Initial Study and Addendum

to the Final Program Environmental Impact Report
for the North San José Development Policies Update

LOWE'S NORTH SAN JOSÉ

File No. C07-048 and H07-025

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

January 2008

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SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study 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.

This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from the proposed project to allow for the development of 199,486 square feet of retail.

The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

Tiering of the Environmental Review

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)].

In accordance with CEQA Sections 21093(a) and 21093(b) and CEQA Guidelines Section 15152(a), this Initial Study 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).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Lowe's Home Improvement Warehouse North San José

2.2 PROPERTY OWNER/PROPONENT

Sand Hill Property Company
Rochelle Lopez
489 South El Camino Real
San Mateo, CA 94402

2.3 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) 535-7890

2.4 ASSESSOR'S PARCEL NUMBERS

237-05-035, 237-05-052 and 237-05-053

2.5 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

General Plan Land Use Designation: *Combined Industrial/Commercial and Private Open Space* (along Coyote Creek)

Zoning Designation: *IP – Industrial Park*

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The project site is located in the northeastern portion of San José, northwest of Ridder Park Drive between Brokaw Road, Coyote Creek, and Interstate 880 (I-880). The project site is located in the *North San José Development Policy Area* and within the *Rincon de Los Esteros Redevelopment Area*. The 18.02-acre site is currently designated as *Combined Industrial/Commercial* (and *Private Open Space* along Coyote Creek) on the City of San José's adopted General Plan and zoned *IP- Industrial Park* (see Figure 3.0-4).

The site is bordered by I-880 to the west, Brokaw Road to the north, Coyote Creek to the northeast and east, and Ridder Park Drive to the south. Commercial and industrial uses are located across I-880 and Brokaw Road. Industrial uses are also located to the north, across Brokaw Road, to the east of Coyote Creek, and to the south, across Ridder Park Drive. (It should be noted that there is a development application on-file with the City to develop the property east of Coyote Creek [commonly known as the Fox/Marcovitz property] with residential and commercial uses.) Regional and vicinity maps of the project site are shown on Figure 3.0-1 and 3.0-2, respectively. An aerial photograph showing the surrounding land uses and roadways is provided on Figure 3.0-3.

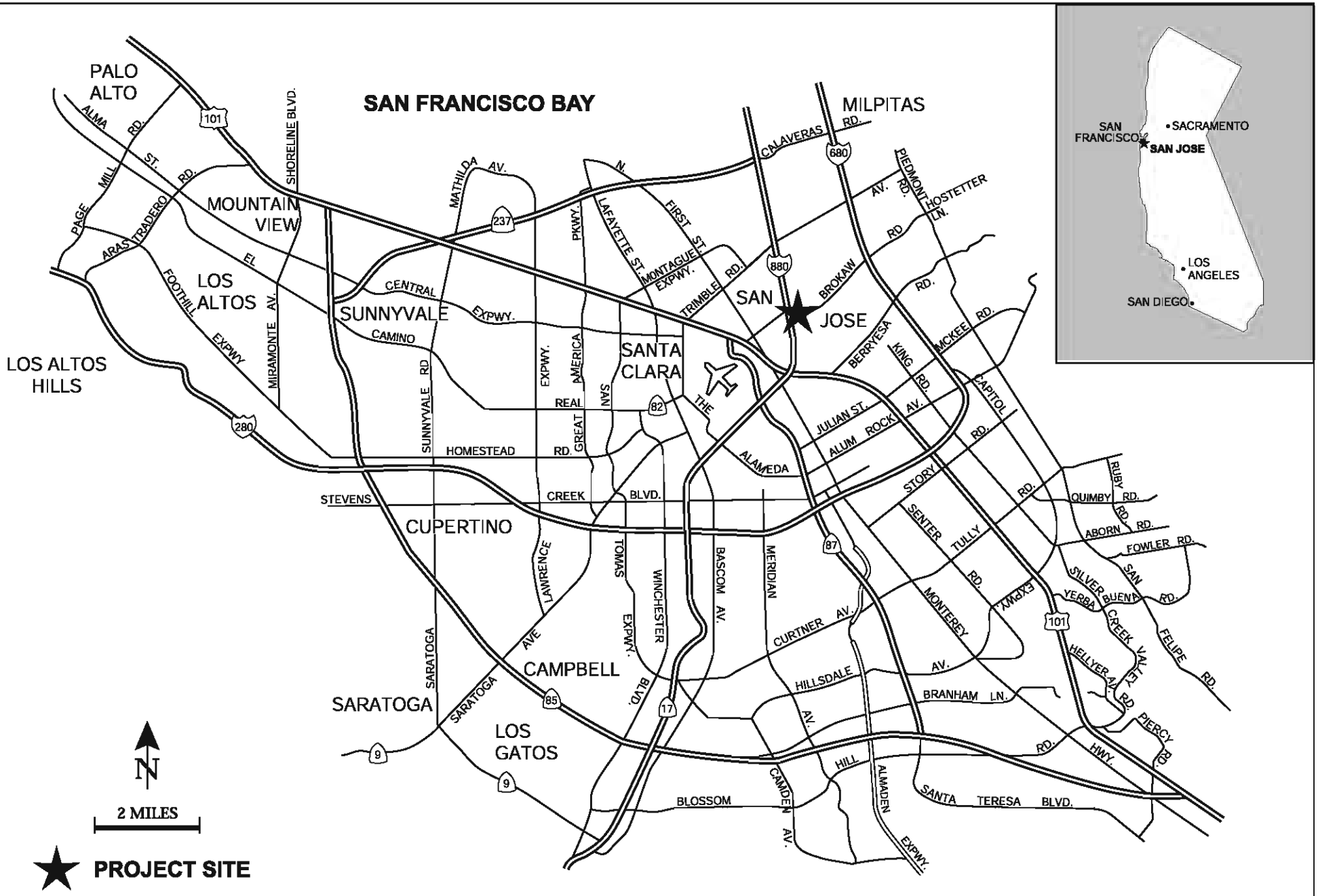
3.2 PROJECT SITE HISTORY

The site is currently undeveloped and was last used for agricultural purposes. The project site was designated as *Heavy Industrial* in the San José General Plan prior to 1995. Since then, the project site has been the subject of several General Plan land use changes that included the addition of the *Mixed Industrial Overlay* in 1995 and the change of the underlying land use designation from *Heavy Industrial* to *Industrial Park* in 1999 (GP99-04-04/GP99-T-02). These land use changes took place in order to encourage industrial, office, and subsequently commercial development, on the site during the 1990's.[1]

In 2001, a Site Development Permit was approved for 265,000 square feet of office/research and development uses on the site under the *Industrial Park with Mixed Industrial Overlay* land use designation. Due to market conditions, however, the approved office/research and development project was never constructed.

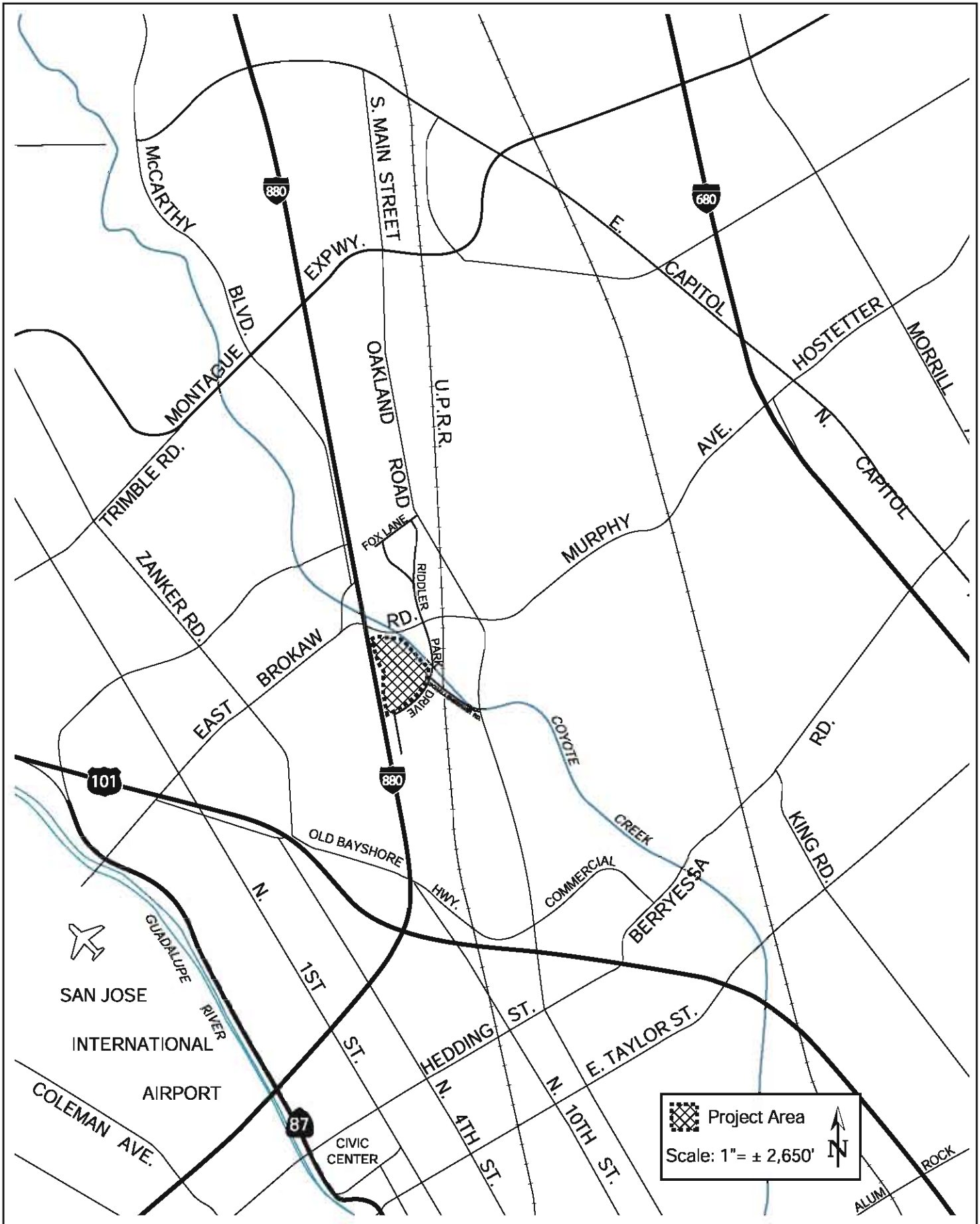
The project site is located in the *North San José Development Policy Area* and within the *Rincon de Los Esteros Redevelopment Area*. These areas were established to maximize economic development potential and promote industrial growth, as well as to address the resulting regional traffic congestion, and to encourage residential uses and retail services in close proximity to employment centers. In 2005, the City of San José approved an update to the North San José Development Policy (NSJADP), which was intended to establish a policy framework to guide the ongoing development within the North San José area. The updated NSJASP allows 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.

[1] City of San Jose, General Plan Amendment Staff Report, Spring 2007 Hearing, File No. GP07-04-01, March 28, 2007.



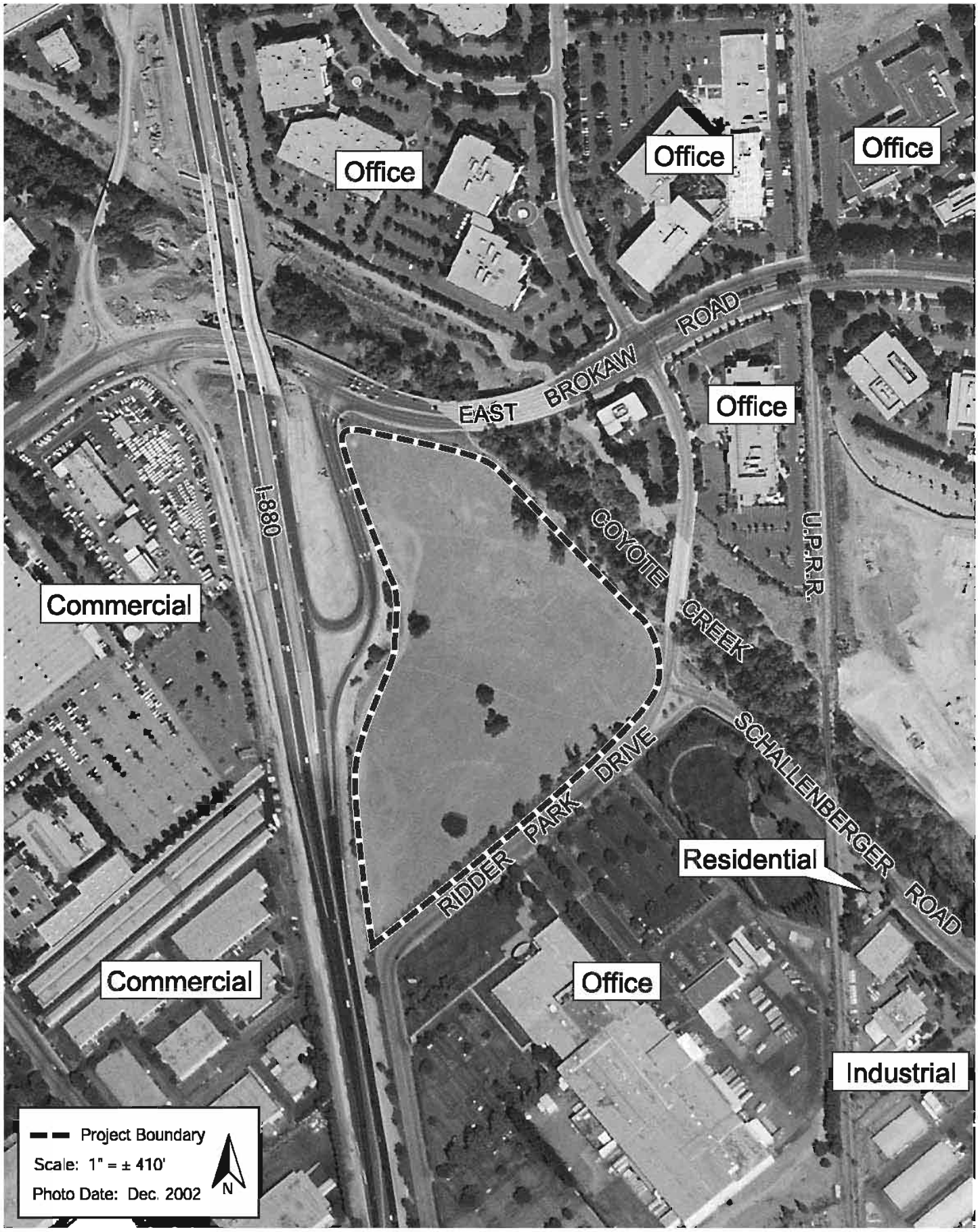
REGIONAL MAP

FIGURE 3.0-1

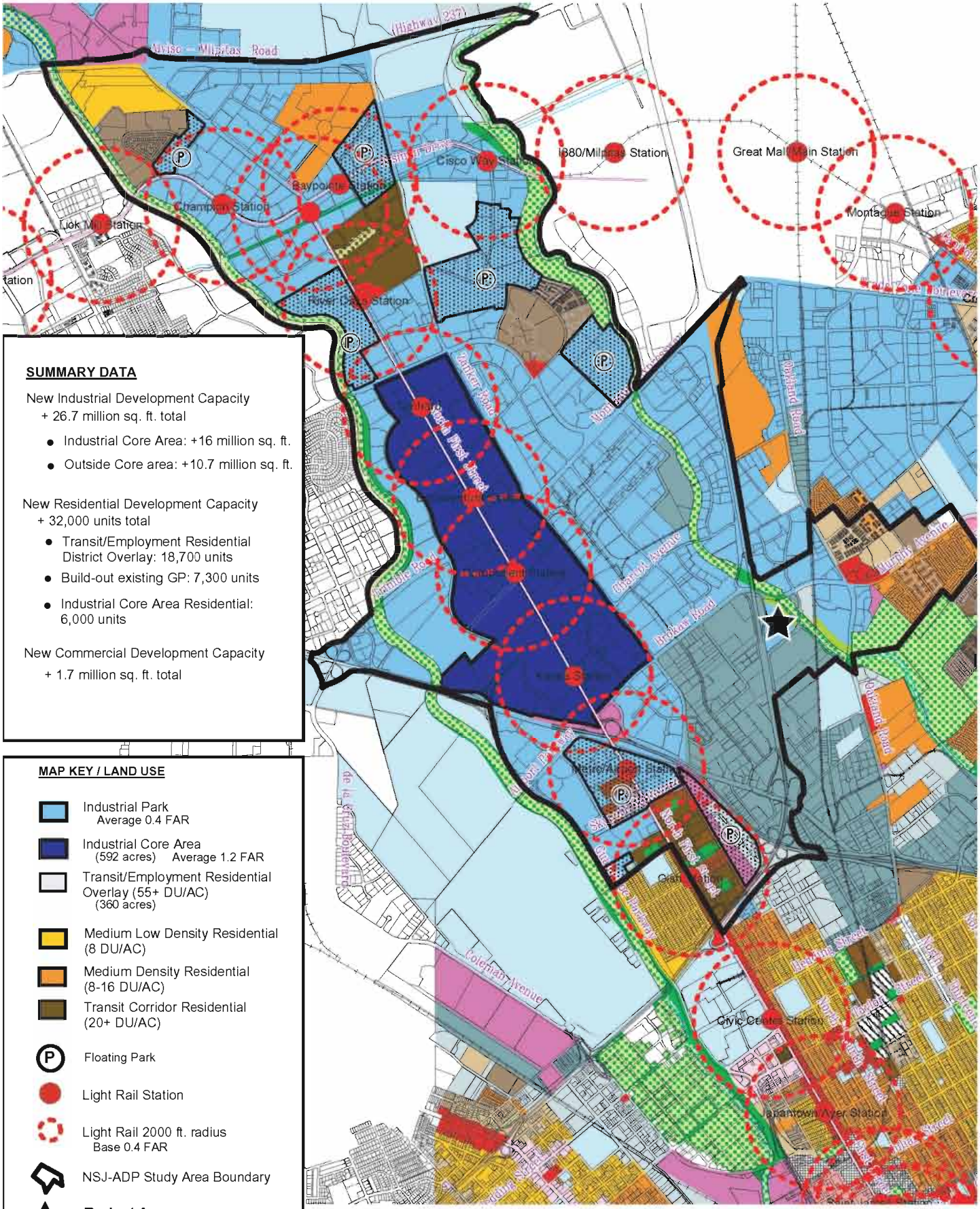


VICINITY MAP

FIGURE 3.0-2



AERIAL PHOTOGRAPH FIGURE 3.0-3



SUMMARY DATA

New Industrial Development Capacity
+ 26.7 million sq. ft. total

- Industrial Core Area: +16 million sq. ft.
- Outside Core area: +10.7 million sq. ft.

New Residential Development Capacity
+ 32,000 units total

- Transit/Employment Residential District Overlay: 18,700 units
- Build-out existing GP: 7,300 units
- Industrial Core Area Residential: 6,000 units

New Commercial Development Capacity
+ 1.7 million sq. ft. total

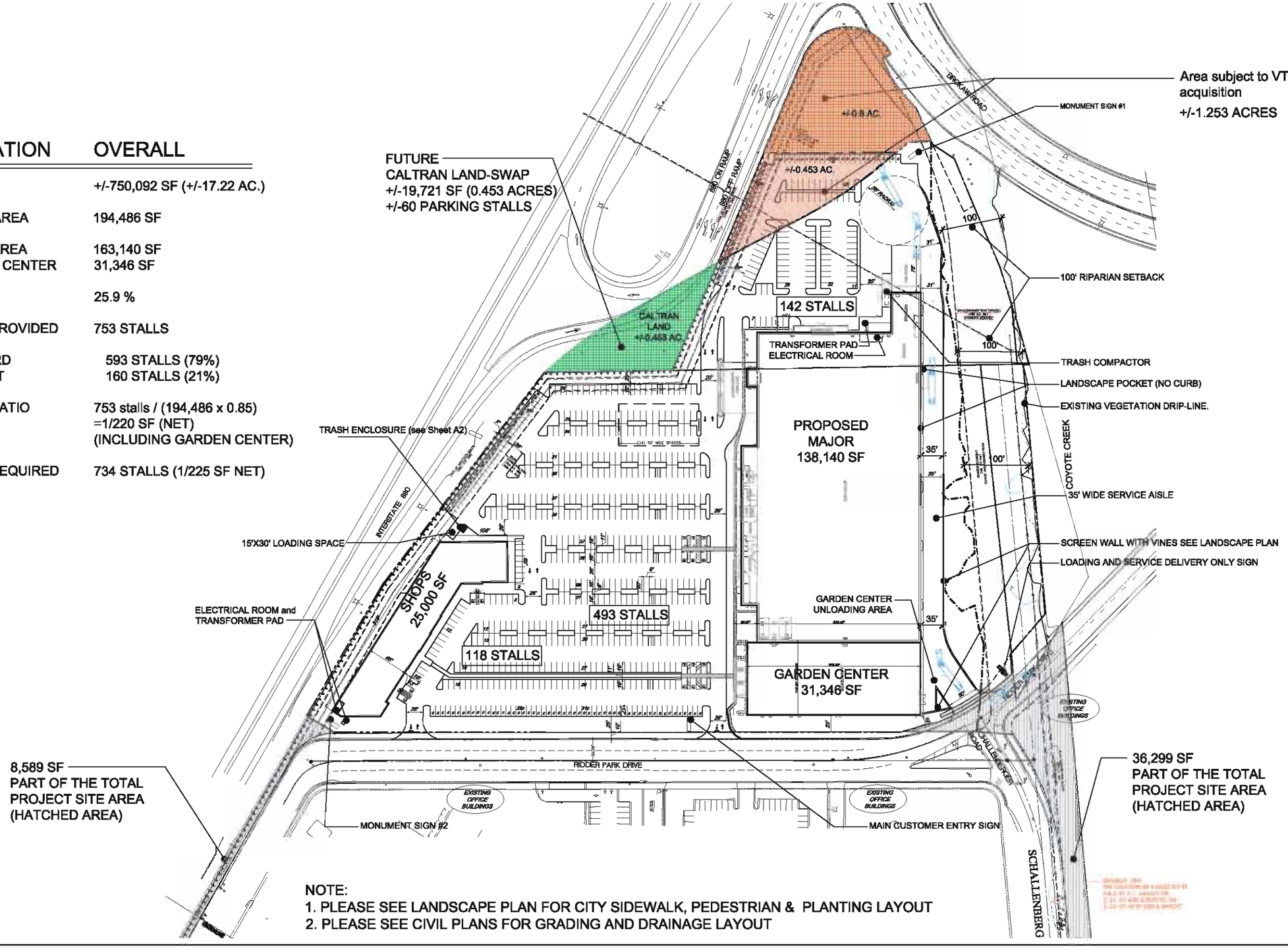
MAP KEY / LAND USE

- Industrial Park
  Average 0.4 FAR
- Industrial Core Area
  (592 acres) Average 1.2 FAR
- Transit/Employment Residential Overlay (55+ DU/AC)
  (360 acres)
- Medium Low Density Residential
  (8 DU/AC)
- Medium Density Residential
  (8-16 DU/AC)
- Transit Corridor Residential
  (20+ DU/AC)
- Floating Park
- Light Rail Station
- Light Rail 2000 ft. radius
  Base 0.4 FAR
- NSJ-ADP Study Area Boundary
- **Project Area**

EXISTING GENERAL PLAN & LAND USE MAP

FIGURE 3.0-4

TABULATION	OVERALL
SITE AREA	+/-750,092 SF (+/-17.22 AC.)
BUILDING AREA	194,486 SF
FLOOR AREA	163,140 SF
GARDEN CENTER	31,346 SF
F.A.R.	25.9 %
PARKING PROVIDED	753 STALLS
STANDARD	593 STALLS (79%)
COMPACT	160 STALLS (21%)
PARKING RATIO	753 stalls / (194,486 x 0.85) =1/220 SF (NET) (INCLUDING GARDEN CENTER)
PARKING REQUIRED	734 STALLS (1/225 SF NET)



NOTE:
1. PLEASE SEE LANDSCAPE PLAN FOR CITY SIDEWALK, PEDESTRIAN & PLANTING LAYOUT
2. PLEASE SEE CIVIL PLANS FOR GRADING AND DRAINAGE LAYOUT

CONCEPTUAL SITE PLAN

FIGURE 3.0-5

In 2006, City of San Jose Planning staff, the Office of Economic Development, and Redevelopment Agency staff identified the subject site as one of the few remaining opportunities in the Berryessa/North San Jose area able to support viable regional and neighborhood-serving commercial development.[2]

A General Plan Amendment (GPA) was approved on the site in March 2007 (GP07-04-01) to change the land use designation on most of the site (15.6 acres) from *Industrial Park with Mixed Industrial Overlay* to *Combined Industrial/Commercial*. The *Combined Industrial/Commercial* designation allows for commercial, office, or industrial development, or a compatible mixture of these uses. The uses of the *Industrial Park*, *Light Industrial*, *General Commercial*, and *Neighborhood/Community Commercial* land use designations are consistent with this category.[3]

3.3 DESCRIPTION OF THE PROPOSED PROJECT

The project proposes a rezoning of the site (File No. C07-048) and a site development permit (File No. H07-025) to allow the development of approximately 194,486 square feet of retail uses on the site. The proposed retail development would be located in two building areas, or "pads," on the site, which would be surrounded by approximately 753 surface parking spaces. The two development areas of the proposed project are summarized in Table 3.0-1 below. A conceptual site plan is shown on Figure 3.0-5.

Table 3.0-1
Summary of Project Areas and Acreages

Project Area	Description	Approximate Acreage
Area #1	Lowe's Home Improvement Warehouse: 169,486 square feet of retail consisting of a large retail warehouse (138,140 square feet) and garden center (31,346 square feet), 635 parking spaces	
Area #2	Retail shops: 25,000 square feet of retail and 118 parking spaces	
TOTAL AREA		**17.22**

3.3.1 Proposed Retail Development

The project proposes two retail development areas on the site, totaling approximately 194,486 square feet, and 753 ground level parking spaces. The overall floor-to-area (FAR) ratio for the site will be 25.9 percent (refer to Figure 3.0-5).

It is anticipated that project development will occur in two phases. The first phase will include development of the Lowe's Home Improvement Warehouse store and garden center, and the second phase will include completion of the other retail and restaurant uses on the southwestern portion of the site.

[2] City of San Jose, General Plan Amendment Staff Report, Spring 2007 Hearing, File No. GP07-04-01, March 28, 2007.
[3] Ibid.

3.3.1.1 Lowe's Home Improvement Warehouse

The project proposes a Lowe's Home Improvement Warehouse (HIW) store on the main retail area, located on the central and eastern portions of the site. The Lowe's HIW store would consist of an approximately 138,140 square foot warehouse store and an approximately 31,346 square foot garden center. The proposed Lowe's building would consist of tilt-up construction with slab-on-grade concrete floors. The building would be designed to be generally compatible with the nearby industrial and office land uses. The proposed garden center would be enclosed with tubular steel fencing. The proposed Lowe's HIW store and garden center would face to the west (towards I-880) and would have a maximum height of approximately 55 feet.

The proposed Lowe's HIW building would include a loading and delivery area along the back of the building, on the eastern part of the site. The proposed loading and delivery area would include an approximately 35-50-foot wide driveway for loading and delivery purposes. The loading driveway would also include a truck turnaround circle, with a radius of 55 feet, just north of the Lowe's building.

As mentioned above, the project site is adjacent to Coyote Creek, which runs along the northeastern boundary of the site. The project proposes to preserve the 100-foot riparian corridor setback; no development is proposed within 100 feet of the Coyote Creek riparian corridor (refer to Figure 3.0-5).

3.3.1.2 Other Retail Development

The project also proposes approximately 25,000 square feet of retail shops on the southwest portion of the site (see Figure 3.0-5). While the specific retail uses have not yet been identified for these retail buildings, it is currently envisioned that these would be local-serving retail uses, such as retail shops and services, financial services, and restaurants.

3.3.2 Site Access and Parking

Two vehicular entrances and exits are proposed on Ridder Park Drive, along the southern boundary of the project site. The main customer entrance will be the eastern driveway, nearest to the Lowe's Building.

Parking for the proposed project would be located primarily on the western and northern portions of the site (refer to Figure 3.0-5). The proposed parking plan includes 753 surface spaces for an average parking ratio of one space per 225 net square feet of retail.

3.3.3 Standby Power Generator

The project includes one 350 kilowatt standby diesel power generator and transformer, which would be located on the northern portion of the Lowe's building, adjacent to the electrical room (refer to Figure 3.0-5). The fuel source for this generator would be an approximately 1500-gallon above-ground diesel storage tank which would be located beneath the generator.[4] The generator would be enclosed by a 12-foot high concrete wall and would have a tubular steel entry gate. The generator would only be used in the event of power outages, and would be tested once per week. During the weekly tests, the generator would run for approximately one hour.

3.3.4 Signage and Lighting

The project would include one or two monument signs, with a maximum height of 20 feet, along the I-880 and Brokaw Road frontages. Identification signs would also be located on the sides of the Lowe's building and the other retail buildings, which will be illuminated. In addition, Lowe's would have wall signs on the different functional areas of the Lowe's building.

The outdoor lighting on the project site would conform to the City's requirements, and would consist of low-pressure sodium lighting on mounted poles. All lighting for the loading and delivery area would be directed downward, away from the Coyote Creek riparian corridor (toward the back of the store) [refer to **Section 4.4 Biological Resources** of this report].

3.3.5 Grading and Drainage

Project construction will include site clearing and grading activities to provide level building pads and parking surfaces. Grading will also include minor contouring of the site to provide positive drainage. This will include the creation of higher elevations at the building pads, with downward slopes through the parking lot areas and toward the northern portion of the site. Surface runoff from the site will drain through the parking areas and be pumped from the northern end of the site to the southeastern end of the site, where it will be conveyed to vegetated swales, located on the eastern perimeter of the site, within the riparian setback area and near Coyote Creek. The approximate locations of the vegetated bio-swales and the drainage lines are shown on Figure 3.0-6.

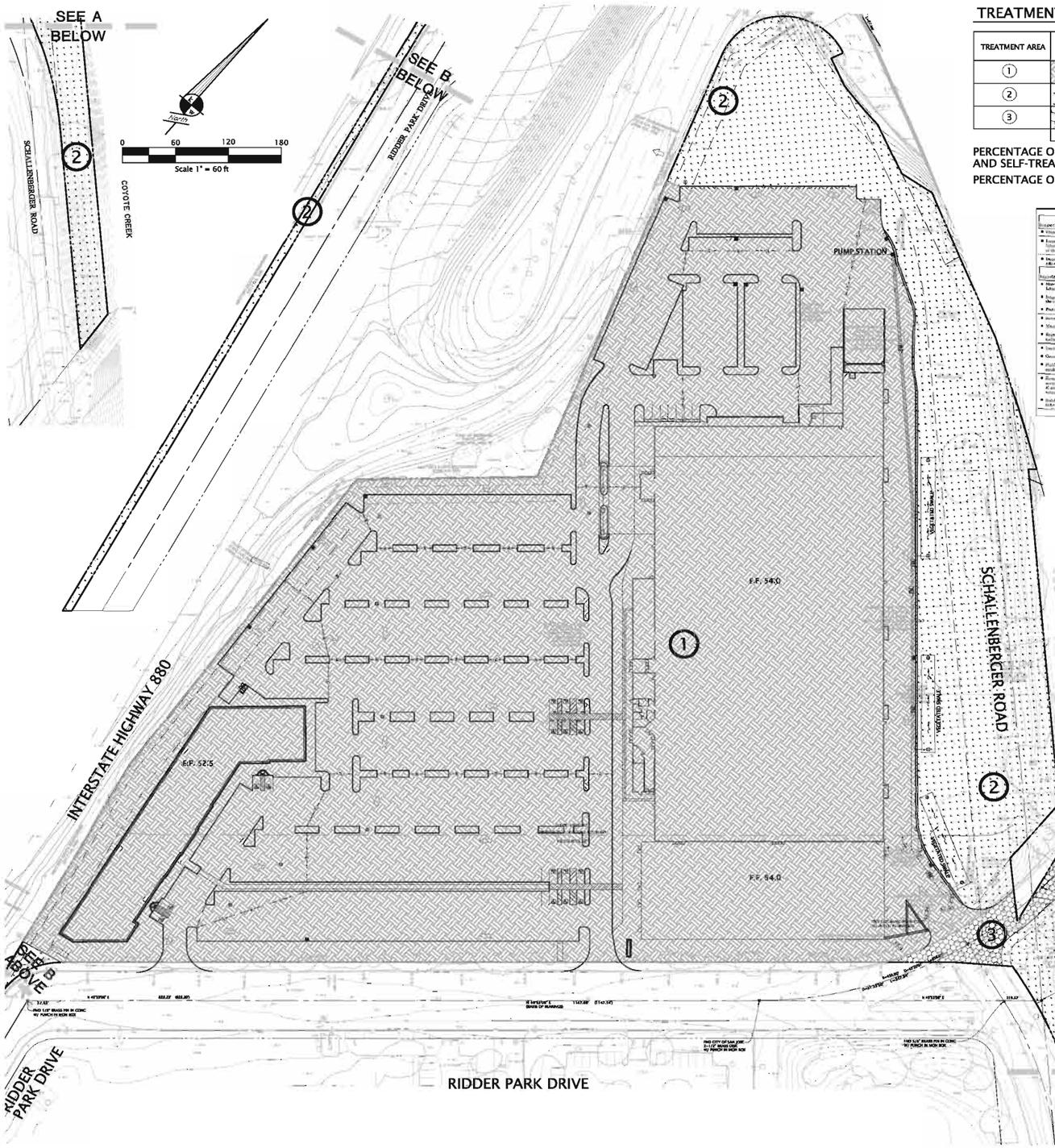
3.3.6 Utilities and Infrastructure

Utilities and services, such as water, sanitary sewer, electricity, telephone, and natural gas service will be provided from existing lines in the project site area. The project will require extension of these lines onto the project site; however, the project will not require the construction of extensive new infrastructure to serve the project (refer to **Section 4.16 Utilities and Services** of this report).

3.3.7 Landscaping

The project proposes landscaping on the site, within the parking areas, and along the proposed buildings. The project proposes to plant trees, shrubs and plants which conform to the Santa Clara Valley Water District and City of San José standards for land uses near streams and riparian habitat. A conceptual landscaping plan is shown on Figure 3.0-7.

[4] Robertson, Jim. Lowe's HIW, Inc. E-mail to David J. Powers & Associates, Inc. 24 September 2007.



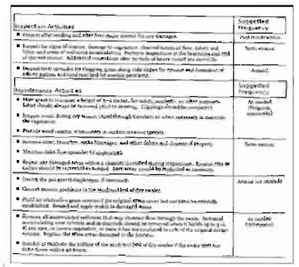
TREATMENT AREAS AND METHODS

TREATMENT AREA	LEGEND	AREAS	% OF TOTAL SITE	TREATMENT MEASURE
1		603,522 SF	78.0	VEGETATED SWALES
2		172,861 SF	20.9	SELF-TREATING LANDSCAPE
3		8,310 SF	1.1	UNTREATED (AREA TO BE DEDICATED TO THE CU FOR ROADWAY PURPOSES)
	TOTAL	784,693 SF	100	

PERCENTAGE OF SITE BEING TREATED BY VEGETATED SWALE AND SELF-TREATING LANDSCAPE = 98.9%

PERCENTAGE OF SITE UNTREATED = 1.1%

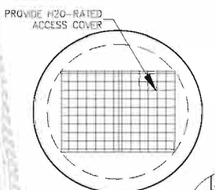
SWALE MAINTENANCE



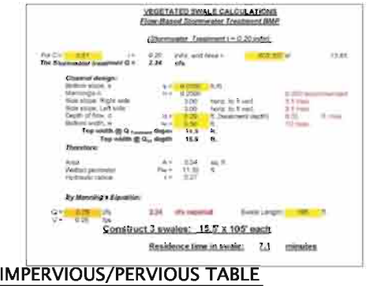
NOTES:

1. 100 YEAR FLOOD ELEVATION = 47 & 48
2. PROPOSED LANDSCAPE MATERIAL IN VEGETATED SWALE: NO-MOW TURF
3. RECEIVING WATER BODY: COYOTE CREEK

CONCRETE MANHOLE COMPONENTS SHALL CONFORM TO ASTM C-478 AND AASHTO M199. FLAT TOPS AND BASE SLABS SHALL BE DESIGNED FOR AASHTO HS-20 WHEEL LOADING.



TREATMENT CALCULATION
TREATMENT AREA 1

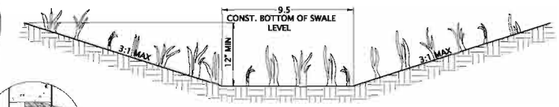


IMPERVIOUS/PERVIOUS TABLE
TOTAL SITE AREA

EXISTING			PROPOSED		
SURFACE	AREA	C FACTOR	SURFACE	AREA	C FACTOR
ROOF	0 SF	0.9	ROOF	199,996 SF	0.9
AC PAVEMENT	8,273 SF	0.9	AC PAVEMENT	315,182 SF	0.9
CONCRETE	0 SF	0.9	CONCRETE	13,341 SF	0.9
LANDSCAPE	776,420 SF	0.3	LANDSCAPE	256,174	0.3
TOTAL SITE AREA	784,693 SF		TOTAL SITE AREA	784,693 SF	
COMPOSITE C FACTOR FOR TOTAL SITE AREA	0.31		COMPOSITE C FACTOR FOR TOTAL SITE AREA	0.70	
TOTAL SITE % IMPERVIOUS	1.1%		TOTAL SITE % IMPERVIOUS	67.3%	

IMPERVIOUS/PERVIOUS TABLE
TREATMENT AREA 1

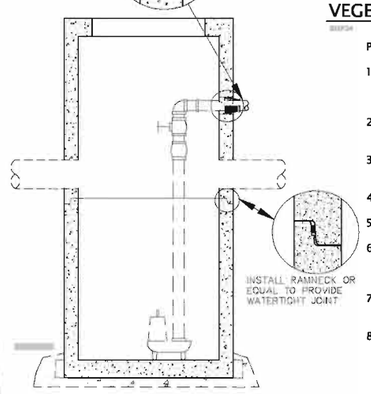
EXISTING			PROPOSED		
SURFACE	AREA	C FACTOR	SURFACE	AREA	C FACTOR
ROOF	0 SF	0.9	ROOF	195,584 SF	0.9
AC PAVEMENT	0 SF	0.9	AC PAVEMENT	304,049 SF	0.9
CONCRETE	0 SF	0.9	CONCRETE	15,682 SF	0.9
LANDSCAPE	603,397 SF	0.3	LANDSCAPE	88,082 SF	0.3
TOTAL SITE AREA	603,397 SF		TOTAL SITE AREA	603,397 SF	
COMPOSITE C FACTOR FOR TOTAL SITE AREA	0.30		COMPOSITE C FACTOR FOR TOTAL SITE AREA	0.81	
TOTAL SITE % IMPERVIOUS	0%		TOTAL SITE % IMPERVIOUS	85.0%	



NOTES:

1. SEE PRELIMINARY GRADING PLAN FOR ALIGNMENT AND SWALE FLOWLINE ELEVATIONS.
2. SEE LANDSCAPE PLANS FOR PLANTING REQUIREMENTS.

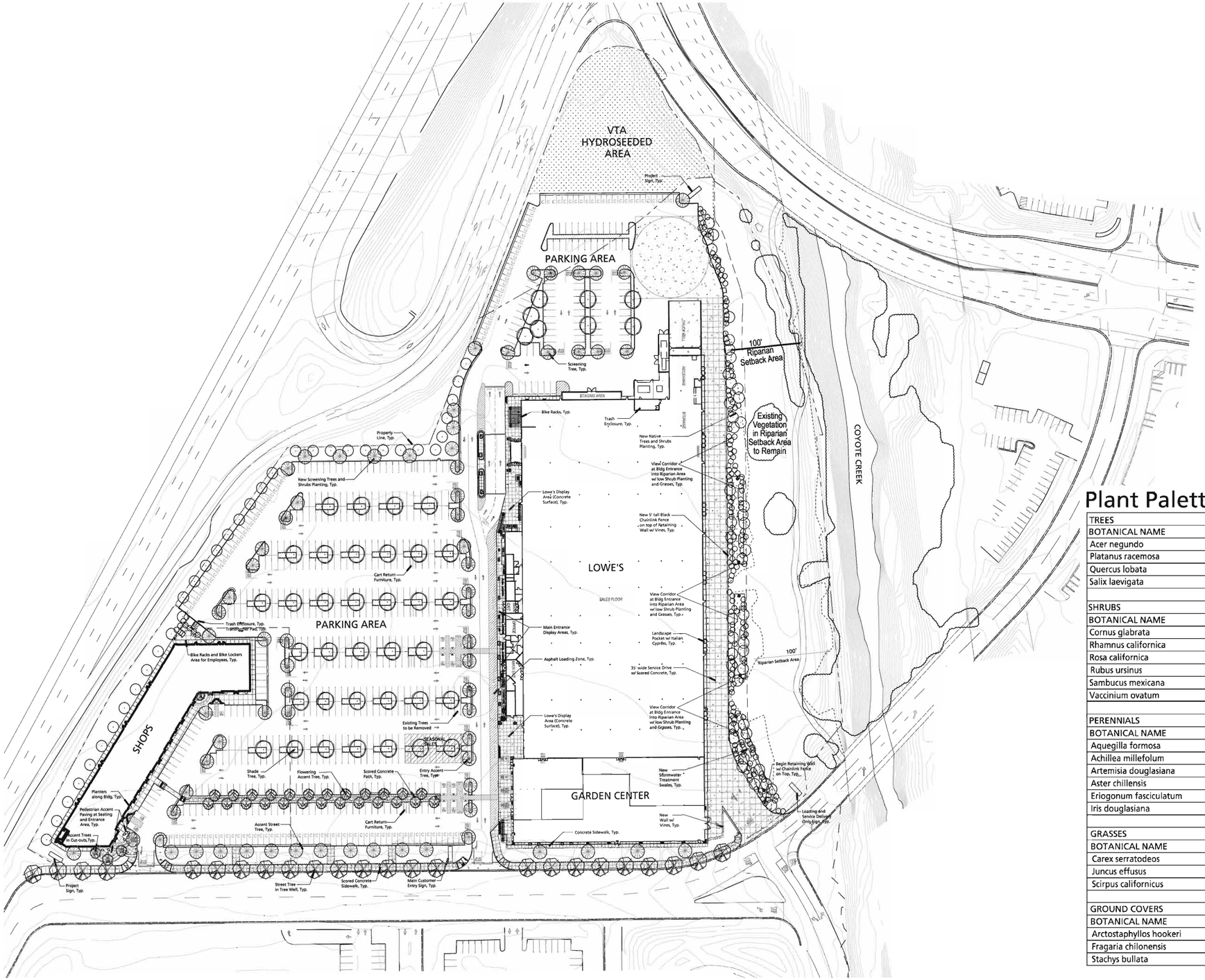
VEGETATED SWALE
NTS



PUMP NOTES:

1. PUMP, FORCE MAIN(S), VAULT, LID, BASE, ACCESS OPENING, CONTROLS, ELECTRICAL SUPPLY, AND FLOAT SWITCHES, SHALL BE A CONTRACTOR DESIGN/BUILD ITEM.
2. THE CONTRACTOR IS RESPONSIBLE FOR PERMIT PROCESSING AS REQUIRED FOR INSTALLATION OF THE PUMP STATION.
3. THE CONTRACTOR, AS REQUIRED BY THE REVIEWING AGENCY, SHALL SUPPLY DRAWINGS, DOCUMENTATION, AND CUT SHEETS.
4. PUMP SHALL BE A SUBMERSIBLE TYPE CAPABLE OF PASSING 2" SOLIDS.
5. PUMP SHALL BE SIZED TO DELIVER 1,005 GPM TO THE BUBBLERS SHOWN ON THE PLAN.
6. PUMP SHALL BE MOUNTED ON STAINLESS STEEL RAILS WITH ATTACHED CHAIN FOR DISCONNECTION AND RECOVERY OF THE PUMP ASSEMBLY WITHOUT ENTERING THE VAULT..
7. PUMP STATION SHALL BE DESIGNED AS A SIMPLEX INSTALLATION (ONE PUMP) FOR A NON-EXPLOSIVE ENVIRONMENT.
8. SEE PLAN FOR INVERT AND RIM ELEVATIONS.

CONCEPTUAL PUMP STATION



Plant Palette - Riparian Zone

TREES		CA. NATIVE
BOTANICAL NAME	COMMON NAME	
Acer negundo	Box Elder	x
Platanus racemosa	California Sycamore	x
Quercus lobata	Valley Oak	x
Salix laevigata	Red Willow	x

SHRUBS		CA. NATIVE
BOTANICAL NAME	COMMON NAME	
Cornus glabrata	Brown Twig Dogwood	x
Rhamnus californica	California Coffeeberry	x
Rosa californica	California Wild Rose	x
Rubus ursinus	California Blackberry	x
Sambucus mexicana	Blue Elderberry	x
Vaccinium ovatum	Huckleberry	x

PERENNIALS		CA. NATIVE
BOTANICAL NAME	COMMON NAME	
Aquegilla formosa	Werstern Columbine	x
Achillea millefolum	Common Yarrow	x
Artemisia douglasiana	California Mugwort	x
Aster chillensis	Common California Aster	x
Eriogonum fasciculatum	California Buckwheat	x
Iris douglasiana	Douglas Iris	x

GRASSES		CA. NATIVE
BOTANICAL NAME	COMMON NAME	
Carex serratodeos	Bifid Sedge	x
Juncus effusus	Common Rush	x
Scirpus californicus	California Bulrush	x

GROUND COVERS		CA. NATIVE
BOTANICAL NAME	COMMON NAME	
Arctostaphyllos hookeri	Manzanita	x
Fragaria chilonensis	Sand Srawberry	x
Stachys bullata	Hedge Nettle	x

NOTE:
This list conforms to the SCVWD standards for plant selection as per the user manual: Guidelines and Standards for Land Use Near Streams, July 2006 and Riparian Corridor Policy Study, City of San Jose for plant selection suitable for use in and adjacent to riparian corridors, City of San Jose.
The Plants chosen are local native plants suited to the creek and riparian corridors environment and will provide habitat and slope protection with less maintenance.

CONCEPTUAL LANDSCAPE PLAN

FIGURE 3.0-7

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Initial Study tiers off the City of San José North San José Development Policies Update Final Program EIR (2005 NSJ FPEIR) (approved June 2005).

The NSJ FPEIR envisioned future buildout of the site with industrial uses. Therefore, this Initial Study evaluates the project specific environmental impacts, including those associated with developing retail uses on the site, 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.

In addition, each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ – 1** denotes the first impact in the hazards and hazardous materials section. Mitigation measures and conclusions are also numbered to correspond to the impacts they address. For example, **MM NOI – 2.3** refers to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are as follows:

Table 4.0-1
Letter Codes of Environmental Issues

Letter Code	Environmental Issue
AES	Aesthetics
AG	Agricultural Resources
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
GEO	Geology and Soils
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use
MIN	Mineral Resources
NOI	Noise
POP	Population and Housing
PS	Public Service
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Project Site*

The approximately 18.02-acre project site is located within a developed, urban area of northeastern San José. The project site is currently undeveloped vacant land. The site is unpaved and has some trees and shrubs scattered throughout the site, as well as along the perimeter. There is a mature riparian corridor associated with Coyote Creek along the eastern boundary of the site, which is densely populated with vegetation. An inventory of trees on-site is included in **Section 4.4 Biological Resources**.

The project site and surrounding area are flat, and as a result, the project site is only visible from the immediate area.

4.1.1.2 *Surrounding Area*

The site is bordered by I-880 (a six-lane major highway) to the west, Brokaw Road to the north, Coyote Creek to the northeast and east, and Ridder Park Drive to the south (refer to Figure 3.0-2). The visual character of the surrounding area is a mixture of industrial/office and commercial uses.

Several commercial buildings, one- to two-stories in height, which are in fair to good condition, are located west of the site, across I-880. Businesses include a public storage facility with one- to two-story concrete and steel storage buildings in good condition, a two-story Fry's Electronics retail building in good condition, a one-story building for a car dealership, and a one-story wood building housing several small commercial businesses, also in good condition.

Industrial/office uses are also located to the north, across Brokaw Road, to the northeast and east of Coyote Creek, and to the south, across Ridder Park Drive. There are several two- to three-story industrial/office cement and glass buildings in good condition located to the northeast, beyond Brokaw Road and Coyote Creek. Photos 1 through 4 show the site and surrounding area.

4.1.1.3 *Scenic Vistas*

The project site is not located within a scenic viewshed or along a scenic highway.

Photo 1 - View of the southeast portion of the site, from Ridder Park Drive looking northeast. The Coyote Creek riparian corridor is visible in the background.

Photo 2 - View of the project site from Ridder Park Drive looking northwest. I-880 is visible in the background.

PHOTOS 1 AND 2

Photo 3 - View from Ridder Park Drive looking south at the San José Mercury News building.

Photo 4 - View of the existing office building on the southeast corner of Ridder Park Drive and Brokaw Road. This building is representative of the office buildings in the surrounding area.

PHOTOS 3 AND 4

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?	☐	☐	☐	☒	☐	1,2
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1,2
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1,2
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1,2
5) Increase the amount of shading on private or public open space (e.g., backyards, parks, plazas, and/or school yards)?	☐	☐	☐	☒	☐	1

4.1.2.1 *Change in Visual Character*

The project proposes to construct approximately 199,486 square feet of building area and associated parking on an undeveloped and vacant site. The project site is located adjacent to I-880 in a developed industrial area of northeastern San José. The project site and surrounding area are generally flat, and would therefore not be visible from any substantial distance. Since the surrounding area is developed with one- to three-story industrial/commercial/office structures similar in size and structure to the proposed project, implementation of the proposed retail project would not significantly impact the visual character of the area.

4.1.2.2 *Impacts to Scenic Vistas*

The certified 2005 NSJ FPEIR analyzed the impacts of development 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 the immediate surrounding roadways and existing buildings in the project vicinity may be reduced as a result of the proposed buildings on-site.

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

4.1.2.3 *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.

Avoidance Measure: The project proposes to implement the following measure to reduce or avoid light and glare impacts:

AM AES-1.1: 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.

4.1.3 Conclusion

The proposed project, with the implementation of the above standard avoidance measure, 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)**

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 was first used for agriculture and livestock, and later left undeveloped as it is today. An aerial photograph dating back to 1939 shows the site being used for agricultural purposes. In 1954, the project site was still used for agriculture, with the northeastern portion of the site used for livestock until 1960. The site continued to be used for agriculture until 1999. The project site has since remained undeveloped.

According to the Santa Clara County Important Farmland 2002 map, the project site is designated as *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10 acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

The site is not the subject of a Williamson Act contract. The site is located within an urban area of San José, and there is no property used for agricultural purposes on or adjacent to the project site.

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?	☐	☐	☐	☒	☐	1,2,3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☒	☐	1,2

As discussed above, the project site is not designated as farmland or presently used for agricultural purposes. The development of the proposed project itself, therefore, would not result in the conversion of farmland to a non-agricultural use.

For these reasons, the proposed project would not result in any impacts to farmland or result in any new or more significant impacts to agricultural resources than were described in the certified 2005 NSJ FPEIR.

4.2.3 Conclusion

The proposed project would not result in 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 have 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.

4.3.1.2 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely and 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. The nearest sensitive receptors are the single family residence located approximately 1,000 feet southeast of the project site at the intersection of Shallenberger Road and the U.P.R.R., and Orchard Elementary School located approximately 0.5 miles north of the project site at 921 Fox Lane.

4.3.2 Environmental Checklist and Discussion of Impacts

AIR QUALITY	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) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,2,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1,2,5

AIR QUALITY						
	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) 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?	☐	☐	☐	☒	☐	1,2,5
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	2,5
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1,2

4.3.2.1 *Regional and Local Air Quality Impacts*

Mobile Sources

While the development of local-serving retail uses near future residents and job centers is consistent with the Bay Area 2005 Ozone Strategy, development of the site with the proposed uses was not anticipated in ABAG's Projections 2002.

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 proposed by the project:

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

- Providing the Coyote Creek trail, sidewalks and/or paths, connecting proposed uses to adjacent parks, the nearest transit stop and nearby industrial areas;
- Providing secure and conveniently placed bicycle parking and storage facilities;

- 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

Backup Generator

As described in Section *3.3 Description of the Proposed Project* above, the project proposes one 350 kilowatt standby diesel power generator and transformer, which would be located on the northern portion of the Lowe's building (refer to Figure 3.0-5). The fuel source for this generator would be an approximately 1,500-gallon above-ground diesel storage tank which would be located beneath the generator. The generator would be used in the event of power outages and would be operated for a maximum of 50 hours per year for non-emergency testing and maintenance purposes. The generator and would be tested once per week for a duration of less than one hour.

Particulate matter from diesel engine exhaust is considered a toxic air contaminant that causes carcinogenic health effects. The health impacts associated with diesel particulate exhaust are expressed in terms of increased risk of contracting cancer by individuals who live or work near the proposed engine. According to the BAAQMD, a project would have a less than significant impact if the resultant incremental cancer risk is less than 10 excess cases per million for a 70-year exposure. Generally, a 500-horsepower diesel generator at a distance of 450 feet, with 50-hours of testing per year, results in less than a five (5) in a million cancer risk. Therefore, the proposed 469-horsepower generator, at a distance of approximately 750 feet to the nearest sensitive receptors, would also result in an incremental cancer risk of less than five (5) in one million.[5]

The proposed generator would meet U.S. EPA and California Air Resources Board (CARB) Tier 3 Mobile Off-Highway emission standards and would require permits from the BAAQMD. The permit would require that the applicant demonstrate that the generators meet BAAQMD Best Available Technology for NOx, CO, and particulate matter. In addition, an assessment that shows less than significant health risks from diesel particulate matter exposure would be required to support the permit. Sources of air pollutant emissions complying with all applicable BAAQMD regulations generally would not be considered to have a significant air quality impact.

Given the BAAQMD permit requirements, the short duration of use, and the distance of the site to the nearest sensitive receptors, the weekly testing and occasional emergency use of this generator would not result in emissions exceeding the BAAQMD's thresholds or result in significant increased cancer risk to sensitive receptors.

[5] Cal EPA ARB Stationary Source Division Emissions Assessment Branch. *Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines*. October 2000.

4.3.2.2 *Construction-Related Impacts*

Construction activities would temporarily affect local air quality. Construction activities such as site clearing, 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 PM_{10} 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 are proposed by the project:

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

The following discussion is based in part upon biological resources surveys completed by *H.T. Harvey & Associates, Inc.* Field surveys to identify the riparian corridor and survey mature trees were conducted in November 1998 for a previously proposed project at the project site. Additional surveys in May 1999 were conducted to fulfill the California Department of Fish and Game (CDFG) protocol for Burrowing Owl surveys. In addition, updated surveys of the site and riparian corridor were completed by *H.T. Harvey & Associates, Inc.* in April 2007. The results of these surveys are included as Appendix A of this Initial Study.

4.4.1 Setting

Habitat on the Project Site

The project site is ruderal, consisting of sparse, weedy vegetation, characteristic of undeveloped sites such as the project site. Plant species typical of disturbed areas are found throughout this habitat. Dominant species observed include wild oats, ripgut grass, farmer's foxtail, Italian ryegrass, cheeseweed, and black mustard. A row of trees and shrubs including olive, Fremont cottonwood, California pepper, silverleafed gum, oleander, and juniper are planted along portions of Ridder Park Drive. A group of western sycamore trees are present just beyond the site boundaries near Coyote Creek.

The ruderal vegetation provides potential breeding habitat for the ground-nesting Killdeer and Burrowing Owl. Most of the bird species using the area during the breeding season nest in more heavily vegetated areas outside of the project area, using the ruderal habitats on the site only for foraging. Such species include the White-tailed Kite, Red-tailed Hawk, American Kestrel, Mourning Dove, Loggerhead Shrike, American Crow, Red-winged Blackbird, and Brewer's Blackbird. Likewise, a few species nesting on nearby bridges and overpasses, such as the swallows, House sparrow, Rock Dove, and European Starling, also forage on or over the ruderal habitats on the site.

Several other species of birds are expected in the project area include western fence lizard, gopher snake, common garter snake, Pacific treefrog and western toad.

Small mammals expected to be present on the site include the California vole, western harvest mouse, house mouse, Norway rat, black rat, Botta's pocket gopher, and California ground squirrel. Larger mammals, such as the striped skunk, Virginia opossum, and raccoon also likely occur in these ruderal habitats, although the absence of cover over most of the site limits the value of the site to these larger animals.

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

Adjacent Upland and Riparian Habitats

Coyote Creek is a major drainage in the Santa Clara Valley. A relatively dense canopy of mature native trees grows along the creek near the site. Trees and shrubs found along the creek include Fremont cottonwood, California sycamore, box elder, red willow and California bay. Non-native, invasive species found in the corridor include English elm, periwinkle and giant reed. The riparian

corridor adjacent to the project site is considered high quality, due to the dense native vegetation, multi-layered structure, and food resources provided by the native trees and vegetation.

The western edge of the riparian corridor is bordered by a levee between Ridder Park Drive and Brokaw Road. Coyote brush, a common native shrub on disturbed sites, is scattered in patches along the top of this levee. Beyond the levee, several large, mature California sycamores are present near, but not within the riparian corridor. These trees are located within the proposed 100-foot riparian corridor setback area, approximately 50 feet from the edge of the riparian corridor. According to the City of San José's *Riparian Corridor Policy*, because these sycamore trees are not adjacent to and contiguous with the riparian corridor vegetation, these trees are not part of the riparian corridor.[6] However, given the quality and location of the California sycamore trees present near the riparian corridor, they do provide suitable dispersal habitat for wildlife using the Coyote Creek riparian habitat.

4.4.1.1 *Special-Status Plants and Animals*

Special-Status Plant Species

Several plant species that have been given special status under state and/or federal species legislation are known to occur in Santa Clara County. All of these special-status plants are found in habitat types that are not present on the project site. Due to both the lack of appropriate habitat and the highly disturbed condition of the site, no special-status plant species are expected to occur on-site.

Special-Status Animal Species

The nearby Coyote Creek corridor potentially could support several special status animal species including steelhead trout, California red-legged frogs, and nesting raptors including White-tailed Kite.

Steelhead Rainbow Trout

The Steelhead rainbow trout (*Oncorhynchus mykiss*) is a federally listed "Threatened" species and considered by the State of California as a species of special concern. The steelhead rainbow trout is an ocean-going form of rainbow trout that migrates upstream from the bay to spawn. No suitable habitat for this species is present on the site itself. However, steelhead rainbow trout are known to be present in Coyote Creek, spawning on gravel substrates in reaches of the creek upstream from the project site.

California Red-legged Frog

The California red-legged frog (*Rana aurora draytonii*) is a federally listed "Threatened" species and considered by the State of California as a species of special concern. Populations of red-legged frogs are not known in the immediate vicinity of the site. Surveys for the California red-legged frog in the vicinity of the Oakland Road Bridge (approximately 1,200 feet upstream of the site), found a lack of suitable habitat and the presence of bullfrogs, a predator of the red-legged frog (H.T. Harvey, 1997).

[6] Quinn, Matt. H.T. Harvey & Associates. Personal Communications. January 10, 2008.

Burrowing Owl

The Burrowing Owl (*Athene cunicularia*) is a California Species of Special Concern and is protected under the Federal Migratory Bird Treaty Act. The Burrowing Owl is a small, ground-dwelling owl that occurs on sites with low-growing vegetation. In California, Burrowing Owls are found in close association with California ground squirrels, but will also use man-made structures such as culverts and debris piles for shelter and nesting. Nesting and foraging habitat for Burrowing Owls in the South Bay area is becoming increasingly fragmented due to development.

The property is consistent with potential Burrowing Owl nesting habitat because the site contains ground squirrel burrows and is located within the north San José area in the vicinity of existing Burrowing Owl populations.

However, based upon protocol-level surveys conducted in November 1998 and May 1999, as well as updated site surveys in 2007, no burrowing Owls or evidence of their occupancy of the site (in the form of feathers, castings, or prey remains) were observed. The site appears to be unoccupied by Burrowing Owls and is not considered Burrowing Owl habitat.

White-tailed Kite

The White-tailed Kite (*Elanus caeruleus*) is a raptor, or bird of prey, protected by State and Federal statutes. This species prefers habitats with low ground cover and variable tree growth. Kite nests are built near tops of oaks, willows, or other dense broad-leafed deciduous tress in partially cleared or cultivated fields, grassy foothills, marsh, riparian, woodland, and savannah. The riparian corridor of Coyote Creek provides potential nesting habitat for White-tailed Kites.

4.4.1.2 *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.

A tree survey of the project site and adjacent setback area within 100 feet of Coyote Creek found a total of 30 trees within the project site. Most of the trees are located along the perimeter of the site, primarily along Ridder Park Drive. Table 4.0-2 lists the trees on-site, their size, and their health condition. Most of these trees are landscape trees that have not reached ordinance-size. There are five mature trees that are growing between the project site and Coyote Creek, within the riparian corridor. As noted in Table 4.0-2, these trees include four native western sycamores and a non-native pepper tree.

4.4.1.3 *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.

Table 4.0-2
Tree Survey[7]

Tree #	Common Name	Scientific Name	Diameter at 24 inches above grade	Health and Vigor[8]
Trees Located on the Project Site				
3	common olive	*Olea europaea*	5,4,3,2,2	3
5	Fremont cottonwood	*Populus fremontii spp. fremontii*	9,7,6,6,4	3
6	pepper tree	*Schinus molle*	8,7,4	2
7	Fremont cottonwood	*Populus fremontii spp. fremontii*	9,7,6,4,4	3
8	Fremont cottonwood	*Populus fremontii spp. fremontii*	4,4,3,3	2
9	silver-leafed gum	*Eucalyptus pulverulenta*	16	3
10	**Fremont cottonwood**	***Populus fremontii spp. fremontii***	**20,18,8,5,3**	**3**
11	silver-leafed gum	*Schinus molle*	7,5	2
12	**Fremont cottonwood**	***Populus fremontii spp. fremontii***	**18,16,8,6**	**3**
13	Fremont cottonwood	*Populus fremontii spp. fremontii*	7,5	3
14	silver-leafed gum	*Schinus molle*	18,16,8,6	2
15	Fremont cottonwood	*Populus fremontii spp. fremontii*	12,11,6,6,4,4	1
16	pepper tree	*Schinus molle*	8	3
18	silver-leafed gum	*Schinus molle*	8,4,2	2
19	pepper tree	*Schinus molle*	11,5	3
20	silver-leafed gum	*Eucalyptus pulverulenta*	11,5,3	3
21	common olive	*Olea europaea*	4,3,3,2,2	3
22	common olive	*Olea europaea*	3	2
23	common olive	*Olea europaea*	4,3,2,2	3
24	blue elm	*Eucalyptus globulus*	6,4,4,3,2	2
25	elm	*Ulmus sp.*	12,11,10,10,9,9,8,8	3
Trees Located in the Area Between the Project Site and the Riparian Corridor of Coyote Creek				
26	**western sycamore**	***Planatus racemosa***	**30**	**4**
27	**western sycamore**	***Planatus racemosa***	**56**	**4**
28	**western sycamore**	***Planatus racemosa***	**68**	**4**
29	**western sycamore**	***Planatus racemosa***	**40**	**4**
30	pepper tree	*Schinus molle*	14,12	3

The only native tree species found on the site is Fremont cottonwood. Two of the Fremont cottonwoods that have become established along Ridder Park Drive are 18-inches in diameter or larger.

[7] **Bold** indicates that the tree is "ordinance size", or 18' or greater in diameter.
[8] Health and vigor was assessed using a rating based on a scale of 0 to 5, with 0 indicating a dead tree and 5 a tree with very high vigor.

4.4.2 Environmental Checklist and Discussion of Impacts

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:						
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?	☐	☐	☐	☒	☐	1,2,11
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?	☐	☐	☐	☒	☐	1,2,11
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?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☒	☐	1,2
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1,2,11
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?	☐	☐	☐	☒	☐	1,2

Direct impacts to wildlife species would result from grading, building construction, and human uses on the project site. The conversion of ruderal habitat on the site may result in the loss or reduction of use for some wildlife species. The existing wildlife species are usually replaced with a suite of species that tolerate these development activities.

Indirect impacts to wildlife could also occur. Lighting, landscaping with invasive plants near the riparian corridor, and additional stormwater discharges may result in impacts to off-site habitat along Coyote Creek.

4.4.2.1 *Habitat Impacts*

Ruderal Habitat

Much of the ruderal habitat of the project site will be directly impacted during site development. However, the ruderal habitat on-site provides only marginal habitat for vertebrate species and ruderal habitat is abundant throughout the region, as are the plants and animals it supports locally. The loss of approximately 16 acres of ruderal habitat that does not support special status species would be a less than significant impact.

Riparian Habitat and Nearby Upland Habitat

The project does not propose any development within the riparian corridor or the removal of any riparian vegetation. In addition, the project proposes a set back of at least 100 feet between the proposed development and the riparian corridor. Therefore, the proposed project would not result in direct impacts to the riparian corridor of Coyote Creek.

Indirect impacts to the riparian corridor and nearby California sycamores, however, may occur as a result of construction and/or normal operation of the project post-construction. These impacts include noise, proximity to loading dock and backup generator areas, stormwater runoff, lighting and glare, introduction of exotic or invasive plant species, litter and dust, and encroachment during construction.

Due to the character of the sounds at the proposed loading dock, maximum noise levels could occasionally be audible. The backup generator and electrical room would be located on the northern end of the building, and would be partially shielded from the riparian area by the loading dock wall. The project would not significantly increase hourly or day-night average noise levels in this area. Given the moderate number of truck deliveries anticipated to occur at the proposed development (one to two large trucks and several smaller trucks per day), the proposed 100-foot setback would be sufficient to offset noise from the loading and delivery areas[9]. Other standard measures incorporated into the project to reduce lighting and glare impacts (refer to **Section 4.1 Aesthetics**) and to maintain the 100-foot riparian setback, as the project proposes to do, will keep indirect impacts to the riparian habitat to a less than significant level.

The existing large, mature California sycamores which are near, but not within, the riparian corridor would remain within the proposed 100-foot riparian corridor setback on the site. Construction and operation of the proposed retail development could also have indirect impacts upon the usability of these trees as dispersal habitat. However, because the project does not propose the removal of the

[9] H.T. Harvey & Associates, I-880/Ridder Park Drive Property Riparian Assessment and Burrowing Owl Survey, April, 2007.

sycamore trees within the riparian setback area, and because these trees would also be partially shielded from the loading dock and backup generator/electrical room activities, the indirect impacts upon the usability of these trees as dispersal habitat would be less than significant.

4.4.2.1 *Special-Status Plants and Animals*

Steelhead Rainbow Trout

As described above, the Steelhead rainbow trout is known to be present within Coyote Creek. Adult steelhead trout migrate in Coyote Creek from January through April, and smolts migrate downstream from March through May. Juvenile steelhead may remain in deep pools throughout the year. The reach of Coyote Creek in the vicinity of Oakland Road (southeast of the site) supports fair habitat for juvenile steelhead trout. Juveniles are particularly susceptible to inputs of toxic or otherwise harmful substances (including sediment) into Coyote Creek. If project impacts to water quality in these streams are addressed and adequately mitigated, then potential effects of the project on steelhead rainbow trout would be reduced to a less than significant level.

Impact BIO-1: Construction of the proposed project could result in impacts to water quality of Coyote Creek, which could impact Steelhead rainbow trout.

Mitigation Measures: The following mitigation measures, which are also identified in **Section 4.8 Hydrology and Water Quality,** are identified as part of the certified 2005 NSJ FPEIR and are proposed by the project to reduce or avoid impacts to Steelhead rainbow trout:

MM BIO-1.1: Compliance with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for the project with land disturbance of one acre or more, the applicant(s) shall 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 measures typically are included in a SWPPP:

- Preclude non-stormwater discharges to the stormwater system.
- Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
- Cover soil, equipment, and supplies that could contribute to non-visible pollution prior to rainfall events or monitor runoff.
- Perform monitoring of discharges to the stormwater system.

MM BIO-1.2: Comply with the City's Grading Ordinance.

Refer to **Section 4.8 Hydrology and Water Quality** for additional detail regarding the water quality and Best Management Practices (BMPs) proposed to reduce or avoid significant water quality impacts.

Nesting Raptors

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations including the Migratory Bird treaty Act and California Fish and Game Code section 3503.5. The White-tailed Kite and other raptors may breed in the trees on or immediately adjacent to the site. Removal, or disturbance to the vegetation, could result in nest abandonment.

Impact BIO-2: The White-tailed Kite and other raptors may breed in the trees on or immediately adjacent to the site. Removal, or disturbance to the vegetation, could result in nest abandonment.

Mitigation Measure: The project proposes to implement the following standard measure to reduce impacts to nesting raptors:

MM BIO-2.1: 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, as well as the California sycamore trees within the 100-foot riparian setback 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.

Burrowing Owls

While no Burrowing Owls have been found on the site, the loss of nesting habitat and extensive foraging habitat in the area, such as that found on the project site, would constitute a significant impact because most suitable Burrowing Owl breeding and foraging habitat in the northern San José area has been developed. The biological resources surveys conducted by *H.T. Harvey & Associates, Inc.* concluded that the project site does not contain suitable Burrowing Owl habitat. However, if Burrowing Owls are present on-site at the time of construction, construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Any loss of Burrowing Owls or fertile eggs, any activities resulting in nest abandonment, or the destruction of occupied Burrowing Owl burrows would constitute a significant impact. Construction activities such as site grading that disturbs a nesting Burrowing Owl on-site or immediately adjacent to the construction zone or destroy occupied burrows would constitute a significant impact.

Impact BIO-3: Construction activities such as site grading that disturbs a nesting Burrowing Owl on-site or immediately adjacent to the construction zone or destroy occupied burrows would constitute a significant impact.

Mitigation Measure: The project proposes to implement the following mitigation measure to reduce impacts to Burrowing Owls:

MM BIO-3.1: Preconstruction surveys and buffers. Since many areas within north San José have been sporadically occupied by Burrowing Owls, pre-construction surveys for Burrowing Owls shall be conducted by a qualified ornithologist prior to any soil-altering activity of economic development occurring on-site. The preconstruction surveys should be conducted no more than 30 days prior to the start of site grading, regardless of the time of year in which grading occurs. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow shall be established as determined by the ornithologist in consultation with CDFG. No activities, including grading or other construction work or relocation of Owls, should proceed that may disturb breeding Owls. If Owls are resident during the nonbreeding season, a qualified ornithologist, in consultation with CDFG, should passively relocate (evict) the Owls to avoid the loss of an individuals.

4.4.2.2 *Ordinance-Size Trees*

The project proposes to remove 25 of the 30 trees located on the project site. These trees are located along the perimeter of the site on Ridder Park Drive. Two of these trees are native and ordinance-sized. The remaining five trees are located within the riparian corridor associated with Coyote Creek.

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 – 4: The proposed project would result in the removal of up to 25 trees, including two ordinance-size trees. **(Significant Impact)**

Mitigation Measures: The project proposes to implement the following mitigation measures to reduce impacts to trees to a less than significant level:

MM BIO-4.1: The proposed project shall replace trees removed at the following ratios:

Table 4.0-3
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-4.2: 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, at the development permit stage:

- 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.[10]
- 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 issuance of a development permit.

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 Steelhead rainbow trout than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

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

[10] Contact Todd Capurso, PRNS Landscape Maintenance Manager, at (408) 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.

Impact BIO – 3: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant impacts to Burrowing Owls than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact BIO – 4: 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

An archaeological literature review update was completed by *Basin Research Associates* in September 2007 for the project site. The purpose of the archaeological literature review was to update prior information regarding recorded historic and/or prehistoric archaeological sites in and around the project area, and evidence of previous archaeological field inspections of the area.

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

An updated 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. 07-0375). Seventeen cultural resource compliance reports on file with the CHRIS/NWIC include records searches, surveys, and/or archeological monitoring of the project parcels or adjacent areas. In addition, reference material from the Bancroft Library, University of California, Berkeley and Basin Research Associates, San Leandro were reviewed, the Juan Bautista de Anza National Historic Trail alignment was checked, and the Native American Heritage Commission was consulted.

4.5.1.1 *Prehistoric Archaeological Resources*

No prehistoric era sites have been recorded on or adjacent to the project site. No Native American prehistoric sites, villages, trails, traditional or contemporary use areas have been identified on or adjacent to the project.

4.5.1.2 *Historic Resources*

A historic school site, the 1865-1896 second Orchard School, has been identified as straddling Ridder Park Drive in the southeast corner of the site. The school is no longer extant. No surface indications or prehistoric or historic archaeological cultural materials (including the school) were observed during prior field inventories conducted in 1998. No other historically or architecturally significant sites, structures, landmarks, or points of interest have been recorded within or adjacent to the site.

4.5.2 Environmental Checklist and Discussion of Impacts

CULTURAL 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) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	☐	12

CULTURAL 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) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	12
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	12
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	12

The project proposes to develop approximately 199,486 square feet of retail uses on-site, which would require surface grading and excavation of the undeveloped, vacant parcels.

4.5.2.1 *Prehistoric Archaeological Resources*

Due to the absence of recorded cultural resources on or near the site and the site's low potential for containing archaeological resources, the development of this property is not anticipated to impact archaeological resources. However, should any archaeological resource be found during grading operations, their disturbance would be a significant impact.

IMPACT CUL-1 Grading and excavation activities could impact unanticipated prehistoric archaeological resources on the site.

Mitigation Measures: The project proposes to implement the following standard mitigation measures, if required:

MM CUL-1.1: Should evidence of prehistoric or historic era cultural resources[11] be discovered during construction work, work within 35 feet of the find shall be

[11] 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.

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

MM CUL-1.2: 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.

4.5.2.2 *Historic Resources*

Given the prior record of the Orchard School on the southeast portion of the site, there is a potential for grading and excavation activities to impact historic resources which could be present on the site. Disturbance of these resources would be a significant impact.

IMPACT CUL-2: There is a potential for grading and excavation activities to impact historic resources which could be present on the site.

Mitigation Measure: The project proposes to implement the following mitigation measure to ensure that construction of the project does not significantly impact historic resources which could be present on the site:

MM CUL-2: Project grading, excavation, and construction activities on the southeastern portion of the site (APN 237-05-053) shall be monitored by a qualified archaeologist. If any significant cultural materials (such as human bone, occupation or ceremonial structures, or artifacts) are exposed or discovered during either site preparation or subsurface construction activities, construction operations shall cease within 35 feet of the find and a qualified professional archaeologist shall review and evaluate the finds and provide treatment recommendations if the finds are determined significant. Potential treatment recommendations could include collection, recordation, analysis, and reporting.

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 prehistoric archaeological resources than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact CUL-2: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant impacts to historic cultural resources than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.6 GEOLOGY AND SOILS

The following discussion is based, in part, upon a geotechnical review by *Treadwell & Rollo* dated April 6, 2007. A copy of the report is included in Appendix B of this Initial Study.

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 12 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

The site soils are described as approximately 15 to 20 feet of alluvial deposits of low plasticity silts or clays and loose to medium dense sand. High plasticity clays are expected beneath the surficial alluvium.

Cooper-Clarke (1974) maps show moderately expansive soils on the site and in the surrounding area. Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavements and structures found on shallow foundations.

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.

The three major fault lines in the region are the San Andreas Fault, Calaveras Fault, and Hayward Fault. The San Andreas Fault runs north/south and parallel to the Hayward Fault and the Calaveras Fault line. The San Andreas Fault is approximately 13 miles west of the site, the Calaveras Fault is approximately seven miles east of the site, and the Hayward Fault is approximately six miles east of the site.

The project site is not located within a fault rupture hazard zone.

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 an area of "historic occurrence of liquefaction."

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. Due to the close proximity of Coyote Creek, lateral spreading could occur on the project site.

4.6.2 Environmental Checklist and Discussion of Impacts

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:						
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.)	☐	☐	☐	☒	☐	2,7
b) Strong seismic ground shaking?	☐	☐	☐	☒	☐	2,7
c) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	2,7
d) Landslides?	☐	☐	☐	☒	☐	1,2
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	2,7

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:						
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?	☐	☐	☐	☒	☐	2,7
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?	☐	☐	☐	☒	☐	2,7
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?	☐	☐	☐	☒	☐	2

4.6.2.1 *Soils*

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 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. **(Significant Impact)**

Mitigation Measures: The project proposes to implement the following mitigation measures 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 will identify 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.

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 occupants. 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. **(Significant Impact)**

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 is proposed by the project:

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 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 an Environmental Site Assessment Update by *AllWest Environmental, Inc.* on January 30, 2007. A copy of this report is included in Appendix C of this Initial Study.

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 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 first used for agriculture (hay production or similar crop) and livestock, and later left undeveloped as it is today. An aerial photograph dating back to 1939 shows the site being used for agricultural purposes. In 1954, the project site was still used for agriculture, with the northeastern portion of the site used for livestock until 1960. The site continued to be used for agriculture until 1999. The project site has since remained undeveloped.

4.7.1.3 *Potential On-Site Sources of Contamination*

Due to the historic agricultural use on the site, pesticides (such as DDT and arsenic) were likely used during normal farming operations and it is possible that the soil is contaminated with pesticides. For this reason, shallow soil sampling was conducted by *Kleinfelder* in March 2001 to determine if residual levels of pesticides and heavy metals were present on-site. The results of the shallow soil sampling indicated low levels of the metals arsenic, barium, chromium, cobalt, copper, lead, mercury, nickel, vanadium, and zinc, as well as DDE, SST. The arsenic concentrations were just above detection limits and were within background concentrations. All other contaminants were less than the screening levels of concern for industrial sites.

Several black 55-gallon drums were observed on the southeastern portion of the site during a field visit in 2007 (see Photo 5). These drums contained soil from the geotechnical survey and were removed from the site in August 2007[12].

[12] Lopez, Rochelle. Sand Hill Property Company. Email to David J. Powers & Associates, Inc. 26 September 2007.

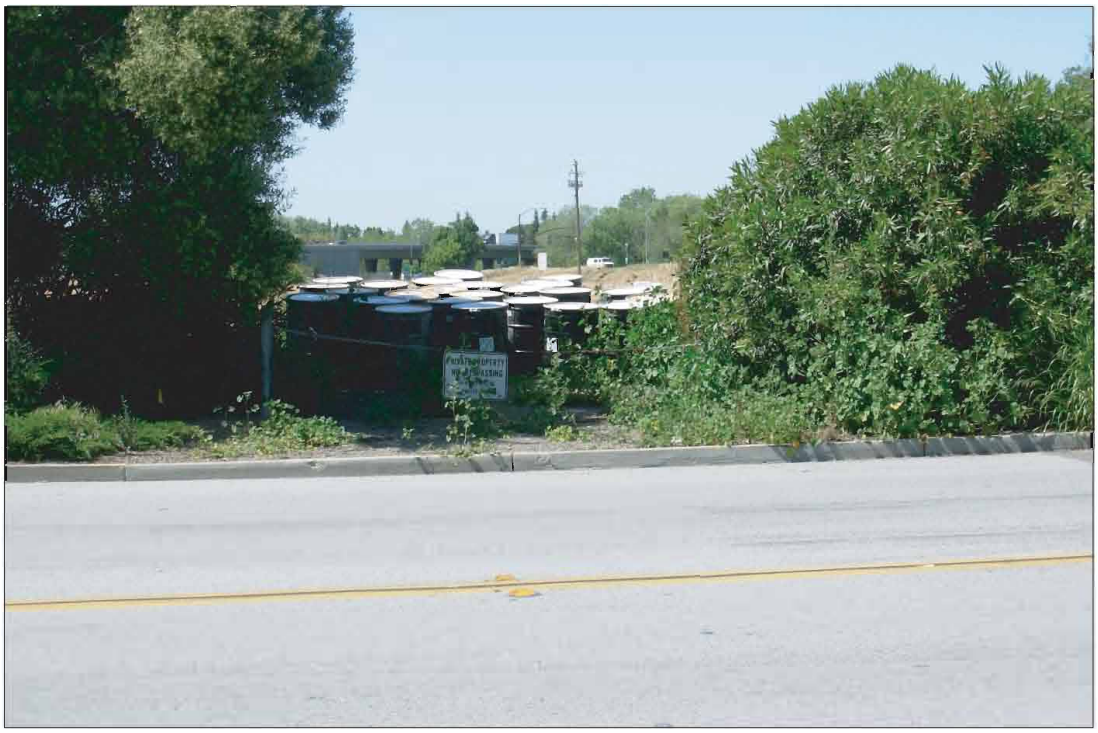


Photo 5 - View from Ridder Park Drive of the drums present on the south portion of the site.

PHOTO 5

4.7.1.4 *Potential Off-Site Sources of Contamination*

A records search was performed to assess the potential presence of hazardous materials contaminations at the site as well as in the surrounding area. As is typical for 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.

Regulatory Controls

Facilities that store, handle, and use hazardous materials are regulated at local, state, and federal levels. The primary regulations that limit the risks of releases of significant quantities of acutely[13] hazardous materials include Santa Clara County Toxic Gas Ordinance (TGO), Risk Management and Prevention Programs (RMP), California Accidental Release Program (CALARP), and Process Safety Standards (OSHA). These regulations require containment, hazard analysis, process and program integrity, risk reduction, and the active management of hazardous chemical facilities to reduce the risks and potential consequences of catastrophic chemical releases.

The net result of regulatory control programs and industry innovation is reduced likelihood of chemical releases and reduced likelihood of off-site migration of hazardous materials in the event of a release.

4.7.2 Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS						
	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) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1,2
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?	☐	☐	☐	☒	☐	1,8
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1,2,8

[13] Although current law does not refer to "acutely hazardous materials", the term is still widely used because it defines a set of substances that can have adverse impacts over distance when accidentally released.

HAZARDS AND HAZARDOUS MATERIALS						
	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:						
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?	☐	☐	☐	☒	☐	1,2,8
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?	☐	☐	☐	☒	☐	1,2,8
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?	☐	☐	☐	☒	☐	1,2
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☒	☐	1,2

4.7.2.1 *Possible On-Site Sources of Impact*

Soil Quality Evaluation

As described in the setting section above, the site was used for agricultural purposes for several decades. During the course of the agricultural use, pesticides, such as DDT, likely were applied to crops in the normal course of farming operations and low levels of metals such as arsenic, barium, chromium, cobalt, copper, lead, mercury, nickel, vanadium, and zinc were detected, as well as pesticides such as DDT & SST. However, these materials were consistent with background concentrations for the area and were below levels of concern for commercial uses. Therefore, the presence of these materials on the site is not anticipated to significantly impact the project site.

4.7.2.2 *Possible Off-Site Sources of Impact*

Based upon available information, no hazardous material incidents have been reported in the site vicinity that would be likely to significantly impact the site, either due to case closure status, proximity to the project site, or location (down-gradient or cross-gradient) in relation to the project site.

4.7.3 Conclusion

The proposed project would not result in any new or more significant hazardous material impacts than were previously identified in the NSJ FPEIR. **(No New Impact)**

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 *Flooding*

The project site is located within the Coyote creek watershed. While the site is protected by a low levee from Coyote Cree, it is subject to shallow flooding from Coyote Cree. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), the project site is located within the 100-year tidal floodplain of San Francisco Bay. The area is mapped by FEMA as "Zone A6" with a 100-year flood elevations ranging from 48.2 feet above mean sea level (msl) at Brokaw Road to 50.5 feet above msl at Ridder Park Drive[14].

4.8.1.2 *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)[15] and Treatment Control Measures (TCMs)[16] 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.

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

[14] Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel No. 060349 0014E.
[15] 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.
[16] 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.

hydromodification[17] 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, or projects that discharge to stream segments that are either tidally influenced or hardened to the Bay.

4.8.2 Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY	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) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒	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)?	☐	☐	☐	☒	☐	1,2
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?	☐	☐	☐	☐	☒	1

[17] 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 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:						
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?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☐	☒	1,2
6) Otherwise substantially degrade water quality?	☐	☐	☐	☐	☒	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?	☐	☐	☐	☒	☐	1,2,9
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	☐	1,2,9
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?	☐	☐	☐	☒	☐	1,2,9
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1

4.8.2.1 *Drainage*

Currently, because the site is undeveloped, virtually all of the site is pervious. With the development of the proposed project, approximately 67.2 percent (approximately 12.13 acres) of the project site would be impervious and approximately 32.6 percent (5.88 acres) of the site would be pervious. The proposed project, therefore, would result in an approximately 67.2 percent (12.03 acres) increase in impervious surfaces (refer to Table 4.0-6).

Table 4.0-4
Summary of Impervious and Pervious Surfaces On-Site

Site Surface	Existing/Pre-Construction (acres)	%	Project/Post-Construction (acres)	%	Difference (acres)	%
Impervious						
Building Footprint	0	0	4.59	25.4	+4.59	25.4
Hardscape	0.18	0	7.54	41.8	+4.59	41.8
Subtotal	*0.18*	*0.1*	*12.13*	*67.3*	*+12.03*	*67.2*
Pervious						
Landscaping	17.82	100	5.88	32.6	-11.94	32.6
Subtotal	*17.82*	*100*	*5.88*	*32.6*	*-11.94*	*32.6*
Total	**18.01**	**100**	**18.01**	**100**		

Source: Kenneth Rodrigues & Partners, Inc., Stormwater Management Plan, January 2008.

Project construction will include site clearing and grading activities to provide level building pads and parking surfaces. Grading will also include minor contouring of the site to provide positive drainage. This will include the creation of higher elevations at the building pads, with downward slopes through the parking lot areas and toward the eastern portion of the site.

Surface runoff from the site is proposed to drain through the parking areas and be pumped from the northern end of the site to the southeastern end of the site, where it will be conveyed to vegetated swales, located on the eastern perimeter of the site, within the riparian setback area and near Coyote Creek. The approximate locations of the vegetated bio-swales and the drainage lines are shown on Figure 3.0-6. The project would result in an increase in runoff from the site; however, with these proposed improvements, the project would not result in significant drainage or runoff impacts. Upgrades and site-specific improvements to the existing storm drain lines serving the project site may be needed to serve the proposed project. The proposed project would not result in any new or more significant drainage impacts than were described in the certified 2005 NSJ FPEIR.

4.8.2.2 *Flooding*

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

4.8.2.3 *Water Quality*

Construction-Related Impacts

Construction of the proposed project, as well as grading and excavation activities, may result in temporary impacts to surface water quality. 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 – 1: The proposed project would result in construction-related water quality impacts. **(Significant Impact)**

Mitigation Measure: The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR and are proposed by the project:

MM HYD – 1.1: Compliance 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 measures typically are included in a SWPPP:

- Preclude non-stormwater discharges to the stormwater system.
- Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
- Cover soil, equipment, and supplies that could contribute to non-visible pollution prior to rainfall events or monitor runoff.
- Perform monitoring of discharges to the stormwater system.

MM HYD – 1.2: Comply with the City's Grading Ordinance.

Post-Construction Impacts

Stormwater 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 increased oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from landscaped areas.

The amount of pollution carried by runoff from the site would increase accordingly. The project would increase traffic and human activity on and around the project site, generating more pollutants and increasing dust, litter, and other contaminants that would be washed into the storm drain system. The project, therefore, would generate increase in water 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 proposed project, however, 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 - 2: The proposed project would result in post-construction water quality impacts. **(Significant Impact)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2005 NSJ FPEIR and is proposed by the project:

MM HYD – 2.1: Compliance with Council Policies 6-29 and 8-14 is required for the project. The project specifically proposes to incorporate and maintain three vegetated swales (on the eastern portion of the site, near Coyote Creek) as part of the project site's stormwater drainage design (refer to Figure 3.0-6).

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

4.9 LAND USE

4.9.1 Setting

4.9.1.1 *Existing Land Use*

The 18.02-acre project site consists of four parcels (APNs 237-05-035, 237-05-051, 237-05-052 and 237-05-053) and is located in northeastern San José, northwest of Ridder Park Drive between Brokaw Road, Coyote Creek, and Interstate 880. The site is currently designated as *Combined Industrial/Commercial* (and *Private Open Space* along Coyote Creek) on the City of San José's adopted General Plan and is zoned *IP- Industrial Park*. The site is currently undeveloped and was last used for agricultural purposes.

4.9.1.2 *Surrounding Land Uses*

The surrounding land uses include Interstate 880 and industrial/commercial uses to the west, Brokaw Road and industrial/office uses to the north, Coyote Creek and office uses to the east, and Ridder Park Drive and industrial/office uses to the south. Refer to Figure 3.0-3 for an aerial photograph showing the surrounding land uses.

Land south and west of the project site is currently used for industrial/commercial uses, but has a land use designation of *Industrial Park* with a *Transit/Employment Residential District* (55+ du/ac) overlay. Land north and east of the project site is designated and used for industrial park uses, except for a small piece of land immediately east of the project site bounded by Ridder Park Drive, Brokaw Road, Oakland Road, and Coyote Creek (refer to Figure 3.0-3). The surrounding existing industrial/office/commercial buildings range from one- to three-stories in height and are surrounded by surface parking and landscaping (e.g., grass berms, trees, and shrubs).

4.9.1.3 *Land Use Plans*

General Plan Land Use Designation

After the certification of the 2005 NSJ FPEIR, the San José 2020 General Plan land use designations in north San José were modified in selected areas, but not on the subject site. The existing land use designation on the project site (*IP – Industrial Park*) remained unchanged.

A General Plan Amendment (GPA) was approved on the site in March 2007 (GP07-04-01) to change the land use designation on most of the site (15.6 acres) from *Industrial Park with Mixed Industrial Overlay* to *Combined Industrial/Commercial*. The *Combined Industrial/Commercial* designation allows for commercial, office, or industrial development, or a compatible mixture of these uses. The uses of the *Industrial Park*, *Light Industrial*, *General Commercial*, and *Neighborhood/Community Commercial* land use designations are consistent with this category.[18]

[18] City of San Jose, General Plan Amendment Staff Report, Spring 2007 Hearing, File No. GP07-04-01, March 28, 2007.

Zoning Designation

The project site is zoned *IP – Industrial Park*. The *IP-Industrial Park* zoning designation is an exclusive designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. Areas exclusively for industrial uses may contain a very limited amount of supportive commercial uses, in addition to industrial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.

North San José Area Development Policy

The updated North San José Area Development Policy (hereinafter referred to as the Policy) provides for the intensification of development in north San José. The Policy encourages taller office/R&D buildings along the established light rail transit (LRT) line on North First Street, the development of up to 26.7 million square feet of new industrial/office/R&D building space beyond existing entitlements, and new residential developments throughout the area to support the increase in number of employees.

A summary of the provisions of the Policy are listed in Table 4.0-4:

Table 4.0-5
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 4.0-5
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 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 site 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?	☐	☐	☐	☒	☐	1,2,10
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?	☐	☐	☐	☒	☐	1,2,4, 10
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1,10

4.9.2.1 *Conformance with Land Use Plans*

General Plan and Zoning

The project proposes to develop approximately 199,486 square feet of retail uses on the site. As described previously, the project site is currently designated *Combined Industrial/Commercial* on the City's General Plan. The *Combined Industrial/Commercial* designation allows for commercial, office, or industrial development, or a compatible mixture of these uses. The uses of the *Industrial Park*, *Light Industrial*, *General Commercial*, and *Neighborhood/Community Commercial* land use designations are consistent with this category.[19] Therefore, the proposed retail development project would be consistent with the General Plan and zoning designations for the site.

North San José Area Development Policy

Land Use

As described above, the project site is located within the North San José Area Development Policy. The *Combined Industrial/Commercial* General Plan designation on the site indicates that the site is not within an exclusively industrial area, and that the addition of non-industrial uses would not compromise the integrity of areas reserved exclusively for industrial uses. The development of commercial uses on the site could support the anticipated jobs and population growth in North San José, and therefore, the proposed project is generally consistent with the land use provisions in the Policy.

[19] Ibid.

Traffic

As described in **Section 4.16 Transportation** and in Appendix E, the proposed project would not result in new significant traffic impacts beyond those identified for the NSJ Policy update. The project proposes to include design features (which include transportation demand management [TDM] measures) that encourage bicycle and pedestrian movements (refer to **Section 4.3 Air Quality**) and to dedicate public street right-of-way (refer to **Section 3.3 Description of the Project**). 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, there is a recycled water main in Ridder Park Drive, and the project will be required to connect to the system and install dual plumbing for the use of recycled water for landscaping.

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 de los Esteros area. In regards to allocation capacity, since the approval and certification of the NSJ FPEIR in June 2005, the City Council has approved several projects. The currently approved projects allow for the development of a total of up to 4,841 residential units, 142,060 square feet of commercial uses, and up to 888,860 square feet of office uses (file numbers PDC06-022, PDC05-099, PDC06-085, PDC06-038, PDC06-114, PDC06-061, PDC06-093, PDC07-055, PDC07-054, and H07-018).The project proposes 199,486 square feet of commercial uses. Sufficient capacity remains to allow for the development of the proposed project.

Based on the above discussion, the proposed project is generally consistent with the North San José Area Development Policy. Refer to Table 4.0-4 for 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; 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. Both of these circumstances are aspects of *land use compatibility*. 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.

Impacts to the Project

The project site is located within an industrial area adjacent to a major freeway. Existing average noise levels on the site range from 55 to 65 decibels (dBA). According to the City's noise guidelines, exterior noise levels above 60 dBA for commercial uses require attenuation to maintain an indoor noise level of less than or equal to 45 dBA. (The existing noise levels at the site and the potential impacts to the project are discussed in **Section 4.11 Noise** of this report.)

The proposed commercial uses would not be sensitive to the operations of the existing industrial uses in the vicinity. The proposed project would not result in any new or more significant land use impacts than were described in the certified 2005 NSJ FPEIR.

Impacts from the Project

The proposed retail uses would not result in significant noise, dust, or disturbance that would significantly impact other land uses in the area. The nearby industrial and commercial uses would be compatible with the proposed retail uses on the site.

As described previously, Coyote Creek is located along the northeastern boundary of the site. The riparian corridor of Coyote Creek and the project's potential impacts upon biological resources are discussed in more detail in **Section 4.4 Biological Resources** of this report. The route of the Coyote Creek/Llagas Sub-regional Trail, a planned hiking and bicycle trail route, is planned to roughly follow the Coyote Creek channel. In the vicinity of the site, the City of San José *Scenic Routes and Trails map (1999)* shows a trail and pathway corridor on the northeast side of Coyote Creek, rather than adjacent to the project site. Therefore, the proposed project would not impede or preclude the development of the Coyote Creek/Llagas Sub-regional Trail.

4.9.3 Conclusion

The proposed project would not result in any new or more significant land use impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New 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?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☒	☐	1,2,10

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

A noise assessment for the project site was prepared by *Illingworth & Rodkin* in September 2007. A copy of the report is included in Appendix D of this Initial Study.

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*

Project Site

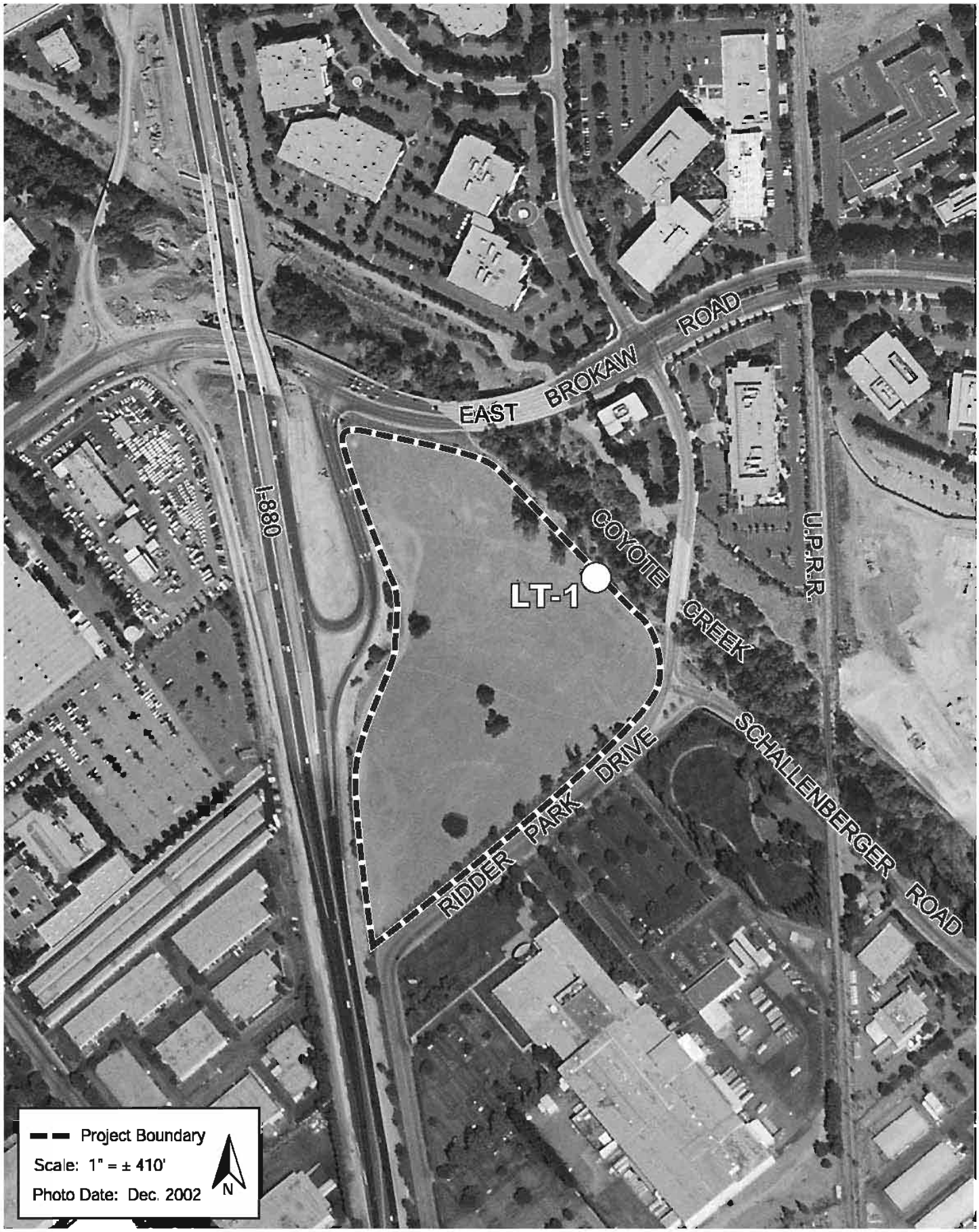
I-880 borders the site to the west, Brokaw Road to the north, Coyote Creek to the northeast and east, and Ridder Park Drive to the south. The project site is surrounded primarily by industrial uses. The Coyote Creek riparian corridor is located just northeast of the project site. The nearest existing noise sensitive receivers are residences located to the east and northeast, at least 1,800 feet from the project site. There is a residential development application on file with the City to develop the property east of Coyote Creek (Fox/Marcovitz property) with residential and commercial uses, which could bring residences as close as 750 feet from the site. These potential residences would be well shielded from the project site by the intervening terrain, including the UPRR railroad line, which is elevated above the residences by about eight feet, and the bridge over the creek, which is about 20 feet above the grade of the residences.

Noise measurements were completed at the site on August 29th to 30th, 2007, which included one long-term (24-hour) noise measurement at a representative location to the east of the site (LT-1), along the riparian corridor and about 900 feet from the center of I-880 (see Figure 4.0-1). Although this location was well shielded from I-880, the primary noise source continued to be freeway traffic noise, which generated a day-night noise level of 65 dBA DNL. Daytime hourly average noise levels ranged from 58 to 62 dBA L_{eq} and hourly average noise levels dropped to lows of 55 to 56 dBA L_{eq} between midnight and 4:00 AM.

Existing Lowe's Store

In addition, a long-term noise measurement (LT-2) was conducted at an existing Lowe's HIW store in Sunnyvale, California. The Sunnyvale Lowe's store was open from 6:00 AM to 10:00 PM during the 24-hour noise monitoring period. Based on a review of the noise data, heavy-truck deliveries occurred during the 7:00 AM and 12:00 noon hours. Noise measurement LT-2 was located about 100 feet from the center of the loading dock at the Lowe's store in Sunnyvale.

The primary noise sources at this location include truck and forklift movements, loading dock activities, and mechanical equipment. The day-night average noise level at the long-term location was 65 dBA DNL. Hourly average noise levels at a distance of 100 feet from the loading dock were about 68 dBA during hours with heavy-duty truck deliveries and maximum noise levels typically ranged from 73 to 81 dBA. Hourly average noise levels ranged from 54 to 64 dBA during other store hours (between 6:00 AM to 10:00 PM hours), with maximum noise levels typically ranging from 60 to 80 dBA. At night, when the store was closed, hourly average noise levels ranged from 45 to 61 dBA and maximum noise levels typically ranged from 50 to 80 dBA.



NOISE MEASUREMENT LOCATION FIGURE 4.0-1

Based on attended noise monitoring conducted at the Sunnyvale facility, maximum noise levels at distances of 50 feet from the noise source were about 51 to 53 dBA from idling forklifts, 60 to 65 dBA from backup alarms, 64 to 71 dBA from truck movements, 58 dBA from banging inside the truck, 67 from the trash compactor, and 57 dBA from the PA system.

4.11.2 Environmental Checklist and Discussion of Impacts

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:						
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?	☐	☐	☐	☒	☐	13
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	13
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	13
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,13
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?	☐	☐	☐	☒	☐	13
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?	☐	☐	☐	☒	☐	1,2,13

4.11.2.1 *Significance Criteria*

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

1. **Project Operational Noise:** For non-transportation noise sources, including loading dock activities, delivery truck circulation, mechanical equipment, and parking lot noise, a

significant impact would be identified if the on-site project-generated noise would exceed the existing ambient noise levels or 60 dBA DNL at noise-sensitive land uses.

2. **Traffic Noise Increases:** A significant noise impact would occur if the project resulted in an increase of three (3) dBA DNL or greater at noise-sensitive land uses where existing or projected noise levels would exceed 60 dBA DNL at noise sensitive receptors or an increase of five (5) dBA DNL or greater at noise-sensitive land uses where projected noise levels would continue to be 60 dBA DNL or less at noise sensitive receptors.

3. **Construction Noise:** Due to the temporary nature of construction activities, construction noise levels are treated differently than operational noise levels. Significant noise impacts would result from construction if noise levels were sufficiently high enough to interfere with speech, sleep, or normal activities at nearby noise sensitive uses. Construction noise would be considered significant if hourly average noise levels would exceed 60 dBA L_{eq}(hr) and would be at least five dBA above the ambient at noise-sensitive land uses, and noise generating construction activities would occur for more than 12 months.

4.11.2.2 *Noise Impacts From the Project*

On-Site Project Operation Noise

The primary noise sources associated with the operation of the project are anticipated to be parking lot activities, loading dock activities, truck circulation, and mechanical equipment. Each of these is discussed below.

Parking Lot Activities

The proposed Lowe's HIW store would be open from 6:00 AM to 10:00 PM Monday through Saturday, and from 7:00 AM to 8:00 PM on Sunday. Approximately 752 parking stalls would be constructed with the development of the project. Noise associated with the use of the parking lot would include vehicular circulation, engines, car alarms, squealing tires, door slams, and human voices. The maximum sound (L_{max}) of a passing car at 15 mph typically ranges from 45 dBA to 55 dBA at distance of 100 feet. The noise generated during an engine start is similar. Door slams create lower noise levels.

The hourly average noise level resulting from all of these noise-generating activities in a busy parking lot typically ranges from 40 dBA to 50 dBA Leq at a distance of 100 feet from the parking area. Noise levels typically decrease at a rate of six (6) dB per doubling of distance. The intervening terrain and structures near the site (i.e., the bridge over Coyote Creek and the UPRR tracks) would further reduce these noise levels at nearby noise sensitive uses. At the noise sensitive uses located to the east and northeast, parking lot noise would primarily be shielded by the Lowe's store.

Along the Coyote Creek riparian corridor, the average and maximum noise levels resulting from operation of the retail development would be below the existing noise levels generated by traffic along I-880. Average noise levels at the potential residences located 750 feet east of the project site during a busy hour in the parking lot would be less than 30 dBA L_{eq}, and maximum noise levels would be less than 35 dBA L_{max}. These noise levels would be well below ambient noise levels

generated along local roadways and the railroad and would not typically be audible. Parking lot noise would be even lower and likely inaudible at existing residences, located 1,800 feet and further from the site.

On-Site Delivery Truck Circulation and Loading Dock Activities

Truck deliveries would be anticipated for all of the retail commercial uses. Receiving hours for deliveries are generally between 7:00 AM and 4:00 PM. Goods would typically be delivered to small retail shops by medium sized trucks. The Lowe's store is anticipated to have one (1) to two (2) heavy-duty truck deliveries per day, with 15 to 20 medium duty truck deliveries. Based on review of the site plan, the majority of truck circulation would take place along the eastern perimeter of the site, adjacent to the Lowe's store and near the riparian corridor.

Noise levels generated during delivery truck circulation are dependent on the speed and type of trucks, but typical maximum (L_{max}) noise levels generated by slow moving heavy duty trucks range from 70 to 75 dBA at a distance of 50 feet. Slow moving medium duty trucks typically generate L_{max} noise levels of about 60 to 65 dBA at 50 feet. Maximum noise levels generated by heavy trucks pulling into and out of loading docks typically reach 75 dBA at a distance of 50 feet. Idling trucks typically generate noise levels of about 68 dBA L_{eq} at a distance of 50 feet. Backup beepers vary depending on the truck and directivity of the sound, but maximum noise levels are typically in the range of 65 to 75 dBA L_{max} at a distance of 50 feet. Noise generated by loading dock activities and slow moving trucks would drop off at a rate of about six (6) dB per doubling of distance.

Based on noise measurements conducted at the Sunnyvale Lowe's store, hourly average noise levels at a distance of 100 feet from the loading dock were about 68 dBA during hours with heavy-duty truck deliveries (7:00 AM and 12:00 PM hours), with maximum noise levels typically ranging from 73 to 81 dBA. Hourly average noise levels ranged from 54 to 64 dBA during other store hours (6:00 AM to 7:00 AM and 1:00 PM to 10:00 PM hours), with maximum noise levels typically ranging from 60 to 80 dBA. At night, when the store was closed, hourly average noise levels ranged from 45 to 61 dBA and maximum noise levels typically ranged from 50 to 80 dBA.

Unshielded portions of the riparian corridor adjacent to the loading dock would experience similar noise levels. Noise levels could increase by up to three (3) dBA DNL in locations that have full exposure to the loading dock area, but are still exposed to I-880 traffic. In portions of the riparian corridor which would be shielded from the interstate by the Lowe's store and are not located directly adjacent to the loading docks, noise levels could decrease somewhat.

Noise levels at the potential residences to the east of the railroad (on the Fox/Marcovitz property) would be 20 to 25 dBA lower, below ambient traffic and railroad noise levels, and would not typically be distinguishable at the proposed homes. Loading dock noise would be even lower and likely inaudible at existing residences, located 1,800 feet and further from the site.

Due to the character of the loading dock sounds (backup alarms, etc), maximum noise levels could occasionally be audible. The project would not significantly increase hourly or day-night average noise levels in this area.

Mechanical Equipment

It is anticipated that most of the retail uses would be fully air-conditioned and that there would be heating, ventilating, and air conditioning units that could be located in unshielded areas. Noise generated by mechanical equipment would vary significantly depending on the type of equipment and the size. The most significant mechanical equipment would likely be associated with the Lowe's Store, which is located adjacent to the riparian corridor, on the eastern portion of the site. Noise impacts would depend on system design level specifications including the equipment location, type, size, capacity, and enclosure design.

Based on measurements conducted at the Sunnyvale Lowe's store, rooftop equipment would not be audible at adjacent uses. Trash compactors, which could be located on the northwestern or northeastern portion of the store, are anticipated to generate average noise levels of about 60 dBA at an unshielded distance of 100 feet, with maximum noise levels ranging from 50 to 70 dBA. The trash compactors would only be used during store hours. Due to the increase in distance and the acoustical shielding provided by intervening terrain, noise levels generated by on-site mechanical equipment at the potential residences to the east of Coyote Creek would be 20 to 25 dBA lower. Resulting mechanical equipment noise levels would be less than 40 dBA L_{eq} at the potential residences when the compactor is in use, which would be below ambient traffic and train noise levels. Noise levels generated by smaller retail mechanical equipment would be much lower.

As described in **Section 3.3 Description of the Project**, the project also proposes a standby power generator on the northern end of the Lowe's building, which would be enclosed by a 12-foot high concrete wall. The generator would be used only in the event of power outages and would be tested once per week for about one hour, during the day. Based on emergency generators as similar facilities, it is estimated that a unit of this type would generate a noise level of about 85 dBA at a distance of three (3) feet from the unit. In the event the ultimate design for site proposed to locate the generator on the eastern edge of the building, it would be approximately 100 feet from the nearest areas of the riparian corridor and would be shielded by the 12-foot high wall around the generator. In this case, the noise level at the riparian corridor is estimated to be about 55 dBA. Noise levels at the potential future residences to the east of Coyote Creek would be 20 to 25 dBA lower and would not be audible above ambient noise levels.

Project-Generated Traffic Noise Impacts

As described in **Section 4.15 Transportation** below, the project would generate approximately 10,859 average daily trips, which would be spread along the major roadways in the vicinity of the project, including Interstate 880, Highway 101, Montague Expressway, Hostetter Road, and Zanker Road. Existing traffic volumes along these roadways are high, and the traffic generated by the proposed retail project would not measurably increase noise levels at noise sensitive uses in the vicinity of the project. Therefore, this is a less than significant impact.

Construction Noise

The project would be constructed in two phases over a period of approximately one year, with the Lowe's Store constructed during the first phase and the additional retail uses constructed during the second phase. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive areas. Construction noise impacts

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

Noise generated by construction would be the greatest during site grading activities and excavation for underground utilities. Pile driving is not anticipated as a construction method. Typical maximum noise levels from excavation and grading activities range from 70 to 90 dBA at a distance of 50 feet from the source. The typical range of maximum noise levels at 50 feet during active construction of retail buildings would be about 65 to 85 dBA. Typical hourly average construction generated noise levels are about 75 dBA to 85 dBA measured at a distance of 50 feet from the center of the site during busy construction periods. Construction noise levels generally decrease at a rate of about six (6) dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in much lower construction noise levels at distant receptors.

The potential residences on the Fox/Marcovitz property to the east may or may not be constructed prior to completion of the Lowe's store. These residences would be approximately 750 feet from the proposed retail uses. At the nearest existing residences, located about 1,800 feet to the northeast, hourly average construction generated noise levels would be less than 55 dBA during busy construction periods, not accounting for any shielding by buildings or terrain. Construction noise levels would not be distinguishable from noise levels generated by ambient noise sources. Construction noise would be even lower at noise sensitive receptors located further from the project site.

Noise-generating activities associated with the construction of the project would not typically be distinguishable from the ambient noise environment at nearby noise sensitive receptors. The impact would be considered less-than-significant.

IMPACT NOI-1: Although the project site is about 750 feet from the nearest noise sensitive receptor and is not anticipated to generate excessive noise levels at noise sensitive receptors in the vicinity of the site, construction noise could impact nearby land uses.

Mitigation Measures: The following standard mitigation measures are proposed to reduce construction noise impacts to a less than significant level:

MM NOI-1.1: Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

MM NOI-1.2: Utilize "quiet" air compressors and other stationery noise sources where technology exists.

MM NOI-1.3: Stage construction equipment a minimum of 200 feet from noise sensitive receptors, such as the Coyote Creek riparian corridor.

MM NOI-1.4: Avoid unnecessary idling of equipment within 200 feet of noise sensitive receptors, such as the Coyote Creek riparian corridor.

MM NOI-1.5: Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

4.11.2.2 *Noise Impacts to the Project*

As described in the Setting section above, the primary noise source at the site is freeway traffic on Interstate 880, which generates a day-night noise level on the eastern portion of the site of 65 dBA DNL. The General Plan guidelines identify satisfactory noise levels up to 60 dBA DNL for commercial uses. Therefore, the proposed retail buildings would be exposed to noise levels above the satisfactory levels for the proposed commercial uses.

Impact NOI – 2: The proposed retail buildings would be exposed to ambient noise levels above the satisfactory levels for the proposed commercial uses. **(Significant Impact)**

Mitigation Measure: The following mitigation measure is identified proposed by the project to reduce impacts from ambient noise levels to a less-than-significant level:

MM NOI – 2: Detailed, design-level noise analyses shall be completed for all proposed development prior to issuance of building permits demonstrating that design will achieve an interior DNL of 45 dBA or less, in accordance with the Environmental Protection Agency and the City's General Plan *Noise Policy 1*.

4.11.3 Conclusion

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

Impact NOI – 2: With incorporation of the measure outlined above, the proposed project would not result in new significant noise impacts. **(Less Than Significant 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 and none are proposed.

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)?	☐	☐	☐	☒	☐	1,2
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2

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.

4.13.1.1 *Fire Service*

Fire protection services for the project site are provided by the San José Fire Department (SJFD), which serves a population of 920,000 and an area of 205 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area.

Station No. 5 is the closest station to the project site and would be the "first response unit" to respond to an emergency at the project site. Station No. 5 is located at 1310 North Tenth Street, approximately 1.5 miles south of the project site. Station No. 23 is the "second response unit" to respond to the site in the event of a fire. Station No. 23 is located approximately 2.5 miles northeast of the project site at 1771 Via Cinco de Mayo. The emergency response time goal of the SJFD is 4 minutes for all calls.

In the 2004-2005 fiscal year, Station No. 5 responded to 2,079 calls including 1,543 medical, 117 fire, and 419 other emergencies. During the same time period, Station No. 23 responded to 1,508 calls including 1,218 medical, 74 fire, and 216 other emergencies[20].

4.13.1.2 *Police Service*

Police protection services are provided to the project site by the City of San José Police Department (SJPD). The SJPD has more than 1,500 sworn officers. Officers patrolling the project area are dispatched from police headquarters, located at 201 West Mission Street.

The City has four patrol divisions, which are divided into 16 patrol districts, and further divided into 83 beats or 357 beat building blocks (BBB)[21]. The project site is located in BBB 48. In 2006, the most frequent calls for service in the area were for vehicle and pedestrian stops, alarms, and disturbance. The response time goals for the SJPD is six minutes or less for 60 percent of all Priority 1 calls, and eleven minutes or less for 60 percent of all Priority 2 calls.

4.13.1.3 *Schools*

The City of San José is served by a total of 19 public school districts, serving elementary, middle, and high school students. Thirteen of these districts are elementary school districts, three are high school districts and three and unified school districts. The project site is located within the

[20] City of San José Fire Department. SJFD Response by Station Fiscal Year 2004-2005. http://www.sjfd.org/Stats/0405Station.htm

[21] City of San José Police Department. Public CADmine FAQ's. City of San José. 2006. http://www.sjpd.org/PoliceDataFAQ.cfm

boundaries of the Orchard Elementary School District and East Side Union High School District (ESUHSD).

4.13.1.4 *Parks*

The City of San José manages approximately 3,500 acres of regional and neighborhood parkland. The City provides developed parklands, open space, and community facilities to serve its residents. Park and recreation facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City's Departments of Parks, Recreation and Neighborhood Services, General Services and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.

The project site is located approximately 0.5 mile northwest of North Coyote Park and approximately 2.5 miles northwest of Overfelt Gardens Regional Park.

4.13.1.4 *Libraries*

The San José Public Library system consists of one main library and 17 branch libraries. The Dr. Martin Luther King Junior Main Library, which reopened in Fall 2003 as a joint San José State University Library and San José Public Library, is located at the corner of San Fernando and 4th Streets, in downtown San José. The libraries nearest the site include the Educational Park Branch on Educational Park Drive, the Joyce Ellington Branch on East Empire Street, and the main library, downtown.

4.13.2 Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES	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 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?	☐	☐	☐	☒	☐	2
Police Protection?	☐	☐	☐	☒	☐	2
Schools?	☐	☐	☐	☒	☐	2
Parks?	☐	☐	☐	☒	☐	2
Other Public Facilities?	☐	☐	☐	☒	☐	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 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 *Libraries and Schools*

The project proposes to develop up to 199,486 square feet of retail uses on the site. The project does not propose any residential development; therefore, the project would not create any additional demand for libraries of schools in the project area.

4.13.3 Conclusion

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

The project site is located approximately 0.5 mile northwest of North Coyote Park (undeveloped future parkland) and approximately 2.5 miles northwest of Overfelt Gardens Regional Park. In the vicinity of the site, the City of San José Trail Network Map (posted on the City's Trail Program website: www.sjparks.org/trails) provides
general alignment information for a trail corridor adjacent to Coyote Creek. The precise future trail alignment will be determined through the formal master planning process.

4.14.2 Environmental Checklist and Discussion of Impacts

RECREATION	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) 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?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☒	☐	1,2

The project proposes to develop up to 199,486 square feet of retail uses on the site. The project does not propose any residential development; therefore, the project would not create any additional demand for recreational facilities in the project area. The proposed project would not result in any new or more significant recreation impacts than were described in the certified 2005 NSJ FPEIR.

4.14.3 Conclusion

The proposed project would not result in significant impacts to recreational facilities than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.15 TRANSPORTATION

The following discussion is based on a Supplemental Traffic Analysis Report prepared by *Hexagon Transportation Consultants* in July 2007. A copy of the report is included in Appendix E of this Initial Study.

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 Roadway Network*

Regional access is provided by Interstate 880 (I-880) and U.S. Highway 101 (US 101), which are described below.

I-880 is a six-lane freeway in the vicinity of the site. It extends northeast to Oakland and south to I-280 in San José, at which point it becomes State Route (SR) 17 to Santa Cruz. Access to the site is provided via its interchanges with US 101, Old Bayshore Highway, and Brokaw Road.

US 101 is an eight-lane freeway with three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction near the project site. US 101 extends northward through San Francisco and southward through Morgan Hill. Access to and from the site is provided via its interchanges with I-880 and Oakland Road.

Local access to the site is provided by Brokaw Road, Oakland Road, and Ridder Park Drive. These roadways are described below.

Brokaw Road is a six-lane east-west arterial that extends from US 101 to Oakland Road. East of Oakland Road, Brokaw Road transitions to Murphy Avenue which extends east to I-680. West of US 101, the roadway changes designation to Airport Parkway and provides access to the San José International Airport.

Oakland Road is a north-south arterial that begins at East Hedding Street in the south, where it transitions from North 13th Street, and continues to Montague Expressway in the north, where it becomes South Main Street in Milpitas. North of US 101, Oakland Road is primarily a two lane roadway with a two-way center left-turn lane. South of US 101, Oakland Road is a four-lane roadway until East Hedding Street, where it becomes a two lane roadway. A widening project is currently underway to widen Oakland Road to six lanes, from Montague Expressway to Hedding Street.

Ridder Park Drive is a two-lane road that runs in a north-south direction along the east and south boundaries of the project site. Ridder Park Drive dead-ends just south of the project site and connects to Fox Lane north of the site.

Shallenberger Road is a two-lane connector road between Ridder Park Drive and Oakland Road.

4.15.1.2 *Existing Bicycle and Pedestrian Facilities*

According to the City of San José Transportation Bicycle Network (TBN) and the Santa Clara Valley Transportation Authority (VTA) Bikeways Map, bike lanes exist on Brokaw Road from SR 87 to Capitol Avenue and Oakland Road from West Calaveras Boulevard in Milpitas to Old Bayshore Highway in San José (refer to Figure 4.0-2).

Pedestrian facilities in the project area consist primarily of sidewalks along local roadways.

4.15.1.3 *Existing Transit Service*

Existing transit service to the study area is provided by the Valley Transportation Authority (VTA). The existing transit service is described below and shown on Figure 4.0-3.

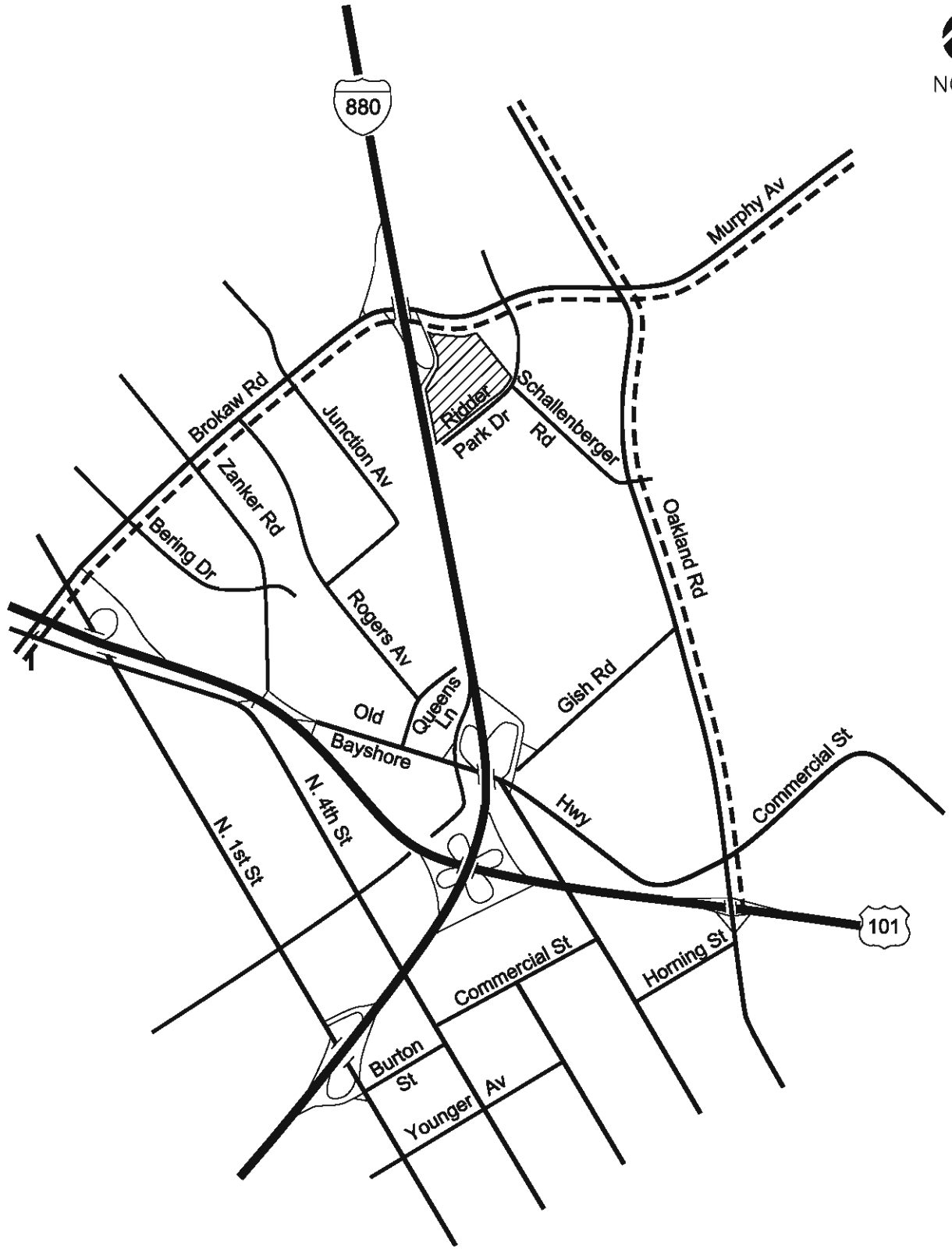
Line 59 provides weekday-only service between Great America Amusement Park and the Great Mall/Main Transit Center in Milpitas. It runs from 6:00am to 7:30pm with 30 to 60-minute headways. Line 59 operates along Brokaw Road near the site.

Line 66 provides weekday and weekend service between Santa Teresa Hospital in South San José and Milpitas Boulevard/Dixon Road in Milpitas. It runs from 5:00am to 11:30pm with 15 to 30-minute headways. Line 66 operates along Oakland Road near the site.

Existing and Background Conditions

The traffic analysis is based on an adjustment of the land uses assumed for the site as part of the NSJ FPEIR to reflect the now-proposed project on this site. The existing traffic conditions were estimated by from peak-hour traffic volume counts on the existing roadway network.

Background conditions represent traffic conditions that would occur after all approved projects in the area are completed and producing traffic on the street system. For this project, background conditions represent the NSJADP buildout traffic volumes with identified and planned roadway improvements. The NSJADP buildout conditions reflect the approved land uses from the NSJADP update and NSJ FPEIR (refer to Appendix E).

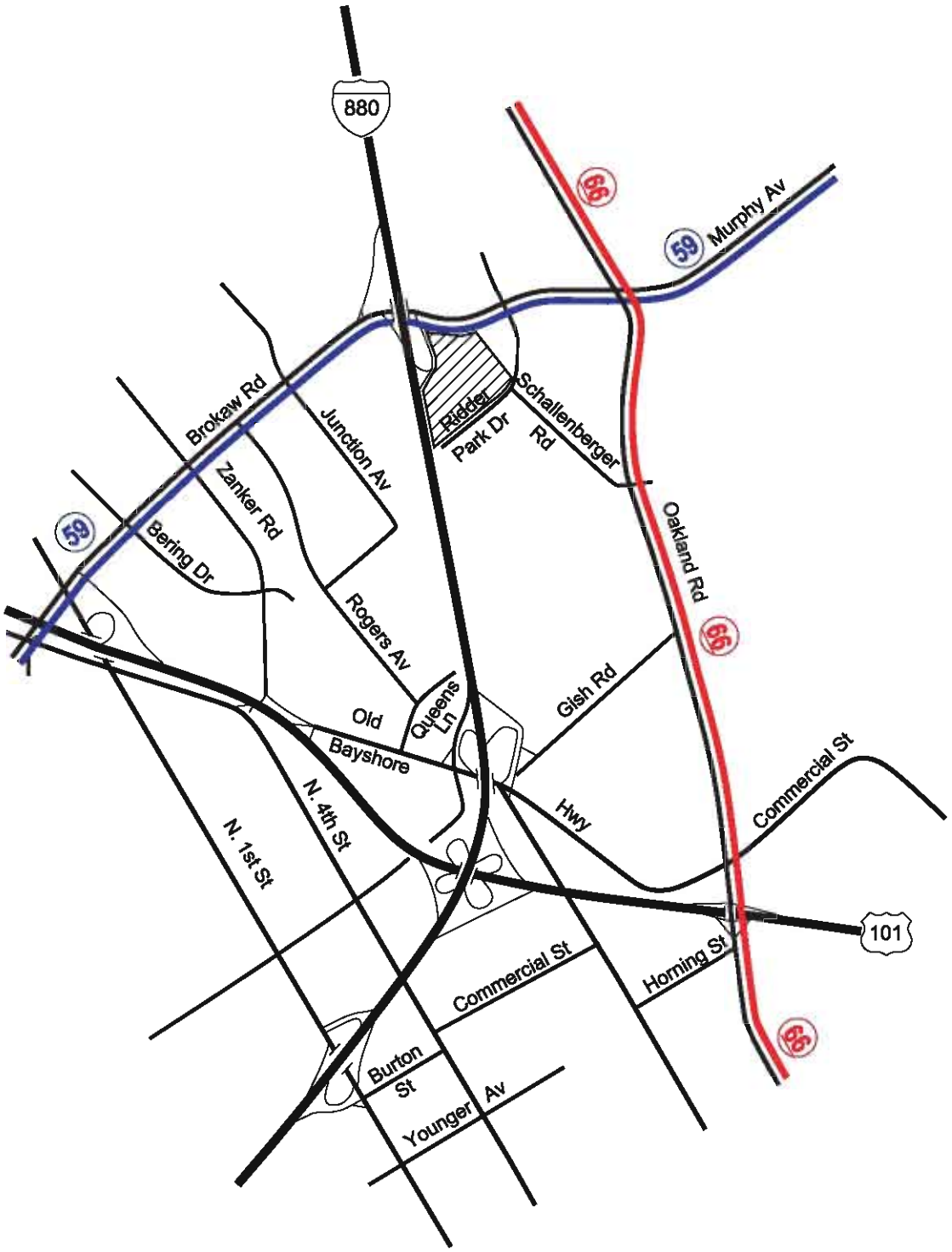


LEGEND

= Site Location

= Bike Lanes on steet (Class II)

EXISTING BICYCLE FACILITIES FIGURE 4.0-2



LEGEND

= Site Location

= Line 66 Bus Route

= Line 59 Bus Route

EXISTING TRANSIT FACILITIES — FIGURE 4.0-3

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)?	☐	☐	☐	☒	☐	1,2,14
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1,2,14
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?	☐	☐	☐	☒	☐	1,2,14
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1,2,14
5) Result in inadequate emergency access?	☐	☐	☐	☒	☐	1,2,14
6) Result in inadequate parking capacity?	☐	☐	☐	☒	☐	1,2,14
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒	☐	1,2,14

The project proposes a different use than the development that was previously analyzed and accounted for in the certified 2005 NSJ FPEIR. In order to evaluate the effects of the proposed project on the already approved NSJADP, the buildout traffic volumes from the NSJ FPEIR were adjusted to account for the proposed retail project on the site. Traffic assumed to be generated by the approved industrial uses on the site were removed and replaced by the traffic anticipated to be generated by the proposed retail uses on the site.

4.15.2.1 *Trip Generation*

The amount of traffic generated by the proposed retail project was estimated by applying the applicable trip generation rates to the type and size of the proposed development (refer to Appendix E for additional detail regarding the trip generation methodology). Based on the recommended rates, it is estimated that the proposed project would generate approximately 10,859 average daily trips, with approximately 502 AM peak-hour trips (301 inbound trips and 201 outbound trips) and 798 PM peak-hour trips (399 inbound trips and 399 outbound trips).

The site is currently approved for 265,000 square feet of office/research and development (R&D) uses. Based on the City of San Jose's trip generation rates, the approved R&D uses would generate approximately 2,120 average daily trips, with 339 occurring during the AM peak-hour and 297 occurring during the PM peak-hour.

Traffic generated by the approved R&D uses on the site was subtracted from the gross project trips to calculate the net additional traffic that would be generated by the proposed project. The proposed retail project would generate more traffic than the approved R&D uses on the site during both the AM and PM peak hours. The proposed retail uses would result in a net increase of 8,739 average daily trips, with 163 additional AM peak-hour trips (30 inbound and 133 outbound trips) and 501 PM peak-hour trips (369 inbound and 132 outbound trips). The traffic trip generation for the approved and proposed developments are summarized in Table 4.0-5 below.

Table 4.0-6
Trip Generation Rates for Approved vs. Proposed Use

	Approved Use (R&D)	**Proposed Use (Retail/Commercial)**		**Net Increase**	
Total New Daily Trips	**2,120**	**10,859**		**8,739**	
AM Peak	**339**	**502**		**163**	
		Inbound	*Outbound*	*Inbound*	*Outbound*
		301	*201*	*30*	*133*
PM Peak	**297**	**798**		**501**	
		Inbound	*Outbound*	*Inbound*	*Outbound*
		399	*399*	*369*	*132*

4.15.2.2 *Trip Distribution and Assignment*

The directional distribution of the project-generated traffic to and from the project site was developed based on existing traffic volumes and the location of complimentary land uses. The peak hour trips generated by the approved, proposed, and assumed NSJADP land uses for the site area were assigned to the roadway system in accordance with the trip distribution pattern (refer to Appendix E for additional detail regarding the trip distribution and assignment).

4.15.2.3 *Intersection Level of Service Impacts*

Results of the intersection level of service (LOS) analysis for the project conditions show that no intersections beyond those identified as part of the NSJ FPEIR would be significantly impacted by the project, according to the City of San Jose's or the Congestion Management Agency's criteria.

IMPACT TRAN-1: While the project would not result in new intersection LOS impacts, the proposed project would contribute to an increase in traffic in the project area. **(Less Than Significant Impact)** The North San Jose Area Development Policy (NSJADP), dated and adopted in June 2005, established a traffic fee program to construct necessary improvements in North San José. Fees have been identified for residential (per unit) and industrial (per square foot) uses. Since the proposed regional serving retail uses of the project are not consistent with those identified as part of the NSJADP, the project will be required to comply with the City's *North San José Area Development Policy Traffic Impact Fee Ordinance*.

Mitigation Measure: The project proposes to implement the following standard mitigation measure:

MM TRAN-1.1: Comply with the City's *North San José Area Development Policy Traffic Impact Fee Ordinance*.

4.15.2.4 *Freeway Segment Impacts*

When compared against current existing conditions, the proposed retail project would add more than one percent (1%) of capacity to one freeway segment (I-880, southbound between Montague Expressway and Brokaw Road) operating at LOS F. However, the NSJADP project, which envisioned build-out of the site with industrial uses, was determined to have a significant impact on this freeway segment. This impact was identified by the NSJ FPEIR as significant and unavoidable, and a Statement of Overriding Considerations was adopted as part of the Resolution for the NSJADP project. As described above, when compared against the industrial development allowed on the site under the NSJADP project, the development of retail uses on the site would result in a net increase in traffic trips of less than one percent (1%) of the capacity of this freeway segment. For these reasons, the proposed retail project would contribute to the same impact identified as part of the NSJ FPEIR, but would not result in a new significant impact, or substantially more severe impact, to freeway segments..

IMPACT TRAN-2: The proposed project would increase traffic on regional freeway segments in the project area. **(Less Than Significant Impact)**

4.13.2.5 *Parking*

Parking for the proposed project would be located primarily on the western and northern portions of the site (refer to Figure 3.0-5). The proposed parking plan includes 753 surface spaces for an average parking ratio of one space per 225 square feet of retail, which is in compliance with the City's parking requirements.

4.15.3 Conclusion

IMPACT TRAN-1: With the implementation of the above standard measure, the proposed retail project would not result in new or more significant impacts to the transportation system 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.

Utilities and services, such as water, sanitary sewer, electricity, telephone, and natural gas service will be provided from existing lines in the project site area. Currently, there is a 16-inch water main, a 42-inch sanitary sewer line, and a 60-inch storm drainage line in Brokaw Road. The project will require extension of these lines onto the project site; however, the project will not require the construction of extensive new infrastructure to serve the project.

4.16.2 Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS	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) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☒	☐	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	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?	☐	☐	☐	☒	☐	1,2

UTILITIES AND SERVICE SYSTEMS						
	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:						
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1,2

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.

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. The project proposes to incorporate the following water conservation programs where appropriate:

- Dual plumbing for both exterior recycled water use (e.g., for 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;
- 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 would not result in new or more significant impacts to utilities and services systems than those addressed in the certified 2005 NSJ FPEIR, if the project includes water conservation program(s). **(No New Impact)**

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	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
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?	☐	☐	☐	☒	☐	1,2, p. 16-87
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)?	☐	☐	☐	☒	☐	1,2, p. 16-87
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1,2, p. 16-87

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 several projects. The currently approved projects allow for the development of a total of up to 4,841 residential units, 142,060 square feet of commercial uses, and up to 888,860 square feet of office uses (file numbers PDC06-022, PDC05-099, PDC06-085, PDC06-038, PDC06-114, PDC06-061, PDC06-093, PDC07-055, PDC07-054, and H07-018).

The project proposes to develop 199,486 square feet of retail on a vacant lot. 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 Initial Study (refer to **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, on pages 15-84 of this Initial Study).

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 2004. Map.

4. City of San José. Zoning Ordinance. 10 February 2006.

5. Bay Area Air Quality Management District. CEQA Guidelines. December 1999.

6. Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974.

7. Treadwell & Rollo. Geological Due Diligence Report. 6 April 2007.

8. AllWest Environmental, Inc.. Environmental Site Assessment Update, 17.38 Acre Vacant East Brokaw Road and I-880 San José, California. 31 January, 2007.

9. Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel No. 060349 0014E.

10. City of San José. San José 2020 General Plan.

11. H. T. Harvey & Associates. I-880/Ridder Park Drive Property Riparian Assessment and Burrowing Owl Survey. 18 April 2007.

12. Basin Research Associates. Archaeological Records/Literature Search Update, Brokaw/I-880/Ridder Park Drive Site, City of San José, Santa Clara County. 20 September 2007.

13. Illingworth & Rodkin. Lowe's Home Improvement Store San José, California Environmental Noise Assessment. 21 September 2007.

14. Hexagon Transportation Consultants, Inc. Ridder Park Retail Supplemental Traffic Analysis. 17 July 2007.

SECTION 5.0 REFERENCES

AllWest Environmental, Inc. Environmental Site Assessment Update, 17.38 Acre Vacant East Brokaw Road and I-880 San José, California. 31 January, 2007.

Basin Research Associates. Archaeological Records/Literature Search Update, Brokaw/I-880/Ridder Park Drive Site, City of San José, Santa Clara County. 20 September 2007.

Bay Area Air Quality Management District. CEQA Guidelines. December 1999.

California Department of Conservation. Santa Clara County Important Farmland 2004. Map.

City of San José, Department of Public Works. Interim Guidelines for Traffic Impact Analysis of Land Developments. June 1994.

City of San José. Final Environmental Impact Report, North San José Development Policies Update. June 2005.

City of San José. San José 2020 General Plan.

City of San José. Zoning Ordinance. 10 February 2006.

Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974.

Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel No. 060349 0014E.

Hexagon Transportation Consultants, Inc. Ridder Park Retail Supplemental Traffic Analysis. 17 July 2007.

H. T. Harvey & Associates. I-880/Ridder Park Drive Property Riparian Assessment and Burrowing Owl Survey. 18 April 2007.

Illingworth & Rodkin. Lowe's Home Improvement Store San José, California Environmental Noise Assessment. 21 September 2007.

Treadwell & Rollo. Geological Due Diligence Report. 6 April 2007.

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