCES

4.2.1 Setting

While North San José was cultivated for over a hundred years for a variety of crops, including orchards, field crops, and greenhouse-grown flowers, very little agriculture remains. The project site has been designated for urban uses for over 30 years. It is currently developed and not used for agricultural purposes. The project site is not the subject of a Williamson Act contract.

An orchard is located adjacent to the southeast of the project site (refer to Figure 2.0-3 and Photo 9). While this land is currently developed with an orchard and used for agricultural purposes, it is designated for urban uses and has a land use designation of *Industrial Park* with a *Transit/Employment Residential District Overlay* (55+ du/ac) in the City’s General Plan.

4.2.2 Environmental Checklist and Discussion of Impacts

AGRICULTURAL RESOURCES						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

As discussed above, the project site is not designated as farmland or used for agricultural purposes. The adjacent land east of the project site is not designated as farmland but is currently an orchard. The proposed project would not result in shading of the orchard (refer to Appendix A). The property on which the orchard is located on is designated for urban development in the City’s General Plan and it has been located next to urban development for years. The redevelopment of the project site may incrementally expedite its conversion to non-agricultural use. The loss of the few remaining small pockets of agricultural land in north San José was found in the FPEIR to be a less than significant impact. For these reasons, the proposed project would not result in any new or more significant impacts to farmland or agricultural resources than were described in the certified 2005 NSJ FPEIR.

4.2.3 Conclusion

The proposed project would not result in new impacts to farmland. **(No New Impact)**

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 *Background Information*

The ambient and regulatory requirements regarding air quality has basically remained unchanged since the approval of the 2005 NSJ FPEIR. The primary change is that the Bay Area Air Quality Management District (BAAQMD) adopted the *Bay Area 2005 Ozone Strategy* on January 4, 2006. The *Bay Area 2005 Ozone Strategy* updates VMT and other assumptions in the 2000 CAP related to the reduction of ozone in the atmosphere and serves as the current CAP for the Bay Area.

The *Bay Area 2005 Ozone Strategy* is based upon Projections 2002, prepared by the Association of Bay Area Governments (ABAG), which was based upon the City’s General Plan at that time. The City’s General Plan has recently been updated with the approval of the 2005 NSJ FPEIR. The growth assumed in the 2005 NSJ FPEIR, therefore, was not included in ABAG’s Projections 2002. While the development of high density residential land uses close to job centers and along transit lines is specifically consistent with the Bay Area 2005 Ozone Strategy, the proposed project would add population to San José that was not reflected in ABAG’s Projections 2002. For this reason, as discussed in the certified 2005 NSJ FPEIR, the development of high density residential uses on the project site would not be consistent with the *Bay Area 2005 Ozone Strategy*.

4.3.1.2 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses included residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. Sensitive receptors near the project site include the residential development west of the project site (refer to Figure 2.0-3).

4.3.2 Environmental Checklist and Discussion of Impacts

AIR QUALITY						
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,5

AIR QUALITY						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,5
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,5
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

4.3.2.1 Impacts from the Project

Regional and Local Air Quality Impacts

The development of the proposed project would contribute to the significant regional and local air quality impacts identified in the certified 2005 NSJ FPEIR. The proposed project, however, would not result in any new or more significant regional or local air quality impacts than were described in the certified 2005 NSJ FPEIR.

Impact AIR – 1: The proposed project would result in impacts to regional and local air quality. **(Significant Impact)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2005 NSJ FPEIR and shall be implemented by the proposed project as a condition of approval:

MM AIR – 1.1: The proposed project shall implement measures identified by BAAQMD to reduce emissions, which may include, but are not limited to, the following:

- Providing bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas;
- Providing a satellite telecommute center within or near the development;
- Providing secure and conveniently placed bicycle parking and storage facilities at parks and other facilities;
- Allowing only natural gas fireplaces, pellet stoves, or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces

and fireplace inserts are 75 percent effective in reducing emissions from this source;

- Using electric lawn and garden equipment for landscaping maintenance;
- Constructing transit amenities such as bus turnouts/bus bulbs, benches, and shelters;
- Providing direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development;
- Utilizing reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun’s rays and reduce local air temperature and cooling energy demand; and
- Providing transit passes to new residents.

4.3.2.2 *Construction-Related Impacts*

Construction activities would temporarily affect local air quality. Construction activities such as demolition, earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying soils are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of PM₁₀ downwind of construction activity.

The development of the proposed project would contribute to the significant construction-related, short-term air quality impacts identified in the certified 2005 NSJ FPEIR. The proposed project, however, would not result in any new or more significant construction-related air quality impacts than were described in the certified 2005 NSJ FPEIR.

Impact AIR – 2: The proposed project would result in significant construction-related, short-term air quality impacts. **(Significant Impact)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR and shall be implemented by the proposed project as a condition of approval:

MM AIR – 2.1: Water all active construction areas at least twice daily.

MM AIR – 2.2: Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

MM AIR – 2.3: Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

- MM AIR – 2.4:** Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- MM AIR – 2.5:** Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- MM AIR – 2.6:** Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- MM AIR – 2.7:** Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- MM AIR – 2.8:** Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- MM AIR – 2.9:** Replant vegetation in disturbed areas as quickly as possible.

4.3.3 **Conclusion**

- Impact AIR – 1:** The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant regional or local air quality impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**
- Impact AIR – 2:** The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant construction-related air quality impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

The project site is located within a developed area. The project site is developed with four existing industrial park office buildings, small outdoor seating areas, a basketball half-court, a grass volleyball court, surface parking, and landscaping. The landscaping on-site includes trees, bushes, and grass areas.

Due to the developed nature of the project site and human disturbance, the species diversity at the project site is extremely low. Wildlife species expected to occur on the project site are those adapted to human activity, including mourning doves, rock doves, raccoons, and opossums.

The project site is not located within an adopted Habitat Conservation Plan or other approved local, regional, or state habitat conservation plan.

The approximately 0.5-acres of land on the adjacent industrial property southeast of the project site, which is needed for off-site street dedication improvements for the proposed project, currently consists of trees, bushes, grass, and parking spaces.

4.4.1.1 *City of San José Riparian Corridor Policy*

The City of San José's Riparian Corridor Policy Study design guidelines state that incompatible development generally should be set back 100 feet from the outside edge of the riparian habitat (or top of bank, whichever is greater) to reduce anticipated impacts to riparian biotic communities and hydrologic regimes. The policy also stipulates that any planting adjacent to the riparian corridor not include invasive, non-native species.

The City of San José Riparian Corridor Policy defines the riparian corridor as any defined stream channels including the area up to the bank full-flow line, as well as all riparian (streamside) vegetation in contiguous adjacent uplands. Characteristic woody riparian vegetation includes (but is not limited to): willow, alder, box elder, Fremont cottonwood, bigleaf maple, western sycamore, and oaks. The City of San José defines the top of bank as the bank full-flow line, which is the point at which overflow onto the floodplain begins.

A riparian habitat assessment and setback evaluation was completed by *H.T. Harvey & Associates* in May 2008. A copy of this report is included in Appendix C of this Addendum. The reach of Coyote Creek at the project site is characterized by large levees (approximately 15 feet high) along a flood control bypass channel which runs immediately west of the main channel of Coyote Creek (refer to Figure 4.0-1). The bypass channel originates just upstream of the project site, near the Montague Expressway crossing. At this point, Coyote Creek becomes confined within its original levees while the bypass channel splits off and is confined by the original Coyote Creek levee to the east and a newer constructed levee to the west.

The project site is currently developed and includes hardscape up to the toe of the levee. The reach of Coyote Creek at the project site supports high quality riparian habitat. The riparian vegetation within this section is dominated by mature native riparian species including Fremont cottonwood, red willow, and blue elderberry. The mature riparian vegetation is limited to the banks of Coyote Creek and a small portion of the east levee along the flood control channel (the east levee of the flood control channel is the west bank of Coyote Creek). Riparian vegetation does not occur within the bottom or on the west levee slope of the flood control bypass channel. The bypass channel is dominated by non-native grasses and forbs with a few scattered coyote brush along the lower half of the east levee.

H.T. Harvey and Associates have determined the edge of riparian habitat to be the edge of existing riparian vegetation, which is located on the top of the east flood control levee (see Figure 4.0-1 and 4.0-2). This determination was made based on *H.T. Harvey and Associates*' professional opinion that the ecological functions of the Coyote Creek riparian habitat are limited to this area. Beyond this line there is the flood control channel, a maintained dirt access road, as well as the maintained west levee slope (see Figure 4.0-2). There is no woody vegetation along the bottom of the flood control channel or on the levee slope, which is mowed annually by the Santa Clara Valley Water District.

Based on the City's definition of top of bank, the bank full-flow line is located on the inboard side of the original levees along the main channel of Coyote Creek (see Figure 4.0-1). The 100 foot riparian setback guideline would be greater measured from the edge of the riparian habitat rather than the top of bank (see Figure 4.0-2).

4.4.1.2 *Special-Status Plants and Animals*

Special-status plant and animal include species listed under State and Federal Endangered Species Acts (including candidate species), animals designated as Species of Special Concern by the California Department of Fish and Game, and plants listed in the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California.

Special-status plants and animals that have been reported in the general project area are primarily associated with freshwater marsh, salt marsh, and aquatic habitats. These habitats are not present on the project site and, therefore, associated species, such as the salt harvest mouse and California clapper rail, are not expected to occur on the project site. Special-status animal species that use upland habitats near the Bay include burrowing owl, tricolored blackbird, and song sparrow. The lack of natural plant communities, relatively small size of areas with plant cover, limited food sources, and extensive human disturbance reduce the habitat quality of the site in general. For these reasons, special-status plant and animal species are not expected to occur on the project site.

4.4.1.3 *City of San José Tree Ordinance*

The City of San José Tree Ordinance defines an ordinance-sized tree as any woody perennial plant characterized by having a main stem or trunk which measures 18-inches or greater in diameter at a height of 24-inches above natural grade slope. A multi-stem tree is considered a single tree and measurement of that tree includes the sum of the diameter of the tree trunks of that tree. A tree removal permit is required from the City for the removal of ordinance-sized trees.

On-Site

A tree survey of the project site was completed by *McClenahan Consulting, LLC* in February 2007. A copy of this survey is included in Appendix B of this Addendum. There are a total of 542 trees on the project site. Of the 542 trees on-site, 48 are ordinance-size. The tree survey and tree location map are included as Appendix B of this Addendum. Tree species on-site include silver dollar gum, red ironbark, crape myrtle, canary island pine, flowering plum, coast redwood, evergreen pear, European white birch, Mayten, Japanese maple, photinia, and sweet bay. In general, the trees on site were of fair to poor condition (refer to Appendix B).

The largest tree on-site is a coast redwood (tree number 187) located on the western property line. This tree measures approximately 30 inches in diameter, 75 feet tall, and has a canopy spread of 35 feet. It is in fair to good condition.

Off-Site

A tree survey of the 0.5-acre off-site area that is proposed for ROW dedication as part of this project was completed by *McClenahan Consulting, LLC* in April 2008. A copy of this survey is included in Appendix B of this Addendum. There are a total of 12 non-ordinance size trees (11 flowering plum and one raywood ash) located within the 0.5-acre off-site area. These 12 trees range from 1.5 to 11.7-inches in diameter, and are in poor to good condition. Three flowering plum trees (#544, 545, and 548) are suitable for relocation based on their condition (refer to Appendix B).

4.4.1.4 City of San José Heritage Trees

Under the City of San José Municipal Code, Section 13.28.330 and Section 13.32.090, specific trees are found, because of factors including, but not limited to, their history, girth, height, species or unique quality, to have a special significance to the community and are designated Heritage Trees. There are no heritage trees on the project site.

4.4.2 Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES								
	Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	New Than Significant Impact	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project: 1) 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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		1,2

BIOLOGICAL RESOURCES						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
2) 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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,6
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4,7
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

4.4.2.1 City of San José Riparian Corridor Policy

Based on the City’s Riparian Corridor Policy for determining the edge of the riparian corridor, the proposed development is set back approximately 210 feet from the edge of riparian vegetation. The proposed development would be set back more than 210 feet if measured from the top of bank. The project provides a greater setback than the 100 foot setback required by the City’s Riparian Corridor Policy.

While the setback of the project site would be sufficient to protect the riparian corridor, the landscaping must also be consistent with the City’s Riparian Corridor Policy. Per the City’s Riparian Corridor Policy, Guideline 3A Development Landscaping, landscaping of areas adjacent to the

riparian corridor should generally utilize plant species native to central California and appropriate to the riparian habitat type of the corridor.

In conformance with the City’s Riparian Corridor Policy, invasive plants shall not be planted in the approximately 2.6-acre public park area. The proposed project shall landscape the approximately 2.6-acre public park area with native species such as coast live oak and/or valley oak. Additional native species identified in the City’s Riparian Corridor Policy should be incorporated to increase the habitat values of the proposed park space.

Based on the project setback and with the requirement that the public park area be landscaped in accordance with Riparian Corridor Policy Guideline 3A regarding landscaping, the proposed project is consistent with the City’s Riparian Corridor Policy.

Standard Measure: As a condition of approval, the proposed project shall implement the following measure:

- The proposed project shall be landscaped in accordance with the City’s Riparian Corridor Policy, Guideline 3A.

4.4.2.2 *Special-Status Plants and Animals*

As discussed above, due to the lack of suitable habitat, special-status plant and animal species are not likely to occur on-site. However, there is potential for nesting raptors (e.g., barn owls, red shouldered hawks, and Cooper’s hawks) to be present within the trees on-site at the time of redevelopment. Construction during the nesting season could disturb or destroy occupied nests, which would result in the loss of eggs or young birds. The value of the breeding habitat is not high due to the urban development on and adjacent to the site. The loss of trees, therefore, would not constitute a significant loss of breeding habitat for raptor species in the area. The loss of reproductive effort for individual birds would, however, be a significant impact.

Standard Measures: As a condition of approval, the proposed project shall implement the following standard measure to reduce impacts to nesting raptors:

- If possible, construction shall be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City’s Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

4.4.2.2 Ordinance-Size Trees

The project proposes to preserve ordinance size trees whenever possible. The project proposes to specifically preserve the 66 pine trees located along the northeastern boundary of the project site (tree numbers 82 – 140, 142 – 149, and 180 – 186, refer to Appendix B). Three of these pine trees (tree numbers 137, 183, and 185) are ordinance size. These pine trees are in fair to good health and based on their location, are appropriate to preserve (refer to Appendix B).

The other 476 trees (including 45 ordinance size trees) on the site and the 12 trees located off-site, based on their location, would be impacted by the construction of the proposed project and therefore removed. The project does not propose to relocate existing trees. The project proposes to replace removed trees and plant additional trees and landscaping, including shrubs, vines, and groundcover.

The development of the proposed project would contribute to the significant impact to trees identified in the certified 2005 NSJ FPEIR. The proposed project, however, would not result in any new or more significant impacts to trees than were described in the certified 2005 NSJ FPEIR.

Impact BIO – 1: The proposed project would result in the removal of a total of 488 trees, including 45 ordinance-size trees on-site and 12 non-ordinance size trees off-site. **(Significant Impact)**

Mitigation Measures: As conditions of approval, the project shall implement the following mitigation measures to reduce impacts to trees to a less than significant level:

Tree Removal

MM BIO 1.1: The proposed project shall replace trees removed at the following ratios:

Table 4.0-1 City Standard Tree Replacement Requirements			
Diameter of Tree to be Removed	Native	Non-Native	Minimum Size of Each Replacement Tree
19 inches or greater	5:1	4:1	24-inch box
12 – 18 inches	3:1	2:1	24-inch box
Less than 12 inches	1:1	1:1	15-gallon container
Notes: X:X = Tree replacement to tree loss ratio Trees greater than 18-inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.			

MM BIO – 1.2: In the event that the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, prior to removal of the subject trees:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) shall be identified for additional tree planting. Alternative sites may include neighborhood streets, local parks or schools or installation of trees on adjacent properties for screening purposes to the

satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

- A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to removal of the subject trees.

Tree Preservation

To avoid potential damage to retained trees, the trees proposed for preservation shall be safeguarded during construction through the implementation of the following measures (Municipal Code 13.32.130, Ords. 21362,26595):

MM BIO – 1.3: Prior to the issuance of any approval or permit (including a grading permit), a then-current inventory of all trees on the site shall be prepared by a certified arborist as to size, species, and location on the lot and the inventory shall be submitted on a topographical map to the Environmental Principal Planner.

Prior to approval of a PD permit, the applicant shall submit a site plan showing all trees to be preserved. The applicant shall also submit a tree preservation report that details how the existing trees will be preserved during and after construction, including but not limited to the measures below. The tree preservation report shall be completed to the satisfaction of the Environmental Principal Planner and the Director of Planning, Building, and Code Enforcement.

MM BIO – 1.4: Damage to any tree during construction shall be reported to the City’s Environmental Principal Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the Environmental Principal Planner.

MM BIO – 1.5: No construction equipment, vehicles, or materials shall be stored, parked, or standing within the tree dripline.

MM BIO – 1.6: Drains shall be installed according to City specifications so as to avoid harm to trees due to excess watering.

MM BIO – 1.7: Wires, signs, and other similar items shall not be attached to trees.

MM BIO – 1.8: Cutting and filling around the base of trees shall be done only after consultation with the City arborist and then only to the extent authorized by the City arborist.

MM BIO – 1.9: No paint thinner, paint, plaster, or other liquid or solid excess or waste construction materials or wastewater shall be dumped at any time.

MM BIO – 1.10: Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms.

MM BIO – 1.11: Whenever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

4.4.3 **Conclusion**

Impact BIO – 1: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant impacts to trees than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.5 CULTURAL RESOURCES

A cultural resource evaluation was completed by *Archaeological Resource Management* in October 9, 2006 for the project site. The purpose of the evaluation was to determine the presence or absence of any significant cultural resources on-site. The evaluation consisted of an archival search and surface reconnaissance. A complete copy of this report is on file with the City of San José Planning Division located at 200 East Santa Clara Street, Floor 3, San José, California 95113 and can be viewed during normal business hours.

4.5.1 Setting

In general, the project area is well known for having numerous buried archaeological deposits. The region along the Coyote Creek has revealed prehistoric material buried beneath alluvial soils. A prehistoric and historic site record and literature search was completed by the California Historical Resources Information System, Northwest Information Center, Sonoma State University, Rohnert Park (File No. RY048/1328-06-229). The search was completed to determine if any known archaeological resources were reported in or around the project site. No recorded prehistoric or historic sites are located within the project site.

During site surface reconnaissance, however, several pieces of fire-cracked rock were observed on the northwest side in the perimeter landscaping strip. This indicates prehistoric activity on-site. In addition, three sites have been recorded within one-half mile of the project site.

No City, state, and/or federal historically or architecturally significant structures, landmarks, or points of interest are located at the project site. The buildings on-site were constructed in the 1980s and are therefore, less than 50 years old. The buildings are typical in design and architecture of office buildings during that era. The buildings are not significant in the context of local or regional history, are not associated with historically important persons, and do not have unique architectural features.

4.5.2 Environmental Checklist and Discussion of Impacts

CULTURAL RESOURCES							
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	Same Impact as “Approved Project”	Less than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:							
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		8
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		8
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		8

CULTURAL RESOURCES						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project: 4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8

The existing buildings on-site and the property do not have historical significance at either the City, state, or national level. Demolition of the existing structures and development of the proposed project would have no impact on historic structures or landmarks.

The project proposes to demolish and remove the existing buildings on-site and construct residential units, associated parking, public and private streets, and a public park. The construction of the project would require excavation of up to 10 feet below ground. Based on the site’s proximity to Coyote Creek, the pieces of fire-cracked rock found on-site, and the project’s need to excavate, cultural resources could be encountered during site redevelopment.

Impact CUL – 1: The development of the proposed project would result in significant impacts to buried cultural resources, if they are encountered on the site. **(Significant Impact)**

Mitigation Measures: The proposed project shall implement the following mitigation measures as conditions of approval:

MM CUL – 1.1: A qualified professional archaeologist shall monitor all construction excavation activities into native soils.

MM CUL – 1.2: Should evidence of prehistoric or historic era cultural resources³ be discovered during construction work, work within 35 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a

³ Significant prehistoric cultural materials may include: human bone – either isolated or intact burials; habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction); artifacts including chipping stone objects such as projectile points and bifaces, groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones, and shell and bone artifacts including ornaments and beads; various features and samples including hearths (fire-cracked rock, baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities; and isolated artifacts.

Significant historic cultural materials may include finds from the late 19th through early 20th centuries. Objects and features associated with the Historic Period can include: structural remains or portions of foundations (bricks, cobbles/boulders, stacked field stone, postholes, etc.); trash pits, privies, wells, and associated artifacts; isolated artifacts or isolated clusters of manufactured artifacts (e.g., glass bottles, metal cans, manufactured wood items, etc); and human remains. In addition, cultural materials including both artifacts and structures that can be attributed to Hispanic, Asian, and other ethnic or racial groups are potentially significant. Such features or clusters of artifacts and samples include remains of structures, trash pits, and privies.

recognized storage facility shall be developed and implemented under the direction of the City’s Environmental Principal Planner.

MM CUL – 1.3: Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American.

If the Coroner determines that the remains are not subject to his/her authority, the Native American Heritage Commission shall be notified to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location no subject to further subsurface disturbance.

If the Director of Planning, Building, and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.

A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

4.5.3 **Conclusion**

Impact CUL – 1: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant impacts to cultural resources than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.6 GEOLOGY AND SOILS

The following discussion is based on a geotechnical investigation completed by *TRC Lowney* in November 2006. The purpose of this investigation was to evaluate the subsurface conditions at the project site and identify any project impacts. The geotechnical report is included as Appendix D of this Addendum.

4.6.1 Setting

4.6.1.1 *Geological Features*

The project area is located in the Santa Clara Valley, between the base of the western foothills of the Hamilton-Diablo Mountain Range and the northeasterly foothills of the Santa Cruz Mountains, in the Coast Range Geomorphic Province of Central California. Bedrock underlying the area is part of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of the Upper Jurassic to Cretaceous age (70 to 140 million years old). These rocks are part of a northwesterly-trending belt of material that lies along the east side of the San Andreas Fault system, which is located approximately 14 miles southwest of the area. The Franciscan Complex is overlain by alluvium deposits of Holocene age (less than two million years old). This alluvium is comprised primarily of clay, silt, sand, and gravel. Below surface soils, older alluvial soils, extend to depths of greater than 950 feet.

4.6.1.2 *On-Site Geologic Conditions*

Soils and Groundwater

The soils on-site are relatively uniform, consisting of approximately six to 12.5 feet of stiff to hard interbedded sand, clay, and silt over stiff clays to depths of about 25 to 38 feet. Below the stiff clay, dense sands were generally encountered. The site soils have a moderate expansion potential.⁴ Because the site topography is generally flat, there is no erosion or landslide hazard.⁵

Depth to groundwater in the project area is known to be seven feet below grade. Fluctuations in the level of groundwater may occur due to variations in rainfall, underground drainage patterns, and other factors.

Seismicity

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone 4, the most seismically active zone. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions.

⁴ Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974. and County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 11. 23 September 2002.

⁵ Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974. and County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 11. 23 September 2002.

The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone or a City of San José Potential Hazard Zone. Fault rupture through the project site, therefore, is not anticipated. The two major fault lines in the project area are the San Andreas Fault and Hayward Fault. The San Andreas Fault is approximately 14 miles southwest of the site. The main trace of the Hayward Fault is approximately 10 miles northeast of the site and the southeast extension of the Hayward Fault is approximately four miles northeast of the site.

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. The project site is located within a liquefaction hazard zone.⁶

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Although the project site is located in proximity to Coyote Creek, liquefiable layers near the bottom channel elevation were not encountered. For this reason the potential for lateral spreading at the site is considered low.

4.6.2 Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS						
	New Potentially Significant Impact	New Less Significant Than With Mitigation Incorporated	New Less Significant Than Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described 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? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9

⁶ County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 11. 23 September 2002. [http://www.sccgov.org/SCC/docs/Planning.%20Office%20of%20\(DEP\)/attachments/58259611.pdf](http://www.sccgov.org/SCC/docs/Planning.%20Office%20of%20(DEP)/attachments/58259611.pdf). Accessed 14 July 2006.

GEOLOGY AND SOILS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,9
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
5) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2

4.6.2.1 Soils and Groundwater

The project site includes moderately expansive soils, which may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could potentially damage the future development on the site, which would represent a significant impact unless avoided by incorporating appropriate engineering into grading and foundation design. The proposed project is not expected to be exposed to slope instability, erosion, or landslide-related hazards, due to the flat topography of the project site.

As discussed above, groundwater in the project area is as shallow as seven feet below grade. The project proposes to construct parking garages partially below grade. The project would require excavations of up to 10 feet below grade for the parking garages. The bottom of the excavation may be up to three feet below the groundwater level.

The proposed project would not result in any new or more significant soil related impacts than were described in the certified 2005 NSJ FPEIR.

Impact GEO – 1: Due to the expansion potential of the soils on-site, there is a potential to expose people and structures to significant geological hazards. Also, the proposed project is subject to shallow groundwater. **(Significant Impact)**

Mitigation Measures: The proposed project shall implement the following mitigation measures as conditions of approval to reduce geologic hazard impacts:

- MM GEO – 1.1:** Design and construct buildings in accordance with the design-level geotechnical investigation prepared for the project site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.
- MM GEO – 1.2:** Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.
- MM GEO – 1.3:** Below grade structures shall be designed to permanently dewater or resist hydrostatic groundwater pressures.

4.6.2.2 *Seismicity and Seismic Hazards*

The project site is located in a seismically active region, and therefore, strong ground shaking would be expected during the lifetime of the proposed project. Ground shaking could damage buildings and other proposed structures, and threaten the welfare of future residents. In addition, the project site includes potentially liquefiable soil materials.

The proposed project would not result in any new or more significant seismic related hazard impacts than were described in the certified 2005 NSJ FPEIR.

Impact GEO – 2: The project is subject to seismic and seismic-related hazards.

Mitigation Measure: The following mitigation measure is identified as part of the certified 2005 NSJ FPEIR to be required of future residential development in North San José and the proposed project shall implement the measure as conditions of approval:

MM GEO 2.1: The project shall be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.

4.6.3 Conclusion

Impact GEO – 1: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant geologic impacts from expansive soils on-site or shallow groundwater than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact GEO – 2: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant geological hazard related impacts relating to seismic and seismic-

related hazards than those addressed in the certified 2005 NSJ FPEIR.
(No New Impact)

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Phase I environmental site assessment completed by *Versar, Inc* in January 2007. The purpose of the assessment and evaluation was to identify recognized environmental conditions on the project site related to current and historic use of hazardous substances and petroleum products.⁷ Soil sampling was also completed for the project site by *Versar, Inc* in May 2008. Copies of the Phase I and soils investigation are included in Appendix E of this Addendum.

In addition, a vicinity hazardous materials users survey and airborne release risk appraisal was completed by *Versar* in January 2008. The purpose of the vicinity hazardous materials users survey was to identify facilities in the project site vicinity that could impact the project site if an accidental hazardous materials release were to occur. Airborne release risk appraisals were completed based on the nearby facilities identified in the users survey that may impact the project site. A copy of this report is included as Appendix F of this Addendum.

4.7.1 Setting

4.7.1.1 *Background Information*

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Other programs set forth remediation requirements at site where contamination has occurred.

4.7.1.2 *Site Conditions*

Based on aerial photographs and topographic maps, the project site was planted with orchards as early as 1939. At least two small structures were on the southwest end of the site, along Seely Avenue. Prior to 1939, it was likely that the project site was either agricultural or undeveloped land. By 1982, the orchard on-site has been removed. In the 1980s the four existing buildings were constructed on-site.

4.7.1.3 *Potential On-Site Sources of Contamination*

Regulatory Agency Database Report

A database search was undertaken for the project site for the purpose of identifying all sites within the project area where there are known or suspected sources of contamination, as well as sites that

⁷ The term “recognized environmental conditions” means the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate a significant release or significant threat of a release into the ground, groundwater, or surface water.

handle or store hazardous materials. Federal, state, local, historical, and brownfield databases were searched. The databases searched and results are identified in Appendix F of this Addendum. The project site is listed on one database for storing small unregulated quantities of chemicals, including various cleaners and bleach, for janitorial purposes.

There were no reported nearby hazardous materials spill or releases with a potential to significantly impact the project site. The potential for site impact was evaluated based on information in the database records regarding the type of release, current case status, and distance and direction from the site.

City and County Agencies File Review

Available information at the San José Building Department (SJBD), San José Fire Department (SJFD), Santa Clara County Environmental Health Department (SCCEHD), and Santa Clara Valley Water District (SCVWD) was reviewed to obtain information on hazardous materials usage and storage on-site. No files were found for the project site.

On-Site Observations

During site reconnaissance, no evidence of potable drinking water wells or septic systems, monitoring wells, areas exhibiting stressed vegetation, wastewater discharges, unusual or noxious odors, or large-scale industrial or manufacturing activities were observed.

Hazardous Materials Use and Storage

Based on the review of regulatory databases and City and county agency files, as well as the on-site observations, hazardous wastes are not generated at the site. As discussed above, the project site was listed on a database for storing small unregulated quantities of chemicals for janitorial purposes. No evidence of spills or leaks was observed on-site.

There is an approximately 300 gallon diesel generator located in the southeast corner of the project site.

Asbestos Containing Materials

Asbestos containing materials (ACMs) are of concern because exposure to ACMs has been linked to cancer. ACMs can be found in building materials, insulation, and acoustical applications. The EPA banned the manufacture, installation, and processing of asbestos containing insulation and fireproofing in 1972. The application of spray-on material for fireproofing and insulation was banned by the EPA in 1973. The EPA banned molded and wet applied asbestos in 1975, and ACMs in mechanical system insulation were banned in 1976. ACMs in acoustical and decorative applications were banned by the EPA in 1978 and the three-staged phase out of non-friable ACMs in construction materials began in 1990, but has not been fully implemented. No damaged or friable suspect ACMs were observed on-site.

Transformers

There are four electrical transformers located on-site, on the outside of each building. These transformers appear to be in good condition and no oil leaks were observed. Based on the age of the

buildings and transformers on-site, it is unlikely that the transformer oil contains polychlorinated biphenyls (PCBs).

Soil Quality

The project site has historically been used for agricultural purposes, therefore, soil borings were drilled and soil samples were collected and analyzed to evaluate possible concentrations of organochlorine pesticides.

Concentrations of pesticides in soil are compared to the residential US Environmental Protection Agency Preliminary Remediation Goal (EPA PRG), California Department of Toxic Substances Control California Human Health Screening Level (CHHSL), and the San Francisco Regional Water Quality Control Board Environmental Screening Level (ESL). The EPA PRGs, CHHSLs, and ESLs were developed to protect human health and are considered conservative. The presence of a chemical at a concentration above a PRG, CHHSL, or ESL does not necessarily indicate that adverse impacts to human health are occurring; exceeding a PRG, CHHSL, or ESL indicates that the potential for impacts may exist and that additional evaluation may be needed.

The analytical results of the soil samples collected from the site are detailed in Appendix E of this Addendum. Organochlorine pesticides were not detected above laboratory detection limits in the samples collected; however, the laboratory detection limits for some pesticides (i.e., aldrin, chlordane, heptachlor, heptachlor epoxide, hexachlorobenzene, and toxaphene) were higher than the respective PRG, CHHSL, and/or ESL. For this reason, it could not be determined whether or not these pesticides were absent or present near their respective PRG, CHHSL, and/or ESL.

4.7.1.4 Potential Off-Site Sources of Contamination

Based upon available information, no hazardous material incidents have been reported in the site vicinity that would be likely to significantly impact the site. As is typical to many commercial/industrial areas, several facilities in the vicinity, however, were reported as hazardous materials users. If leaks or spills occur at these facilities, contamination could impact the project site, depending on the effectiveness of cleanup efforts.

Significant Hazardous Substance Facilities

A vicinity hazardous materials users survey was completed to identify facilities in the vicinity of the project site having reported hazardous substance usage and to evaluate the significance of the identified hazardous substances for the proposed residential development if an accidental release were to occur. A visual survey of the businesses within approximately 0.5 miles of the project site was completed to identify facilities likely to use, handle, and/or store significant quantities of hazardous substances.

A total of 46 facilities were identified during the survey and further reviewed. None of the identified facilities had release incident reports on file. None of the facilities had hazardous materials listed on their hazardous materials business plans (HMBPs) inventory lists that exceeded the chemical threshold quantities identified in the Environmental Protection Agency (EPA) Risk Management Plan (RMP) List of Chemicals or Consolidated List of Chemicals Subject to Emergency Planning and Community Right-to-Know Act (EPCRA). The EPA RMP requires businesses that hold a specific quantity of a regulated substance to implement a risk management program, which is a

program of activities designed to prevent an accidental chemical release and mitigate releases that might occur. The EPA EPCRA promotes emergency planning and preparedness by providing citizens, local governments, and local response authorities (e.g., fire department) with information regarding the potential hazards in their community. EPCRA requires any facilities that use or store certain chemicals to have emergency response plans in the event of an accidental chemical release. The facility names, addresses, and associated hazardous materials business plans (HMBPs) for facilities proximate to the project site are included in Appendix F of this Addendum.

Based on HMBPs for the 46 nearby facilities, five of the facilities appear to use/handle/store volumes and types of chemicals that, if a release were to occur, could pose a significant threat to future residents at the project site. These facilities, including their name, location, and chemicals of concern are summarized in Table 4.0-2.

Facility Name	Location	Chemicals of Concern
Fairchild Imaging	1801 McCarthy Boulevard (approximately 0.2 miles north-northeast of the site)	Aqueous ammonia, arsine, chlorine, dichlorosilane, concentrated hydrochloric acid, hydrogen, and hydrogen chloride
Underwriters Laboratories, Inc.	455 East Trimble Road (approximately 0.5 miles south-southwest of the site)	Acetylene, butane, and methane.
Thermo Fischer Scientific	455 East Trimble Road (approximately 0.4 miles northwest of the site)	Chloroform
Honeywell	677 River Oaks Parkway (approximately 0.1 miles south-southwest of the site)	Hydrofluoric acid
Qualcomm	2581 Junction Avenue (approximately 0.3 miles south-southwest of the site)	Nitric Acid

4.7.2 Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS							
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Than Significant Impact	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project: 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		1,2

HAZARDS AND HAZARDOUS MATERIALS						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
2) Create a significant hazard to human beings or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10,11
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,10
5) 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, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,10
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

4.7.2.1 Possible On-Site Contamination

Based on the soil sample results, it is possible that organochlorine pesticides, particularly aldrin, chlordane, heptachlor, heptachlor epoxide, hexachlorobenzene, and toxaphene, are present on the site at elevated concentrations.

Impact HAZ – 1: The project would result in significant impacts related to elevated concentrations of organochlorine pesticides, if present on the site.
(Significant Impact)

Mitigation Measures: As conditions of approval, the proposed project shall implement the following measure to reduce impacts from contaminated soil to a less than significant level:

MM HAZ – 1.1: Prior to building permit issuance, the project applicant shall have a qualified hazardous materials consultant prepare a soil management plan (SMP) in coordination with the City of San José Environmental Services Department Municipal Compliance Officer and the Department of Toxic Substances Control (DTSC) or the Santa Clara County Department of Environmental Health, as applicable. The SMP shall address the prospect of residual pesticides on the site and shall outline how risks would be managed during site redevelopment.

The SMP shall require an analysis to determine the presence, and vertical and horizontal extent of soil possibly contaminated with organochlorine pesticides (e.g., aldrin, chlordane, heptachlor, heptachlor epoxide, hexachlorobenzene, and toxaphene). Once the presence and extent of impact is defined, impacted soil that contains residual contaminants above residential PRG, ESL, and/or CHHSL concentrations shall either be:

- removed from the site and taken to an appropriate disposal facility, consistent with local and state regulations. Confirmation soil sampling shall be completed from the bottom and sidewalls of excavations to ensure that all soils containing pesticides in excess of their respective PRG, ESL, and/or CHHSL have been removed.
- OR-
- capped with building foundations (concrete slabs), street and parking lot pavements, and/or several feet of clean landscaping fill to limit exposure to future residents and park users.

The SMP shall also include a health and safety plan addressing worker safety.

Transformers

Based on the age of the buildings and transformers, it is unlikely that the transformer oil contains PCBs; all transformers should, however, be appropriately disposed prior to building demolition.

Avoidance Measure: As a condition of approval, the proposed project shall implement the following avoidance measure:

- All transformers shall be appropriately disposed prior to building demolition.

4.7.2.2 Possible Off-Site Contamination

Methodology

As discussed above, five facilities were identified in the vicinity of the project site whose storage or use of hazardous materials could have impacts on the project site in the event of an accidental chemical release. In accordance with the City of San José Fire Department’s *Draft Guidelines for Preparation of Risk Assessments*, the identified facilities were modeled under USEPA worst-case release assumptions.

USEPA worst-case release assumptions are that the entire contents of a chemical container are released over a 10-minute period under stable atmospheric conditions. Stable atmospheric conditions represent worst-case meteorology where wind speeds are low and the vertical and horizontal dispersivity of the chemical released is minimized. Assuming worst-case conditions is considered conservative.

Thresholds

The criteria to determine the levels of chemical concentration of concern are drawn from the *American Industrial Hygiene Association’s* Emergency Response Guidelines (ERPGs), and the *National Institute of Occupational Safety and Health* Immediately Dangerous to Life and Health Concentrations (IDLHs). ERPGs and IDLHs are defined in Table 4.0-3. The Bay Area Air Quality Management District (BAAQMD) recommends the use of ERPG exposure level 2 (ERPG-2) for evaluating significant impacts. In addition, the USEPA generally defines the area of impact in the RMP as the ERPG-2 concentration. In the absence of ERPG guidelines, the USEPA has recommended 1/10 of the IDLH concentrations for planning purposes.

Table 4.0-3 Definitions of Emergency Response Guidelines (ERPGs) and Immediately Dangerous to Life and Health Concentrations (IDLHs)	
Criteria	Definition
ERPG-1	ERPG exposure level 1 is defined as the maximum airborne concentration, which is believed that nearly all individuals could be exposed to for up to one hour without experiencing more than mild, transient adverse health effects or without perceiving a clearly defined objectionable odor.
ERPG-2	ERPG exposure level 2 is defined as the maximum airborne concentration which is believed that nearly all individuals could be exposed to for up to one hour without experiencing or developing irreversible or other serious side effects of symptoms that could impair an individual’s ability to take protective action.
ERPG-3	ERPG exposure level 3 is defined as the maximum airborne concentration, which is believed that nearly all individuals could be exposed to for up to one hour without experiencing or developing life-threatening health effects.
IDLH	IDLH represent maximum concentrations from which, in the event of a respirator failure, one could escape within 30 minutes without a respirator and without experiencing an escape impairing or irreversible health effects. IDLHs are assumed to be applicable to healthy adult workers in the work place and do not take into account exposure of more sensitive individuals.

Analysis

In the event of a worst-case release scenario for the facilities and chemicals listed in Table 4.0-2, a release from Fairchild Imaging of hydrochloric acid and hydrogen chloride could significantly impact the project site. The extents of the impacts from the five identified facilities are summarized in Table 4.0-4.

Table 4.0-4 Worst-Case Release Scenario Results			
Release Scenario	Predicted Maximum Threat Zone	Predicted Concentrations (parts per million)	
		Exterior	Emergency Planning
<i>Fairchild Imaging</i> – 0.02 miles from the site			
Aqueous Ammonia	51 feet	0.66	IDLH = 300 ERPG-2 = 150 ERPG-3 = 750
Arsine	0.2 miles	0.007	IDLH = 3 ERPG-2 = 0.5 ERPG-3 = 1.5
Chlorine	0.14 miles	2.6	IDLH = 10 ERPG-2 = 3 ERPG-3 = 20
Dichlorosilane*	None	NS	1.0 psi overpressure
Hydrochloric Acid	>0.17 miles	26.7	IDLH = 50 ERPG-2 = 20 ERPG-3 = 150
Hydrogen*	None	NS	1.0 psi overpressure
Hydrogen Chloride	0.16 miles	20.3	IDLH = 50 ERPG-2 = 20 ERPG-3 = 150
<i>Underwriter Laboratories, Inc.</i> – approximately 0.5 miles from the site			
Acetylene*	None	NS	1.0 psi overpressure
Butane*	None	NS	1.0 psi overpressure
Methane*	None	NS	1.0 psi overpressure
<i>Thermo Fischer Scientific</i> – approximately 0.4 miles from the site			
Chloroform	0.01 miles	0.10	IDLH = 500 ERPG-2 = 50 ERPG-3 = 5,000
<i>Honeywell</i> – approximately 0.1 miles from the site			
Hydrofluoric Acid	0.01 miles	0.24	IDLH = 30 ERPG-2 = 20 ERPG-3 = 50
<i>Qualcomm</i> – approximately 0.3 miles from the site			
Nitric Acid	36 feet	0.005	IDLH = 25 ERPG-2 = 6 ERPG-3 = 78
Notes: All releases assume US EPA worst-case conditions. Bold text indicates a significant impact. NS = not significant. * ERPG values have not been established for this chemical of concern, the hazard scenario developed was for risk due to explosion.			

Results of Alternative Release Scenarios

Based on the worst-case airborne release scenarios modeled, Fairchild Imaging could have a significant impact on the project site in the event of a catastrophic release of hydrochloric acid or hydrogen chloride. The predicted impacts from hydrochloric acid and hydrogen chloride gas exceed the ERPG-2 guidelines. None of the other modeled scenarios would exceed the ERPG-2 or IDLH guidelines.

Fairchild Imaging is located north-northeast of the project site and is not in the prevailing upwind direction. Considering regional prevailing wind speed and direction, the likelihood that a worst-case release would significantly impact the site appears to be low. Based on meteorological data, the wind blows from the west to northwest approximately 49 percent of the time and worst-case wind speeds and calms occur approximately seven percent of the time. For these reasons, the potential likelihood of a worst-case release under worst-case atmospheric conditions is reduced.

Alternative release scenarios were completed for the two chemicals (hydrochloric acid and hydrogen chloride) at Fairchild Imaging with predicted worst-case impacts, to determine the effects of increased wind and crosswinds. The findings of these alternative scenarios show that an increase in wind speed from three miles per second to four miles per second reduces the impact to below ERPG-2 guidelines. Adding a slight (60 foot) crosswind component also reduces the impact to below ERPG-2 guidelines. The modeling for the alternative release scenarios show that even a slight deviation from worst-case atmospheric conditions reduces the risk at the site to below ERPG-2.

In addition, the Fairchild Imaging facility is subject to the EPA RMP, which requires the facility to have a program in place that serves to further reduce the likelihood and possible impacts of accidental releases of hazardous materials. The RMP elements include engineering, mechanical integrity, and management improvements and safeguards. This facility is also subject to regulation by the Uniform Fire Code, Uniform Building Code, and the Santa Clara County Toxic Gas Ordinance (TGO). The TGO regulates toxic gas users and requires that acutely hazardous process materials be housed in secondary containment facilities. These facilities typically include ventilated storage of gases, leak detection, secondary containment of process piping, automatic shutdown at the source and treatment capability for discharged gases. Fairchild Imaging's compliance with these protective requirements further reduces the likelihood of release, and the potential for a significant impact to occur.

While a worst-case release could have significant health and safety impacts on the project site, the analysis in Appendix F found that the probability of this worst-case release is not a reasonable basis for a threshold of significance. Specifically, the report by an industrial hygienist found that, due to the likelihood of ideal conditions being present (i.e., favorable winds) and the required mechanical and/or institutional controls the user has in place (e.g., RMP requirements), the probability of a worst case release and its impacts is highly unlikely (refer to Appendix F). For these reasons, impacts to the proposed project would be less than significant from an accidental chemical release at an off-site source.

4.7.3 **Conclusion**

Impact HAZ – 1: The project, with the implementation of the above mitigation measure, would not result in significant impacts related to elevated concentrations of organochlorine pesticides on the site. **(Less Than Significant Impact with Mitigation Incorporated)**

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Setting

The existing drainage and regulatory requirements regarding hydrology and water quality are generally unchanged from the certified 2005 NSJ FPEIR. The primary changes are the update of the Federal Emergency Management Agency’s Flood Insurance Rate Map (FEMA FIRM) that covers the project site, the City’s update of its *Post-Construction Urban Runoff Management* (Policy 6-29), and the City’s adoption of the *Post-Construction Hydromodification Management* (Policy 8-14).

4.8.1.1 *Drainage and Flooding*

The project site is not located within a 100-year flood hazard area. According to the Federal Emergency Management Agency, the project site is located within Flood Zone X. Zone X includes areas outside the one percent annual chance floodplain, areas of one percent annual chance sheet flow flooding where average depths are less than one foot, areas of one percent annual chance stream flooding where the contributing drainage area is less than one square mile, or areas protected from the one percent annual chance flood by levees.⁸

Runoff from the project site is conveyed into a 30-inch storm drain line in River Oaks Parkway, which eventually flows to Coyote Creek.

4.8.1.3 *Regulatory Requirements*

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José’s Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs)⁹ and Treatment Control Measures (TCMs)¹⁰ to the maximum extent practicable. This Policy also establishes specific design standards for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

⁸ Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel No. 060349 008F. 16 December 1988. Revised 25 October 2006.

⁹ Post-Construction Best Management Practices (BMPs) are methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Examples of Post-Construction BMPs include proper materials storage and housekeeping activities, public and employee education programs, and storm inlet maintenance and stenciling.

¹⁰ Post-Construction Treatment Control Measures are site design measures, landscape characteristics or permanent stormwater pollution prevention devices installed and maintained as part of a new development or redevelopment project to reduce stormwater pollution loading from the site; is installed as part of a new development or redevelopment project; and is maintained in place after construction has been completed. Examples of runoff treatment control measures include filtration and infiltration devices (e.g., vegetative swales/biofilters, insert filters, and oil/water separators) or detention/retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of BMPs.

**City of San José Post-Construction
Hydromodification Management (Policy 8-14)**

In 2005, the City of San José adopted the Post-Construction Hydromodification Management (Policy 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification¹¹ is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks.

Policy 8-14 requires stormwater discharges from new and redevelopment projects that create or replace one acre (43,560 square feet) or more of impervious surfaces to be designed and built to control project-related hydromodification, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to beneficial uses of local rivers, streams, and creeks. The Policy establishes specified performance criteria for Post-Construction Hydromodification control measures (HCMs) and identifies projects which are exempt from HCM requirements. For example, projects are exempt that do not increase the impervious area of a site, as are projects that drain to exempt channels, projects that drain to stream channels within the tidally influenced area, or projects that drain to non-earthen stream channels that are hardened on three sides and extend continuously upstream from the tidally influenced area.

4.8.2 Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY							
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Than Significant Impact	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:							
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

¹¹ Hydromodification occurs when the total area of impervious surfaces increases resulting in the decrease of rainfall infiltration, which causes more water to run off the surface as overland flow at a faster rate. Storms that previously did not produce runoff from a property under previous conditions can produce erosive flows in creeks. The increase in the volume of runoff and the length of time that erosive flows occur intensifies sediment transport, increasing creek scouring and erosion and causing changes in stream shape and conditions, which can, in turn, impair the beneficial uses of the stream channels.

HYDROLOGY AND WATER QUALITY						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,12
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,12
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,12
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.8.2.1 Drainage and Flooding

Currently, approximately 94 percent (13.43 acres) of the project site is impervious and approximately six percent (0.87 acres) of the project site is pervious (refer to Table 4.0-5).

Table 4.0-5 Summary of Estimated Impervious and Pervious Surfaces On-Site						
Site Surface	Existing/Pre-Construction (acres)	%	Project/Post-Construction (acres)	%	Difference (acres)	%
Impervious						
Building Footprint	5.94	42	7.80	55	1.86	13
Parking/Streets	7.05	49	2.52	18	-4.53	-31
Sidewalks/Patios/Paths	0.44	3	0.03	0	-0.41	-3
<i>Subtotal</i>	<i>13.43</i>	<i>94</i>	<i>10.35</i>	<i>73</i>	<i>-3.08</i>	<i>-21</i>
Pervious						
Landscaping	0.87	6	3.95	27	3.08	21
<i>Subtotal</i>	<i>0.87</i>	<i>6</i>	<i>3.95</i>	<i>27</i>	<i>3.08</i>	<i>21</i>
Total	14.5	100	14.5	100		

The project proposes to demolish and remove the existing buildings and surface parking areas on-site and construct up to 777 residential units, new streets, and an approximately 2.6-acre public park. With the development of the proposed project, approximately 73 percent (10.35 acres) of the project site would be impervious and approximately 27 percent (3.08 acres) of the site would be pervious. The proposed project, therefore, would result in an approximately 21 percent (3.08 acres) decrease in impervious surfaces (refer to Table 4.0-5).

The proposed project includes approximately 0.5 acres of off-site street dedication improvements on the adjacent industrial property southeast of the site. Currently, the off-site area consists of 27 percent (0.12 acres) impervious surfaces and 73 percent (0.33 acres) pervious surfaces (see Table 4.0-6 below). With the implementation of the proposed project, the existing 15-foot wide landscaping strip and row of parking would be replaced with a 17-foot wide roadway lane, a 10-foot wide sidewalk and tree well area. The proposed project would result in an increase of 73 percent (0.33 acres) increase in impervious surfaces on the off-site area (see Table 4.0-6).

Overall, the proposed project, including the project site and off-site street dedication improvement area, would result in a decrease of approximately three acres of impervious surfaces, which would result in a decrease in surface runoff. For this reason, it is not anticipated that runoff from the proposed project would exceed the capacity of the existing storm drain system.

As discussed previously, the project site is not located within a 100-year flood hazard zone.

The proposed project would not result in any new or more significant drainage impacts than were described in the certified 2005 NSJ FPEIR.

Table 4.0-6 Summary of Estimated Impervious and Pervious Surfaces Off-Site						
Site Surface	Existing/Pre-Construction (acres)	%	Project/Post-Construction (acres)	%	Difference (acres)	%
Impervious						
Building Footprint	0	0	0	0	0	0
Parking/Streets	0.12	27	0.28	63	0.16	36
Sidewalks/Patios/Paths	0	0	0.17	37	0.17	37
<i>Subtotal</i>	<i>0.12</i>	<i>27</i>	<i>0.45</i>	<i>100</i>	<i>0.33</i>	<i>73</i>
Pervious						
Landscaping	0.33	73	0	0	-0.33	-73
<i>Subtotal</i>	<i>0.33</i>	<i>73</i>	<i>0</i>	<i>0</i>	<i>-0.33</i>	<i>-73</i>
Total	0.45	100	0.45	100		

4.8.2.2 Water Quality

Construction-Related Impacts

Construction of the proposed project, as well as demolition, grading, and excavation activities, may result in temporary impacts to surface water quality. Demolition of the existing buildings and construction of the proposed project would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drain system.

The development of the proposed project would contribute to the significant construction-related water quality impacts identified in the certified 2005 NSJ FPEIR. The proposed project would not, however, result in any new or more significant construction-related water quality impacts than were described in the certified 2005 NSJ FPEIR.

Impact HYD – 2: The proposed project would result in construction-related water quality impacts. **(Significant Impact)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR and shall be implemented by the project as conditions of approval:

MM HYD – 2.1: The proposed project shall comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for project with land disturbance of one acre or more, applicants shall be required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following best management practices (BMPs) are proposed by the project:

- Restrict grading to the dry season (April 15 through October 15);
- Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

MM HYD – 2.2: The proposed project shall comply with the City’s Grading Ordinance.

Post-Construction Impacts

Stormwater runoff from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from the proposed project may contain oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from landscaped areas.

The project would generate pollutants, dust, litter, and other contaminants that would be washed into the storm drain system. The project, therefore, would generate contaminants that could be carried downstream in stormwater runoff from paved surfaces on the site.

The development of the proposed project would contribute to the significant post-construction related water quality impacts identified in the certified 2005 NSJ FPEIR. The project proposes to incorporate mechanical filters and planter boxes/landscape filters around the perimeter of the proposed buildings to reduce post-construction water quality impacts.

The proposed project would not result in any new or more significant post-construction related water quality impacts than were described in the certified 2005 NSJ FPEIR.

Impact HYD - 3: The proposed project would result in post-construction water quality impacts. **(Significant Impact)**

Mitigation Measures: The following mitigation measures shall be implemented by the project as conditions of approval to reduce post-construction water quality impacts:

MM HYD – 3.1: The proposed project shall incorporate mechanical filters and planter boxes/landscape filters around the perimeter of the proposed buildings.

MM HYD – 3.2: The proposed project shall comply with City Policies 6-29 and 8-14.

4.8.3 Conclusion

Impact HYD – 1: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant flooding impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact HYD – 2: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant construction-

related water quality impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact HYD – 3: The proposed project, with the implementation of the above mitigation measures, would not result in significant post-construction water quality impacts. **(No New Impact)**

4.9 LAND USE

4.9.1 Setting

4.9.1.1 *Existing Land Use*

The approximately 14.3-acre project site consists of two parcels (APNs 097-15-027 and 097-15-026) and is located at the northeast quadrant of River Oaks Parkway and Seely Avenue in north San José. Coyote Creek and trail is located to the northeast of the project site (refer to Figure 2.0-2).

The project site is currently developed with an industrial office park comprised of four buildings that total approximately 144,000 square feet, surface parking, and landscaping. Figure 2.0-3 shows each building on-site and their corresponding addresses. The buildings are currently occupied by Cadence Design Systems.

The existing northwest boundary of the project site abutting the existing residential uses consists of an approximately seven-foot wide landscaping buffer and an approximately eight-foot tall soundwall and chain-link fence. The northern boundary of the site abutting the creek and trail consists of an approximately eight-foot tall chain-link fence. The southeastern boundary of the site abutting the existing industrial property consists of a five-foot wide landscaping strip.

4.9.1.2 *Surrounding Land Uses*

The surrounding land uses include a creek trail to the northeast, an orchard to the east, light industrial uses to the south and southeast, and multi-family residential uses to the west. An aerial photograph and surrounding land uses is shown on Figure 2.0-3. Land southeast of the site is currently zoned and used for industrial park uses, and has a land use designation of *Industrial Park* with a *Transit/Employment Residential District (55+ du/ac) Overlay* (refer to Figure 3.0-1).

The approximately 0.5-acres of the adjacent industrial property southeast, which would be dedicated for ROW as part of the project, consists of a 15-foot wide landscaping strip with trees, bushes, grass, and a row of 65 parking spaces.

4.9.1.3 *Land Use Plans*

General Plan Land Use Designation

With the certification of the 2005 NSJ FPEIR, the City's General Plan was modified. As a result, the existing land use designation for the project site (*Industrial Park*) was modified to include a *Transit/Employment Residential District (55+ du/ac) overlay*.

The *Transit/Employment Residential District* overlay does not change the underlying land use designation of *Industrial Park*, however, it does allow for the development of residential uses as an alternative use at a minimum density of 55 du/ac. In addition, land within this overlay designation can also be developed as new schools, parks, and other support uses for new residential development. Development within this land use designation is intended to make efficient use of land to provide residential units in support of nearby industrial employment centers.

Zoning Designation

The project site has a zoning designation of *IP – Industrial Park*. The *IP – Industrial Park* designation is an exclusive designation intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing, and offices.

4.9.1.4 Other

The project site is not part of a habitat conservation plan or natural community conservation plan.

North San José Area Development Policy

The North San José Area Development Policy (hereinafter referred to as the Policy) provides for the development of up to 32,000 new residential dwelling units within North San José, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 du/ac (up to 200 acres) or 90 du/ac (up to 85 acres). A summary of the provisions of the Policy are listed in Table 4.0-7.

Table 4.0-7			
Consistency with North San José Area Development Policy Residential Checklist			
Provisions of the Policy	Consistent?		
	Yes	No	N/A
Land Use			
Residential development must occur on land within the Transit/Employment Residential Overlay, on land already designated for residential use in the General Plan, or within the Industrial Core area in a mixed use configuration.	X		
Residential development within the Overlay must be at least 55 DU/AC.	X		
Site must not contain an existing important vital or “driving” industrial use.	X		
Site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.	X		
The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development (e.g. an adequate buffer must be provided for new residential uses from existing industrial uses) in order to protect all occupants of the sites and enhance preservation of land use compatibility among sites within the Policy area. A risk assessment may be required to address compatibility issues for any proposed industrial to residential conversions.	X		
Site should be within 1,000 feet of existing park or would help establish or contribute to a new park of adequate size within 1,000 feet.	X		
Site design must support transit use and pedestrian safety.	X		
Master planning for sites for parks, schools, and other public facilities must be completed within each of the seven new residential areas prior to any proposed conversion within that area.	X		
Project does not result in the conversion of industrial land not anticipated by the Policy.	X		

Table 4.0-7			
Consistency with North San José Area Development Policy Residential Checklist			
Provisions of the Policy	Consistent?		
	Yes	No	N/A
Traffic			
Project includes design features that encourage bicycle and pedestrian movements.	X		
Project incorporates TDM measures (see Policy list for residential projects).	X		
Project includes dedication of public street right-of-way determined necessary through or adjacent to the project site.	X		
Infrastructure Improvements			
Project includes extension, expansion, or improvement of utilities or other infrastructure needed to serve the project and its immediate area, including extension of recycled water line where possible.	X		
Project includes dual plumbing to allow use of recycled water for landscaping.	X		
Allocation of Capacity			
Sufficient capacity remains within the relevant Phase to allow development of the proposed units.	X		
Design Criteria			
Project is consistent with relevant policies in the Residential Design Guidelines.	X		
Project is consistent with Multi-modal Transportation Design Criteria in the ADP.	X		
Project incorporates Green Building techniques, resource conservation programs, and minimizes water use.	X		

4.9.1.4 Other

The project area is not part of a habitat conservation plan or natural community conservation plan.

4.9.2 Environmental Checklist and Discussion of Impacts

LAND USE						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project: 1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

LAND USE						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4, 13,14
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,13

The project proposes to rezone the project site from *IP – Industrial Park* to *A(PD) – Planned Development* to allow for the demolition of the existing buildings and development of a minimum of 55 du/ac with up to 777 residential units and an approximately 2.6-acre public park. The park design and layout are unknown at this time and would require subsequent environmental review when proposed. The project also includes the construction of new streets (see Figure 3.0-3). As discussed in **Section 3.0 Project Description**, the construction of Street A requires 0.5-acres of off-site street dedication improvements from the adjacent industrial property southeast of the site.

4.9.2.1 Conformance with Land Use Plans

General Plan and Zoning

Note that all measurements in this discussion are approximate unless specifically stipulated on project plans.

The minimum density of the proposed residential development would be 55 du/ac with a maximum of 777 residential units. The project’s proposed residential density would be consistent with the residential density requirement of 55 du/ac or more. Also, as mentioned above, the existing General Plan land use designation allows for park uses. The proposed approximately 2.6-acre public park, therefore, would also be consistent with the existing General Plan land use designation.

Since the project proposes to rezone the project site from *IP – Industrial Park* to *A(PD) – Planned Development* to reflect the proposed development, it is not consistent with the existing zoning for the site.

North San José Area Development Policy

Land Use

The proposed project is consistent with the land use provisions in the Policy because it proposes residential development at a minimum of 55 du/ac within an appropriate transit employment overlay area, proposes residential development in proximity to public transit, would not impact a vital or “driving” industrial use,¹² would not expose residents to significant hazards from nearby industrial facilities (refer to **Section 4.7 Hazards and Hazardous Materials**), and proposes to comply with the City’s *Parkland Dedication Ordinance* and/or *Parkland Impact Ordinance* through a combination of dedication, improvement, and/or payment of in-lieu fees (refer to **Sections 4.13 Public Services** and **4.14 Recreation**).

Traffic

The project includes design features (such as Transportation Demand Management measures) that encourage bicycle and pedestrian movements (a list of possible improvements is included in **Section 4.3 Air Quality**) and will dedicate public street ROW (refer to **Section 3.2 Project Components**). The project proposes 10-foot wide sidewalk and tree well areas throughout the project site. The proposed on-street parking would buffer pedestrians from vehicular traffic. In addition, the project includes a 45-foot wide pedestrian paseo that would provide pedestrian access across the site from Street A to the emergency vehicle access road (refer to Figure 3.0-3). The paseo would include trees and landscaping, as well as benches and tables. Pedestrian movement north to south would be limited to the sidewalks on the streets, due to the elevated podiums. The sidewalks and paseo are proposed to facilitate pedestrian movements. In addition, bicycle parking is proposed in the podium parking garages and in the landscaped areas around and on the podiums. The project proposes to dedicate public street ROW to construct two new public roadways with sidewalks. The emergency vehicle access road along the northwestern site boundary would also have sidewalks. For these reasons, the proposed project is consistent with the traffic provisions of the Policy.

Infrastructure Improvements

The proposed project is consistent with the Policy’s provisions for infrastructure improvements. As discussed in **Section 4.16 Utilities and Service Systems**, the project would connect to existing utility lines in nearby streets and upgrade them if needed. In addition, the project shall install dual plumbing for use of recycled water for landscaping irrigation (see **Section 4.16 Utilities and Service Systems**).

Allocation of Capacity

The NSJ Policy provides for the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, and 32,000 new dwelling units in the Rincon area. In regards to allocation

¹² The project site is owned by Essex Property Trust, the project applicant. The buildings on-site are currently leased and occupied by Cadence Design Systems, Inc. Cadence has recently finished constructing a five-story, 208,000 square feet R&D center located at 2655 Seely Avenue southeast of the site to house 100 percent of employees from the project site. As per Cadence’s lease agreement, Cadence will vacate the project site on or before January 23, 2009. Source: Tricaso, David. Letter from Vice President Workplace Resources for Cadence Design Systems, Inc. “River Oaks Campus.” 20 May 2008.

capacity, since the approval and certification of the NSJ FPEIR in June 2005, the City Council has approved zoning for several projects. The approved projects allow for the development of a total of up to 7,383 residential units, 208,060 square feet of commercial uses, and up to 1,758,860 square feet of industrial uses (zoning file numbers PDC06-022, PDC05-099, PDC06-085, PDC06-038, PDC05-114, PDC06-061, PDC06-093, PDC07-054, PDC07-055, PDC06-130, PDC07-057, PDC07-080, H07-035, H07-018, and H07-053). The allocation of unit capacity occurs with approval of a PD Permit. A maximum of 8,000 new residential units is allowed to be permitted during Phase I of development in NSJ. PD Permits have been approved for a total of 5,361 residential units. The project proposes up to 777 residential units. Sufficient capacity remains to allow for the development of the proposed project.

Design Criteria

As discussed below and in **Section 4.1 Aesthetics**, the proposed project is consistent with the City's *Residential Design Guidelines*. Two new chapters for transit-oriented development and mid- and high-rise residential development were adopted by the City Council in September 2007. The new guidelines include recommendations for mixed-use development with ground floor retail, pedestrian accessibility using smaller block sizes, minimum residential density of 55 du/ac, wide sidewalks, a range of accessible open spaces, and on-street and below grade parking. The proposed project is consistent with the new guidelines in regards to recommended components of transit-oriented development (e.g., pedestrian accessibility, mixed-use density of 55 du/ac or more, sidewalk and roadway grid patterns).

In addition, the project is consistent with the Policy's Multi-modal Transportation Design Criteria by proposing to incorporate TDM measures to encourage use of transit, and allow pedestrian and bicycle movement (refer to **Section 4.3 Air Quality**). The project encourages pedestrian and bicycle usage through the site with new roadways, sidewalks, and a paseo that provide access through the site and to the proposed public park (refer to Figure 3.0-5). The project shall incorporate dual plumbing for use of recycled water for landscaping (refer to **Section 4.16 Utilities and Service Systems**).

The proposed project is consistent with the North San José Area Development Policy. Table 4.0-7 provides a summary of the project's consistency with the Policy's provisions.

4.9.2.2 Land Use Compatibility

Land use conflicts can arise from two basic causes: 1) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility; or 2) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. For the purpose of identifying possible conflicts, the setbacks identified in the City's Zoning Ordinance and Design Guidelines are assumed to be acceptable minimums.

Interface with Existing Uses

As discussed in the certified 2005 NSJ FPEIR, developing residential uses near existing industrial uses could result in land use compatibility issues. The proposed residential development is buffered from surrounding uses (including residential, agricultural, and industrial uses) by the proposed

emergency vehicle access road (a two-lane roadway), Coyote Creek, proposed Street A (a two-lane roadway), and Seely Avenue (a two-lane roadway) (refer to Figure 2.0-3).

Coyote Creek and Riparian Corridor

The project site is adjacent to Coyote Creek and trail to the northeast, an orchard to the east, industrial uses to the southeast and southwest (across Seely Avenue), and residential uses to the west and north (refer to Figure 2.0-3). As discussed in **Section 4.4 Biological Resources**, the proposed park is set back from the creek and riparian habitat to avoid impacts to the riparian corridor.

Existing Residential Uses

The proposed residential buildings would be set back from the property line of the adjacent residential uses north and west of the site by at least 50 feet (refer to Figure 3.0-2). The total distance between the nearest proposed residences and the existing residential uses is at least 80 feet. The proposed residences would be separated from the existing residential units by a 10-foot wide area containing first floor unit stoops and stairs, a 10-foot wide sidewalk and tree well area, a 20-foot wide emergency vehicle access road, a 10-foot wide area consisting of a pedestrian path and existing pine trees, and a 30-foot wide landscaped area (refer to Figure 4.0-3).

Existing Industrial Use

The distance between the nearest proposed residential unit and the existing adjacent industrial building is 129 feet (refer to Figure 3.0-4). The proposed residences would be separated from the existing adjacent industrial building by an 11-foot wide area consisting of first floor unit stoops and stairs, a 10-foot wide sidewalk and tree well area on the west side of the proposed street, 36-foot wide Street A, a 10-foot wide sidewalk and tree well area on the east side of the street, a three-foot wide landscaping buffer, and a 59-foot wide drive aisle (refer to Figure 3.0-4).

With the creation of the proposed Street A, what was the side setback for the adjacent Cadence site southeast if the site becomes a front setback. The City's Zoning Ordinance Section 20.50.200 states that the required setback from the property line for parking and circulation (including driveways) is 25 feet in the IP zone district. The parking and circulation on the adjacent industrial property would be set back three feet from the proposed new property line adjacent to Street A (including sidewalk and tree well area) (see Figure 3.0-4). The proposed project would result in the creation of a legal non-conforming setback situation with respect to the distance between the proposed property line and the existing Cadence parking and circulation.

With the implementation of the proposed project, the existing industrial buildings would be set back a minimum of 62 feet, which is greater than the City's building setback requirement of 15 feet (Zoning Ordinance Section 20.50.200).

The purpose of the setback requirements in the Zoning Ordinance is to reduce land use compatibility impacts related to noise and aesthetics. As discussed in **Section 4.11 Noise**, while the project does not meet the previously stated front setback requirements outlined in the Zoning Ordinance, the noise levels at the property line between the project site and the adjacent industrial property are consistent with existing distant traffic and aircraft noise. Zoning Ordinance Section 20.50.260 states that a four-foot high parking screen is required when residential uses are located across the street. Attractive walls, dense landscaping, or depressed parking are acceptable screen solutions. As discussed above and shown in Figure 3.0-4, a three-foot wide landscaping buffer would be located on

the northwest industrial property boundary between the industrial property and the proposed Street A, sidewalk, and tree well area.

The surrounding roadways (existing and proposed) combined with the proposed setbacks and building and site design, provide sufficient buffer between the project site and the adjacent creek and residential uses. However, the project does not comply with the City’s front setback requirements for industrial uses or screening requirements for industrial uses located across a street from residential uses. The proposed project would result in land use compatibility impacts between the proposed residences and the existing industrial business on the adjacent property southeast of the site.

Impact LU – 1: The proposed project would result in land use compatibility impacts between the proposed residences and the existing industrial business on the adjacent property southeast of the site. **(Significant Impact)**

Mitigation Measures: The following measures shall be implemented by the project as a condition of approval to reduce land use compatibility impacts:

MM LU – 1.1: The proposed project shall be required to comply with the City of San José *Residential Design Guidelines*, including the following at the PD permit stage:

- *Chapter 5 – Perimeter Setbacks:* Residential structures of three stories or more are to be set back a minimum of 15 feet from incompatible uses. Residential structures of three stories or more are to be setback a minimum of 25 feet from public open space.
- *Chapter 9 – Landscaped Areas:* Landscaping should be provided in all setback areas between project walls and/or fences and the rights-of-way of public streets and sidewalks. The landscaping should be generous and should include trees and/or shrubs as well as groundcover. Tall shrubs or vines should be planted to help screen walls and fences and provide protection from graffiti.
- *Chapter 11 – Building Design:* This chapter specifies minimum facade articulation, vertical and horizontal roof articulation, the quality of building materials and details, stylistic consistency, and the need for care and attention to detail in design of street facades.

MM LU – 1.2: At the Planned Development stage, the project applicant shall work with the City on alternative screening solutions between the project site and the adjacent industrial property to the southeast.

Interface with Proposed Uses

Proposed Residential and Park Interface

In general, residential and park uses are compatible. The normal sounds of people interacting and/or playing in parks are a part of expected activities within residential areas. The park is intended to serve the surrounding neighborhood and would be open during regular City park hours, which are daily from sunrise to one hour after sunset. It is not anticipated that the proposed park would

generate a substantial number traffic trips since the park is to be neighborhood serving and not a regional attraction.

The proposed park is also separated from the proposed residential units by a proposed two-lane public street (see Street B on Figure 3.0-3), which is consistent with General Plan Urban Design Policy 16 for park frontage roads. Proposed Street B includes a 10-foot wide sidewalk and tree well area, and on-street parking on both sides of the street.

Design and operational features of parks that can result in land use conflicts with adjacent residential uses include nighttime lighting of playing fields, amplified sound systems (generally for baseball or football fields), extended hours of activities allowed by nighttime lighting, localized traffic congestion or operational issues associated with traffic generated by organized sports practices or games, and security or law enforcement issues. The park design and layout is currently unknown and therefore, the environmental impacts of park improvements are not analyzed in this Addendum. Park development and improvements would require subsequent environmental review when proposed.

It was concluded in the certified 2005 NSJ FPEIR that development of residential uses, in conformance with the City's *Residential Design Guidelines*, would limit the likelihood that significant land use compatibility impacts between new residents and surrounding land uses would arise. For the reasons discussed above, the project would not result in significant land use compatibility impacts. The development of the proposed park would require separate environmental review when proposed.

The proposed project would not result in any new or more significant land use compatibility impacts than were described in the certified 2005 NSJ FPEIR.

4.9.2.3 *Impacts to the Adjacent Industrial Property*

The development of the proposed project requires approximately 0.5-acres of ROW dedication from the adjacent industrial property southeast of the site. Currently, the adjacent industrial site has an adjusted gross building square footage of 141,612 and 590 parking spaces. Per the City's parking requirements, office uses require one parking space per 250 square feet and industrial uses require one parking space per 350 square feet. Currently, 96,612 square feet of the building on the adjacent industrial property is for office uses and the remaining 45,000 square feet is for industrial uses.¹³ Based on the adjusted gross building square footage and uses of the building on the adjacent industrial property and the City's parking requirements, the industrial property is required to have 515 parking spaces. The industrial property therefore, exceeds the City's parking requirement by 75 spaces.

The main access to the industrial property is from three driveways on Seely Avenue. The industrial property is also accessible from the project site through two access points on the property line. The 0.5-acre off-site area consists of a 15-foot wide landscaping buffer, 65 parking spaces, and the two access points to the project site.

With the implementation of the proposed project, the existing landscaping buffer, 65 parking spaces, and two access points would be replaced with Street A, a 10-foot wide sidewalk and tree well area, and a three-foot wide landscaping buffer. As a result, the industrial property would have 525 parking

¹³ Tricaso, David. Communications with Cadence Design Systems, Inc. Vice President Workplace Resources. 7 April 2008.

spaces remaining. The industrial property would exceed the City’s parking requirements by 10 spaces. With the elimination of the two access points between the industrial property and the project site, the industrial property would only be accessible via the three existing driveways on Seely Avenue. The elimination of 65 parking spaces and the two access points from the project site to and from the industrial property would not substantially impact the viability of the industrial operation.

Impact LU – 2: The proposed project would not result in significant impacts to the adjacent industrial property in terms of parking capacity and accessibility. **(Less Than Significant Impact)**

4.9.3 **Conclusion**

Impact LU – 1: The proposed project, in conformance with the City’s *Residential Design Guidelines* and with the implementation of the above mitigation measure, would not result in any new or more significant land use compatibility impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact LU – 2: The proposed project would not result in significant impacts to the adjacent industrial property in terms of parking capacity and accessibility. **(Less Than Significant Impact)**

4.10 MINERAL RESOURCES

4.10.1 Setting

The project site is not located within any designated mineral deposit area of regional significance. Mineral exploration is not performed on the project site and the site does not contain any known or designated mineral resources.

4.10.2 Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,13

As discussed above, the project is not located within a designated area containing mineral deposits of regional significance and, therefore, would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present within the general area. The proposed project would not result in impacts to mineral resources.

The proposed project would not result in any new or more significant impacts to mineral resources than were described in the certified 2005 NSJ FPEIR.

4.10.3 Conclusion

The project would not result in any new or more significant impacts to mineral resources than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.11 NOISE

The following discussion is based upon an environmental noise assessment study completed for the project by *Illingworth & Rodkin* in October 2006. A complete copy of this report is included in Appendix G of this Addendum.

4.11.1 Setting

The ambient noise conditions and regulatory requirements regarding noise have not changed since the certification of the 2005 NSJ FPEIR.

4.11.1.1 *Existing Noise Conditions*

The project site is located at the northeast quadrant of River Oaks Parkway and Seely Avenue in North San José. The project site is currently developed with four industrial office buildings. The surrounding land uses include a creek trail to the northeast, an orchard to the east, light industrial uses to the south and southeast, and residential uses to the north and west (refer to Figure 2.0-3).

The predominant source of noise affecting the westernmost portion of the project site is vehicular traffic along River Oaks Parkway and Seely Avenue. Other ambient noise sources include distant vehicular traffic, aircraft, and activities at the adjacent industrial uses south and southwest of the site. Background noise levels are primarily the result of distant vehicular traffic and commercial aircraft.

Long- and short-term noise measurements were taken on the site. The locations of these measurements are shown on Figure 4.0-4. The day-night average noise level at the project site, estimated based on the relationship between the long-term and short-term noise data is up to 64 dBA. Noise levels are highest near Seely Avenue and River Oaks Parkway and decrease the further northeast on the project site (towards Coyote Creek). Aircraft in the project area generates maximum instantaneous noise levels ranging from approximately 53 to 64 dBA at the project site.

4.11.2 Environmental Checklist and Discussion of Impacts

NOISE							
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project result in:							
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		15
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		15

NOISE						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project result in:						
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,15
5) 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, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,15

The following criteria were used to evaluate the significance of noise impacts:

Noise and Land Use Compatibility. Changes in land use where existing or future noise levels exceed levels considered “satisfactory” in the San José General Plan would result in a significant impact.

Substantial Increase in Ambient Noise Levels. In areas where noise levels already exceed those considered satisfactory, and if the L_{dn} due to the project would increase by more than three dBA at noise-sensitive receptors, the impact is considered significant.

Construction Noise. Construction activities produce temporary noise impacts. Since these impacts are generally short-term and vary considerably day-to-day, they are evaluated somewhat differently than operational impacts. When construction activities are predicted to cause prolonged interference with speech, sleep, or normal residential activities, the impact would be considered significant. Construction-related hourly average noise levels at noise-sensitive land uses above 70 dBA during the daytime and 55 dBA at night would be considered significant if the construction phase lasted more than 12 months.

Aircraft Noise. A significant impact would be identified if the project proposed noise-sensitive land use in the vicinity of the Norman Y. Mineta San José International Airport where noise levels exceeded the applicable standards of the Santa Clara County ALUC or the City of San José.

4.11.2.1 *Noise Impacts from the Project*

The project proposes to demolish the existing structures on-site and construct residential uses at a minimum of 55 du/ac with a maximum of 777 residential units, and an approximately 2.6-acre public park.

Short-Term Construction Impacts

Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), in areas immediately adjoining noise sensitive land uses, or when construction occurs over extended periods of time.

The project applicant anticipates constructing the proposed project in phases over a two to three year period. Construction activities would include the demolition of existing buildings, site preparation, construction of project infrastructure, construction of building cores and shells, building finishing, and landscaping.

Construction-related noise levels are normally the highest during the demolition phase and during the construction of project infrastructure because these phases require heavy equipment that normally generates the highest noise levels over extended periods of time. Typical hourly average construction generated noise levels are about 81 to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). The nearest existing residence is located approximately 30 feet from the northwestern site boundary, therefore, the typical hourly average construction generated noise would be slightly greater than 81 to 88 dBA. Construction generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and the receptor. Construction-related noise levels are normally less during building erection, finishing, and landscaping phases. There would be variations in construction noise levels on a day-to-day basis depending on the actual activities occurring at the site.

Significant noise impacts do not normally occur when standard construction noise control measures are enforced at the project site and when the duration of the noise-generating construction period at a particular sensitive receptor is limited to one construction season (typically one year) or less. Construction noises associated with projects of this type are disturbances that are necessary for the construction of buildings in urban areas. Reasonable regulation of the hours of construction, arrival and operation of heavy equipment, and delivery of construction materials reduce construction-related noise impacts.

The proposed project would not result in any new or more significant construction-related impacts than were described in the certified 2005 NSJ FPEIR, which assumed construction would be occurring in North San José for many years in the future.

Impact NOI – 1: The proposed project would result in a short-term increase in noise levels in the project area during demolition and construction activities. **(Significant Impact)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR and shall be implemented by the project as conditions of approval:

- MM NOI – 1.1:** Limit all construction-related activities to the hours of 7 AM to 7 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- MM NOI – 1.2:** Use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices.
- MM NOI – 1.3:** Equip all internal combustion engines used on the project site with adequate mufflers and ensure all internal combustion engines are in good mechanical condition.
- MM NOI – 1.4:** Stage construction equipment a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- MM NOI – 1.5:** Avoid unnecessary idling of equipment within 200 feet of noise sensitive receptors, such as residential uses.
- MM NOI – 1.6:** Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- MM NOI – 1.7:** Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

Project-Generated Traffic Impacts

As discussed above, the existing noise environment near River Oaks Parkway and Seely Avenue (between 63 and 64 dBA L_{dn}) currently exceeds the City’s acceptable residential exterior noise level standard of 60 dBA L_{dn} .

For traffic noise to increase noticeably (i.e., by a minimum of three dBA), existing traffic volumes must double. Based on traffic data prepared for the certified 2005 NSJ FPEIR, future noise levels at the intersection of River Oaks Parkway and Seely Avenue are estimated to increase by up to four dBA (up to 67 dBA L_{dn}). The noise contribution from this particular development to the overall noise increase would be less than that.

It was concluded in the certified 2005 NSJ FPEIR that traffic generated by the amount of development analyzed in the document would result in significant increase in traffic-generated noise. This was identified as a significant unavoidable impact and the City Council adopted a statement of overriding considerations for the impact.

4.11.2.2 *Noise Impact to the Project*

Exterior Noise Levels

Residential Use

The future noise environmental at the project site would continue to result primarily from vehicular traffic along River Oaks Parkway and Seely Avenue. As discussed previously, future noise levels at the project are estimated to be up to 67 dBA at the facade of residential units located nearest the intersection of River Oaks Parkway and Seely Avenue. The future noise levels at the project site would exceed the City's short- and long-term exterior noise goals for residential uses of 60 dBA L_{dn} and 55 dBA L_{dn} , respectively.

Based on the conceptual site plan (refer to Figure 3.0-3), the common outdoor use areas would be well shielded and exterior noise levels in those areas are estimated to be below 60 dBA L_{dn} . Although private open spaces (e.g., unit patios and balconies) facing River Oaks Parkway and Seely Avenue would be exposed to noise levels above 60 dBA L_{dn} , all residents would have access to common open space areas that would meet the City's short-term exterior noise goal of 60 dBA L_{dn} or below.

The most prominent source of noise generated by the industrial use south of the project site is from the operation of the mechanical equipment. The noise level resulting from the operation of this equipment is 50 dBA L_{eq} . Assuming that this equipment operates 24-hours per day, the noise at the centerline of Street A between the existing industrial site and the proposed residential development would 56 dBA L_{dn} . The noise level of 56 dBA L_{dn} is consistent with the existing noise level generated from distant traffic and aircraft. Noise levels resulting from the operation of the mechanical equipment would be about 53 dBA L_{dn} at the nearest proposed residential unit.¹⁴

The project would not result in any new or more significant exterior noise levels than were previously described in the certified 2005 NSJ FPEIR.

Park Use

At the proposed park, exterior noise levels would be approximately 55 to 57 dBA L_{dn} , which is consistent with the City's noise standard of 60 dBA L_{dn} or less for parks.¹⁵

Interior Noise Levels

Future noise levels anticipated at the project site (up to 67 dBA L_{dn}) could result in interior noise levels in the proposed residential units that exceed the City and state standard of 45 dBA L_{dn} . The exterior noise levels at residential facades located on or around Podium 1 (northernmost and westernmost facades) would range from 64 to 67 dBA L_{dn} . Standard residential construction

¹⁴ Thill, Michael. Email from *Illingworth & Rodkin, Inc.* "Re: Noise Assessment." 30 April 2008.

¹⁵ Thill, Michael. Email from *Illingworth & Rodkin, Inc.* "Re: Noise Assessment." 12 March 2008.

provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. For example, a unit exposed to exterior noise levels of 67 dBA L_{dn} would be 52 dBA L_{dn} inside with the windows partially open and 42 to 47 dBA L_{dn} with the windows shut.

Where exterior day-night average noise levels are 65 dBA L_{dn} or less, the interior noise level can typically be maintained below 45 dBA L_{dn} with the incorporation of forced air mechanical ventilation systems in residential units. These systems allow the occupant the option of controlling noise by maintaining the windows shut. Where noise levels exceed 65 dBA L_{dn} (i.e., along River Oaks Parkway and Seely Avenue), sound-rated buildings elements may also be required to achieve an interior noise level of 45 dBA L_{dn} .

The proposed project would not expose future residents to any new or more significant interior noise levels than were described in the certified 2005 NSJ FPEIR.

Impact NOI – 2: The interior noise level for the proposed residential units could exceed the City’s and state’s interior noise standard of 45 dB L_{dn} . (**Significant Impact**)

Mitigation Measure: The following mitigation measure is identified as part of the certified 2005 NSJ FPEIR and shall be implemented by the proposed project as a condition of approval:

MM NOI – 2.1: Prior to issuance of building permits, complete project-specific acoustical analysis, by a qualified acoustical consultant, to ensure that the design of the proposed residential buildings and units reduce interior noise levels to 45 dBA L_{dn} or lower. Building sound insulation requirements could include the application of proper wall construction techniques, installation of proper windows and doors, and the incorporation of forced-air mechanical ventilation for units.

Preliminary calculations indicate that the units nearest River Oaks Parkway and Seely Avenue (where exterior noise levels are the highest) would require windows and doors with a minimum Sound Transmission Class rating of 28 STC. The windows and doors of these units would be required to be shut to control noise, therefore, a form of forced-air mechanical ventilation, satisfactory to the local building official, would be required to maintain a habitable interior environment. The specific determination of what treatments are necessary shall be determined on a unit-by-unit basis.

Results of the project-specific acoustical analyses shall be submitted to the City along with the building plans prior to issuance of building permits.

Aircraft Noise

A review of the Mineta San José International Airport 65 CNEL noise contour map established by the Santa Clara County ALUC indicates that the project site is located outside of the future 65 CNEL noise contour. Where noise levels are less than 65 CNEL (i.e., located outside the 65 CNEL noise contour), residential land uses are considered compatible with the exterior noise environment.

The proposed project would not result in any new or more significant impacts from aircraft noise than were described in the certified 2005 NSJ FPEIR.

4.11.2.3 *Noise Impacts within the Project*

Residential and park uses are generally compatible with each other (refer to **Section 4.9 Land Use**). The normal sounds of people interacting and/or playing in parks are part of expected activities within residential areas. Park design and improvements are unknown at this time and therefore, the environmental impacts of the improvements are not analyzed in this Addendum. Subsequent environmental review would be required to analyze the impacts of park improvements when proposed.

4.11.3 Conclusion

Impact NOI – 1: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant short-term construction noise impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact NOI – 2: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant interior noise impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.12 POPULATION AND HOUSING

4.12.1 Setting

The current and future population and housing estimates and assumptions have not changed since the certification of the 2005 NSJ FPEIR. Currently, there are no residential uses on-site.

4.12.2 Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

The project site is designated for high density residential development (55+ du/ac). The project proposes to demolish the existing buildings on-site and construct residential uses at a minimum of 55 du/ac, with a maximum of 777 residential units. Because the proposed development would be consistent with the existing land use designation on the site, the proposed project would not induce growth beyond what is anticipated in the General Plan. The project is, however, new growth compared to existing conditions.

The proposed project would not result in any new or more significant population growth and/or housing impacts than were described in the certified 2005 NSJ FPEIR.

4.12.3 Conclusion

The proposed project would not result in any new or more significant population growth or housing impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.13 PUBLIC SERVICES

4.13.1 Setting

The fire, police, school, and park services and facilities have not changed since the certification of the 2005 NSJ FPEIR.

4.13.2 Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2

4.13.2.1 *Fire and Police Service*

The project would be constructed in conformance with current codes, including features that would reduce potential fire hazards. The project design would also be reviewed by the SJPD to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the certified 2005 NSJ FPEIR, the buildout of the development analyzed would incrementally increase the need for fire and police protection services, which may create the need for additional staffing or resources, or a new fire station in the greater North San José project area. The increase in demand for fire and police services is not necessarily an environmental impact. The environmental impact, if it does occur, would generally result from the impacts on the physical environment that result from the physical changes made in order to meet the demand. Future development of new fire facilities in the project area would require supplemental environmental review which could consist of an Addendum or Supplemental EIR to the certified 2005 NSJ FPEIR. It was concluded in the certified 2005 NSJ FPEIR that the construction of a new fire station in north San José would not have significant adverse environmental impacts.

Given the infill location of the project site and the fact that the site is already served by the SJFD and SJPD, it is not anticipated the development of the proposed project would result in significant impacts to police and fire services nor would this project alone require the construction of additional fire or police facilities. Furthermore, the proposed project would not result in any new or more significant impacts to fire and police service than were described in the certified 2005 NSJ FPEIR.

4.13.2.2 Schools

The project site is located within the Santa Clara Unified School District (SCUSD), which is comprised of 16 elementary schools, three middle schools, two high schools, one kindergarten through grade eight school, and one continuation high school.¹⁶ Students in the project area likely attend Montague Elementary School located at 750 Laurie Avenue in Santa Clara, approximately 1.6 miles southwest of the project site, Cabrillo Middle School located at 2550 Cabrillo Avenue in Santa Clara, approximately 4.4 miles southwest of the project site, and Wilcox (Adrian) High School located at 3250 Monroe Street in Santa Clara, approximately five miles southwest of the project site.

It was estimated that the buildout of the development assumed in the certified 2005 NSJ FPEIR would result in a total of approximately 1,829 new students, including 1,112 elementary students, 349 middle school students, and 368 high school students. It was concluded in the certified 2005 NSJ FPEIR that the total number of students generated from buildout of all of the development assumed would require the construction of approximately five new schools to accommodate the growth in student population.

The certified 2005 NSJ FPEIR concluded that the construction of new schools in north San José would not necessarily result in significant adverse environmental impacts. Future development of new school facilities in the project area, however, would require supplemental environmental review which could consist of an Addendum or Supplemental EIR to the certified 2005 NSJ FPEIR, depending on the location and size of the school. There are also specific requirements set by the state for constructing a new school that would have to be met.

The proposed project would generate approximately five percent of the students anticipated from the buildout of the development assumed in the certified 2005 NSJ FPEIR, and therefore, would not result in any new or more significant school impacts than were described in the certified 2005 NSJ FPEIR.¹⁷

Subsequent to the Policy's adoption in June 2005, the City of San José in December 2006 agreed to further study the Policy's potential impact on schools, consistent with the requirements set forth in the legal settlement reached between the City of San José and the City of Santa Clara as part of the finalization of the NSJ EIR. The City recently completed the educational needs report (North San José Vision Education Needs 2040: A Report on the Planning for New Schools) in March 2008.

The SCUSD has prepared a student generation assessment that was intended to provide an updated projection of the likely near-term and long-term student generation rates for new residential development in North San José within the SCUSD area, including the project site. The assessment

¹⁶ Santa Clara Unified School District. Website. Accessed: 18 July 2006. Available at: <http://www.scu.k12.ca.us/>

¹⁷ The project site is located within the Santa Clara Unified School District (SCUSD). Based on Santa Clara Unified School District's student generation rates, the proposed project would generate 86 new students, including 54 elementary school students, 16 middle school students, and 16 high school students. Source: Adams, Rod. Email from Santa Clara Unified School District. "Re: Student Generation Rates." 12 July 2004.

provides updated student generation rates to the ones assumed in the 2005 NSJ FPEIR for the SCUSD. The City of San José prepared an additional student generation assessment based upon data collected from existing projects of comparable density (e.g. 55+ DU/AC). The report recognized that many variables contribute to the number of families and number of students generated by new residential development. Neither the City nor the school districts can afford to under build or over build schools. Therefore, it was recommended that SCUSD proceed with the development of one K-5 or K-8 school now and purchase the land for two or three additional schools and one high school now to have it banked for future development in case additional school sites are needed.

The educational needs study also addressed how many schools would be needed, where new schools would be located, and how the construction of the new schools would be financed.

The City is obligated, by the Policy, to plan for a school site (or pursue other strategies) prior to the addition of 50 students. As it will likely be two years or more before any of the new residential units are completed in North San José, the City has adequate time to complete this work consistent with the Policy requirement.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) 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 school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment. The proposed project would increase the number of school children attending public schools in the project area, but would mitigate its impact through compliance with state law regarding school mitigation.

Standard Measure: As a condition of approval, the project shall implement the following standard measure:

- In accordance with California Government Code Section 65996, the developer shall pay a school impact fee prior to issuance of building permits, which will offset the increased demands on school facilities caused by the proposed project.

4.13.2.3 *Parks*

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code Chapter 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO. Based upon this formula, the proposed project would be required to dedicate or provide for approximately five acres of parkland.¹⁸ The project is proposing to satisfy this requirement through a combination of dedication, improvement, and/or payment of fees.

¹⁸ Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).
Proposed project = (0.003 acres) x (up to 777 units) x (2.29 persons per household) = approximately five acres.

It is anticipated that the buildout of the development evaluated in the certified 2005 NSJ FPEIR would result in the incremental increase in the need for parks and recreational facilities, which are to be developed in the project area concurrently with the proposed residential development. It was concluded in the certified 2005 NSJ FPEIR that the development of new parks and recreation facilities in the area of North San José designated for residential development would not result in new significant adverse environmental impacts. Future development of new park and recreation facilities in the project area, however, would require supplemental environmental review which could consist of an Addendum or Supplemental EIR to the certified 2005 NSJ FPEIR.

Since the proposed project would result in approximately two percent of the residential development assumed in the 2005 NSJ FPEIR *and* the project includes an approximately 2.6-acre public park, the proposed project would not result in any new or more significant park impacts than were described in the certified 2005 NSJ FPEIR.

Standard Measure: As a condition of approval, the project shall implement the following standard measure, which will include the dedication, improvement of a park, and/or payment of in-lieu fees:

- The proposed project shall conform to the City’s *Park Impact Ordinance* (PIO) and *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapters 19.38 and 14.25, respectively).

4.13.3 Conclusion

The proposed project, with the implementation of the above standard measures, would not result in any new or more significant impacts to public services or facilities than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.14 RECREATION

4.14.1 Setting

The existing park and recreational facilities in the project area have not changed since the certification of the 2005 NSJ FPEIR.

4.14.2 Environmental Checklist and Discussion of Impacts

RECREATION						
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

As discussed in **Section 4.13 Public Services**, the City of San José has adopted the PDO and PIO requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Based on the Acreage Dedication Formula outlined in the PDO, the proposed project would be required to dedicate approximately five acres of parkland.¹⁹ The project includes the dedication of approximately 2.6-acres for a public park. The project shall meet the City’s PDO/PIO requirements by dedicating parkland, improving the park, and/or payment of in-lieu fees.

As concluded in the certified 2005 NSJ FPEIR, the buildout of the development assumed to be in conformance with the PIO and PDO would not result in significant, adverse environmental park and recreation impacts. Since the project proposes approximately two percent of the residential development assumed in the certified 2005 NSJ FPEIR *and* includes an approximately 2.6-acre public park, the proposed project would not result in any new or more significant recreation impacts than were described in the certified 2005 NSJ FPEIR.

¹⁹ Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household). Proposed project = (0.003 acres) x (up to 777 units) x (2.29 persons per household) = approximately five acres.

Standard Measure: As a condition of approval, the project shall implement the following standard measure, which will include the dedication, improvement of a park, and/or payment of in-lieu fees:

- The proposed project shall conform to the City’s *Park Impact Ordinance* (PIO) and *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapters 19.38 and 14.25, respectively).

4.14.3 Conclusion

The proposed project, with the implementation of the above standard measure, would not result in significant impacts to recreational facilities than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.15 TRANSPORTATION

4.15.1 Setting

The transportation system in the project area, including regional and local roadways, bicycle and pedestrian facilities, and existing transit services (i.e., bus and light rail services) has not substantially changed since the certification of the NSJ FPEIR in June 2005.

4.15.1.1 *Existing Roadways*

In the project vicinity, Montague Expressway is an eight-lane north-south roadway. River Oaks Parkway is a two-lane north-south loop roadway with a raised center median and intermittent breaks for a shared center left-turn lane. Seely Avenue is a two-lane north-south roadway connecting River Oaks Parkway to an east-west segment of Montague Expressway south of the project site. The Seely Avenue and Montague Expressway intersection is an unsignalized right-turn-only intersection with merge lanes. The Seely Avenue and River Oaks Parkway intersection is a stop-controlled intersection. The Montague Expressway and River Oaks Parkway intersection is a signalized intersection with protected left-turns for every direction of travel.

4.15.1.2 *Existing Pedestrian and Bicycle Facilities*

The Coyote Creek trail is adjacent to the project site to the northeast. Sidewalks are present along both sides of River Oaks Parkway and Seely Avenue. Pedestrian crosswalks are present at Montague Expressway and River Oaks Parkway. The unsignalized intersection of Seely Avenue and River Oaks Parkway has pedestrian crosswalks.

Bike routes are striped in both directions of travel on River Oaks Parkway. While bike lanes are not striped on Montague Expressway, bicycles are permitted in both directions of travel. There are no bike lanes on Plumeria Drive.

4.15.1.3 *Existing Transit Services*

Existing transit service to the project area consists of light rail and bus transit provided by the Valley Transportation Authority (VTA). The Bonaventura, Orchard, and River Oaks light rail transit (LRT) stations are located along First Street within one mile west of the project site. They provide access to the Alum Rock-Santa Teresa Line (Route 901) and to the Winchester-Mountain View Line (Route 902). Route 901 operates between 5:00 AM and 1:00 AM with 15 minute headways northbound and southbound during commute hours. Route 902 operates between 5:00 AM and 12:00 AM with 15 minute headways northbound and southbound during commute hours.

The Limited Stop Route 321 runs along Montague Expressway on its route connecting the Great Mall/Main Transit Station in Milpitas with the Lockheed Martin Transit Station in Sunnyvale. The route runs weekdays from 6:00 AM to 8:00 AM and from 4:00 PM to 6:00 PM with headways of approximately 30 to 60 minutes. A Route 321 stop is located on northbound Montague Expressway just north of River Oaks Parkway.

The River Oaks Light Rail Shuttle (Route 203) runs north- and southbound on Seely Avenue and eastbound on River Oaks Parkway from 6:30 AM to 6:30 PM with 15 minute headways. A Route

203 stop is present on northbound Seely Avenue in between the two project driveways on Seely Avenue.

The ACE Shuttle for River Oaks (Route 828) runs eastbound on River Oaks Parkway and southbound on Seely Avenue from 6:30 AM to 9:00 AM and from 3:30 PM to 5:30 PM with 60 to 75 minute headways during commute hours. An ACE stop is located opposite the north project entrance on Seely Avenue.

4.15.2 Environmental Checklist and Discussion of Impacts

TRANSPORTATION/TRAFFIC						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Would the project:						
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
6) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,,2
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

4.15.2.1 *Roadway, Transit, and Pedestrian Facilities*

The project proposes to construct up to 777 residential units and an approximately 2.6-acre public park. The traffic impacts from the proposed residential and commercial development has already been analyzed and accounted for in the certified 2005 NSJ FPEIR. In addition, the proposed park would serve the immediate neighborhood and not generate a substantial number of traffic trips. Therefore, the proposed project would not result in additional traffic trips beyond what was assumed in the certified 2005 NSJ FPEIR. For these reasons, the proposed project would not result in any new roadway, transit, or pedestrian impacts or impacts of greater severity than were already disclosed in the 2005 NSJ FPEIR.

Standard Measure: As a condition of approval, the project proposes to implement the following standard measure:

- The project shall comply with the City's *North San José Area Development Policy Traffic Impact Fee Ordinance*.

4.13.2.2 *Parking*

On-Site

Parking for the proposed residential uses would be provided in three podium parking garages. Each podium parking garage would have two levels of parking (one above grade and one semi-subterranean). Additional parking spaces would be provided on the proposed public streets (Streets A and B).

The City's *Residential Design Guidelines* and Zoning Ordinance specify the parking requirements for residential uses. Based on the unit breakdown provided on the conceptual site plan (i.e., 350 one bedroom units, 407 two bedroom units, and 20 three bedroom units), the proposed project would be required to provide a total of 1,298 parking spaces for the residential development per the City's requirements (refer to Table 3.0-2). The project proposes 1,337 parking spaces for the residential development. Therefore, the project exceeds the City's residential parking requirements by 39 parking spaces.

In addition, the City's Zoning Ordinance states that the residential development should provide one motorcycle space per four units and one bicycle space per four units. Based on the conceptual site plan, the project should provide approximately 194 motorcycle parking spaces and 194 bicycle parking spaces. The proposed project does not propose to provide motorcycle parking. The project proponent believes motorcycle parking is not needed because motorcycles can park in regular vehicular parking spaces and the project would provide an excess of 39 parking spaces. The project proposes to provide bicycle parking per the City's Zoning Ordinance. While the project would be deficient in motorcycle parking based on the City's Zoning standards, it is not anticipated that this would result in inadequate parking capacity.

Parking for the proposed park would be provided on Streets A and B. A total of 65 public parking spaces is proposed on Streets A and B. The proposed park would be developed as a neighborhood serving park, but the specific design and park improvements are unknown at this time. Subsequent environmental review would be required to analyze the impacts (including parking impacts) of park improvements when proposed.

Off-Site

As discussed in **Section 4.9 Land Use**, the proposed project would reduce the amount of parking on the adjacent industrial property southeast of the site from 590 to 525 parking spaces. The City's parking requirements, based on the adjusted building square footage and uses, requires that the industrial property have 515 parking spaces. Therefore, the adjacent industrial property would exceed the City's parking requirements by 10 spaces. The proposed project would not have a significant parking impact on the adjacent industrial property.

4.15.3 Conclusion

The proposed project, with the implementation of the above standard measure, would not result in any new or more significant transportation impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.16 UTILITIES AND SERVICE SYSTEMS

4.16.1 Setting

The water, sanitary sewer, storm drainage, solid waste, natural gas, and electricity services and facilities have not changed since the certification of the 2005 NSJ FPEIR.

The project site is served by 12-inch water lines in River Oaks Parkway and Seely Avenue, a 10-inch sewer line in River Oaks Parkway, a 30-inch storm drain line in River Oaks Parkway, and six-inch gas lines in River Oaks Parkway and Seely Avenue. There is also a 54-inch recycled water line located along the northeastern boundary of the project site. In addition, there is a recycled water main located at Seely Avenue and Montague Expressway.

4.16.2 Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS						
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

UTILITIES AND SERVICE SYSTEMS						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
6) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

The project proposes to construct up to 777 residential units and an approximately 2.6-acre park. As concluded in the certified 2005 NSJ FPEIR, full implementation of the project would not result in significant adverse environmental impacts as a result of development exceeding the capacity of the water supply, sanitary sewer/wastewater treatment, or storm drainage systems.

The proposed project would connect to existing utility lines and determine if existing lines would need to be upgraded (or if capacity issues occur that require a Capital Improvement Project) prior to approval of the PD Permit. Based on preliminary sewer capacity analysis, it is anticipated that sewer lines in Montague Expressway, River Oaks Parkway, and Seely Road would need to be upsized to accommodate project flows.²⁰ The project applicant shall be responsible for utility improvements needed to serve the proposed project prior to obtaining Public Works clearance.

4.16.2.1 Senate Bill 610

Senate Bill 610 (2001), codified at Water Code Section 10910 et seq., requires that certain water supply information be prepared for projects that are the subject of an EIR. Water Code Section 10912 defines a “project” as, *inter alia*, a proposed residential development of more than 500 dwelling units. The proposed project is considered a “project” as defined by Water Code Section 10912 because it proposes more than 500 dwelling units.

A water supply analysis was prepared in conformance with Water Code and included in the 2005 NSJ FPEIR. It was concluded that full implementation of the development allowed with the certified 2005 NSJ FPEIR would require the expansion of the existing recycled water system and continued implementation of the City’s water conservation programs.

Water service is provided to the project area is provided by San José Municipal Water and the proposed project would be required to install dual plumbing and connect to the recycled water system for landscape irrigation. There is an existing South Bay Water Recycling recycled water main at Seely Avenue and Montague Expressway.

The proposed project would not result in any new or more significant utility and service system impacts than were described in the certified 2005 NSJ FPEIR.

²⁰ HMH Engineers. Draft Sanitary Sewer Analysis of Seely Road, River Oaks Parkway, and Montague Expressway. 2 May 2008.

Avoidance Measures: As conditions of approval, the project shall implement the following measures to reduce water use:

- The proposed project shall install dual plumbing and connect to the recycled water system for landscape irrigation.
- The proposed project shall incorporate water conservation programs, which may include, but are not limited to, the following:
 - dual plumbing for exterior recycled water use (e.g., use of recycled water in landscape irrigation);
 - construction standards that require high-efficiency fixtures (e.g., high-efficiency 1.2 gallons per flush toilets);
 - construction standards that require high-efficiency devices for outdoor water uses (e.g., self-adjusting weather-based irrigation controllers);
 - the use of fully advanced treated recycled water for irrigation of large landscaped areas (including the park);
 - enforcement of the City’s Model Water Efficient Landscape Ordinance (per AB325 1990); and
 - promotion and use of drought tolerant and native plantings in landscaping.

4.16.3 Conclusion

The proposed project, with the implementation of the above avoidance measures, would not result in new or more significant impacts to utilities and services systems than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
1) Does the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2, p. 19-105
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2, p. 19-105
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2, p. 19-105

The 2005 NSJ FPEIR analyzed the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new dwelling units in the Rincon area. Since the approval and certification of the NSJ FPEIR in June 2005, the City Council has approved zoning for several projects. The approved projects allow for the development of a total of up to 7,383 residential units, 208,060 square feet of commercial uses, and up to 1,758,860 square feet of industrial uses (zoning file numbers PDC06-022, PDC05-099, PDC06-085, PDC06-038, PDC05-114, PDC06-061, PDC06-093, PDC07-054, PDC07-055, PDC06-130, PDC07-057, PDC07-080, H07-035, H07-018, and H07-053). The project proposes up to 777 residential units and an approximately 2.6-acre public park. Sufficient capacity remains to allow for the development of the proposed project.

The proposed development is within the amount of development analyzed in the 2005 NSJ FPEIR, therefore, the project would not result in new or more significant environmental impacts than those addressed in the certified 2005 NSJ FPEIR with the implementation of the standard, avoidance, and mitigation measures included in the project and described in the specific sections of this Addendum (refer to **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, on pages 19-105 of this Addendum). Since the park design and improvements are unknown, subsequent environmental review will be required when they are proposed.

The City of San José has determined that this project qualifies for an addendum to the 2005 NSJ FPEIR.

Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. Final Environmental Impact Report, North San José Development Policies Update. June 2005.
3. California Department of Conservation. Santa Clara County Important Farmland 2006. Map.
4. City of San José. Zoning Ordinance. 10 February 2006.
5. Bay Area Air Quality Management District. CEQA Guidelines. December 1999.
6. H.T. Harvey & Associates. Cadence Riparian Habitat Assessment and Setback Recommendation. 19 March 2008.
7. McClenahan Consulting, LLC. Tree Survey. 1 February 2007.
8. Archaeological Resource Management. Cultural Resource Evaluation for the Property at Corner of River Oaks and Seely Avenue in the City of San José. 9 October 2006.
9. TRC Lowney. Geotechnical Investigation. 22 November 2006.
10. Versar, Inc. Phase I Environmental Site Assessment Update. 15 January 2007.
11. Versar, Inc. Vicinity Hazardous Materials Survey. 7 January 2008.
12. Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel No. 060349 008F. 16 December 1988. Revised 25 October 2006.
13. City of San José. San José 2020 General Plan.
14. City of San José. North San José Area Development Policy. June 2005.
15. Illingworth & Rodkin, Inc. Cadence Campus Environmental Noise Assessment. 5 October 2006.

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- Adams, Rod. Email from Santa Clara Unified School District. "Re: Student Generation Rates." 12 July 2004.
- Archaeological Resource Management. Cultural Resource Evaluation for the Property at Corner of River Oaks and Seely Avenue in the City of San José. 9 October 2006.
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- Tricaso, David. Communications with Cadence Design Systems, Inc. Vice President Workplace Resources. 7 April 2008.
- Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel No. 060349 008F. 16 December 1988. Revised 25 October 2006.
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- H.T. Harvey & Associates. Cadence Riparian Habitat Assessment and Setback Recommendation. 19 March 2008.
- Illingworth & Rodkin, Inc. Cadence Campus Environmental Noise Assessment. 5 October 2006.
- McClenahan Consulting, LLC. Tree Survey. 1 February 2007.
- Santa Clara Unified School District. Website. Accessed: 18 July 2006. Available at: <http://www.scu.k12.ca.us/>.
- Thill, Michael. Email from *Illingworth & Rodkin, Inc.* "Re: Noise Assessment." 12 March 2008.

TRC Lowney. Geotechnical Investigation. 22 November 2006.

Tricaso, David. Letter from Vice President Workplace Resources for Cadence Design Systems, Inc.
“River Oaks Campus.” 20 May 2008.

Versar, Inc. Phase I Environmental Site Assessment Update. 15 January 2007.

Versar, Inc. Vicinity Hazardous Materials Survey. 7 January 2008.

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