CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

ADDENDUM TO THE NORTH SAN JOSÉ DEVELOPMENT POLICIES UPDATE FINAL EIR AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL EIR

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to Environmental Impact Reports (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

H13-001. Samsung Office Project. Site Development Permit to allow the construction of a 680,000 square foot research and development/office building and a 575,000 square foot parking structure, relocation of a natural gas pipeline, and demolition of three buildings totaling 215,000 square feet on a 9.4 gross acre site located in the IP-Industrial Park Zoning District. The project is located on the northwest corner of N. First Street and W. Tasman Drive (3655 N. First Street, 85 and 89 W. Tasman Drive) in the City of San José.
Council District 4 County Assessor's Parcel Numbers 097-53-026, 027

The environmental impacts of this project were addressed by a Final EIR entitled, "North San José Area Development Policies Update Final EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005 and by a Final EIR entitled, Envision San José 2040 General Plan Final EIR," and findings were adopted by City Council Resolution No. 76041 on November 1, 2011. Specifically, the following impacts were reviewed and found to be adequately considered by the EIRs:

- ☒ Traffic and Circulation
- ☒ Cultural Resources
- ☒ Urban Services
- ☒ Aesthetics
- ☒ Energy
- ☒ Transportation
- ☒ Water Quality
- ☒ Soils and Geology
- ☒ Hazardous Materials
- ☒ Biotics
- ☒ Airport Considerations
- ☒ Relocation Issues
- ☒ Utilities
- ☒ Greenhouse Gas Emissions
- ☒ Noise
- ☒ Land Use
- ☒ Air Quality
- ☒ Microclimate
- ☒ Construction Period Impacts
- ☒ Facilities and Services

ANALYSIS:

As described in the Initial Study for the Samsung Office Project, which analyzed the proposed project in relation to the previously certified North San José Area Development Policies Update Final EIR and Envision San José 2040 General Plan Final EIR (Final EIRs), implementation of the project will not result in new significant impacts or impacts of substantially greater severity or require new mitigation measures than those identified in the Final EIRs. The City of San José may take action on the proposed project as being within the scope of the Final EIRs. The Final EIRs adequately address the environmental effects of the proposed project, and the project would not result in significant environmental effects that are not already identified in the Final EIRs. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or ND.

Sylvia Do
Project Manager

3/15/2013
Date

Joseph Horwedel, Director
Planning, Building and Code Enforcement

John Davidson
Deputy

Addendum

to the Final Program Environmental Impact Report
for the North San José Development Policies Update
(SCH# 2004102067) and the Final Program Environmental Impact Report
for the Envision San José 2040 General Plan (SCH# 2009072096)

Samsung Office Project
3655 N. First St.

File No. H13-001

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

March 2013

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SECTION 1.0 INTRODUCTION AND PURPOSE

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

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

In September 2011, the City of San José certified the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (#2009072096) that provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units through 2035. The growth capacity would allow a total of 839,450 jobs and 429,350 dwelling units in San José, an increase of 127 percent and 39 percent, respectively, which, if fully developed, would result in a jobs to employed resident ratio (J/ER) of 1.3 to 1.

The purpose of this Addendum is to evaluate the environmental impacts of a Site Development (SD) Permit that proposes construction of approximately 679,223 gross and 577,340 net usable square feet of office/R&D space and parking (hereafter, the "project" or "proposed development) on a 9.49-acre site in north San José.

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

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

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but he project proponents decline to adopt the mitigation measure or alternative.

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

Given the proposed project description and knowledge of the project site (based on the proposed project, site specific environmental review, and environmental review prepared for the North San José Development Policies Update EIR and the Envision San José 2040 General Plan EIR), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the North San José Development Policies Update EIR and the Envision San José 2040 General Plan EIR; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the North San José Development Policies Update EIR and the Envision San José 2040 General Plan EIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to both the North San José Development Policies Update EIR and the Envision San José 2040 General Plan EIR, pursuant to CEQA Guidelines §15164(c).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Samsung Semiconductor Office Project

2.2 PROJECT LOCATION

The approximately 9.49-acre project site is located in North San José. The site is on the northwest corner of the intersection of North First Street and West Tasman Drive. The site is bounded on the north and northwest sides by industrial and office uses. The project site is currently developed with three office buildings and surrounding surface parking and landscaping.

Regional and vicinity maps of the project site are shown on Figure 2.0-1 and 2.0-2, respectively, and an aerial photograph shows surrounding uses on Figure 2.0-3.

2.3 PROPERTY OWNER/PROPONENT

Sangyong Jeong (Steven)
Manager
Samsung Electronics
3655 North First Street
San Jose, CA

2.4 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
Sylvia Do, Project Manager
200 East Santa Clara Street
San José, CA 95113-1905
(408) 535-7893

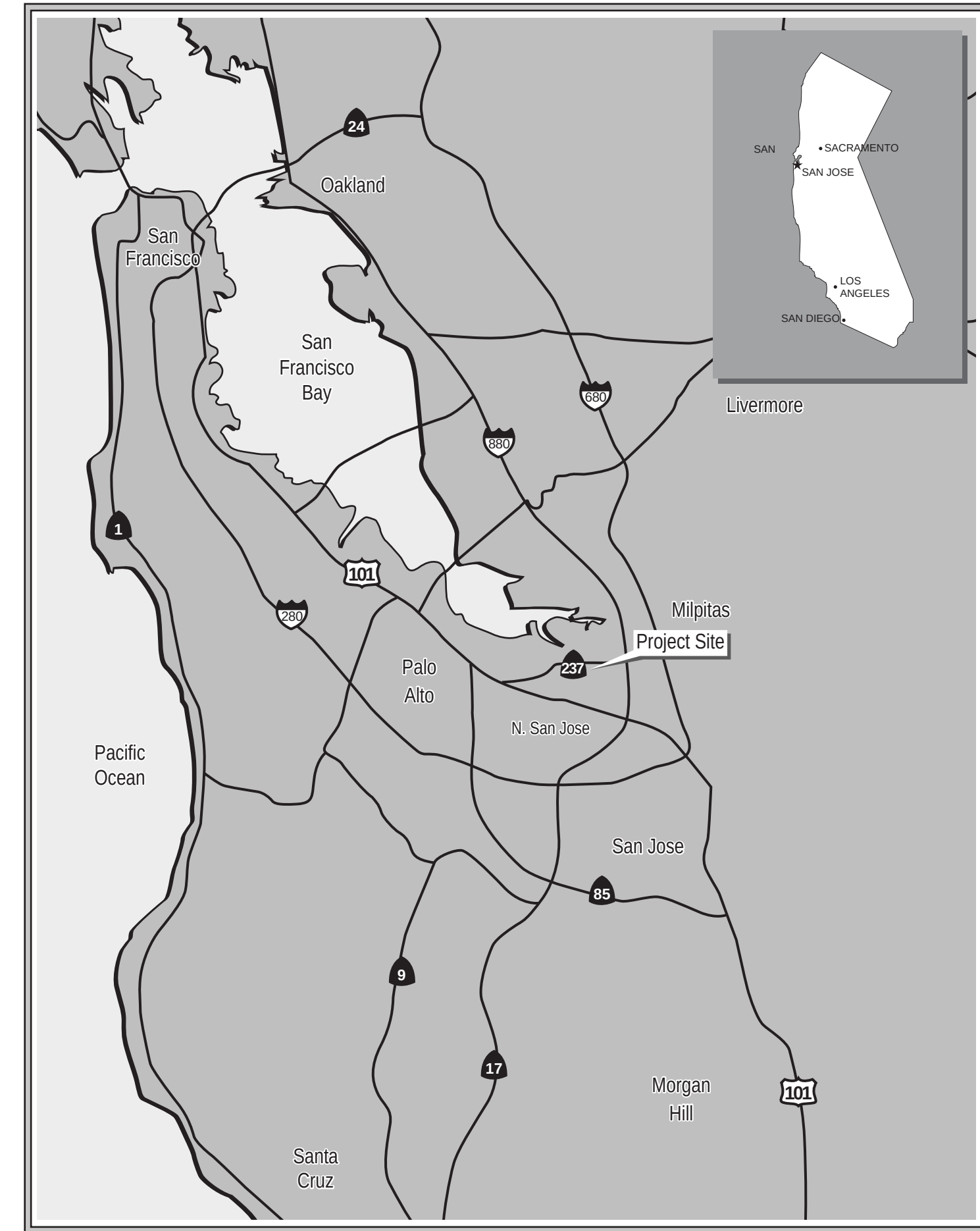
2.5 ASSESSOR'S PARCEL NUMBERS

097-53-026 and 097-53-027

2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

General Plan Land Use Designation: *Industrial Park*

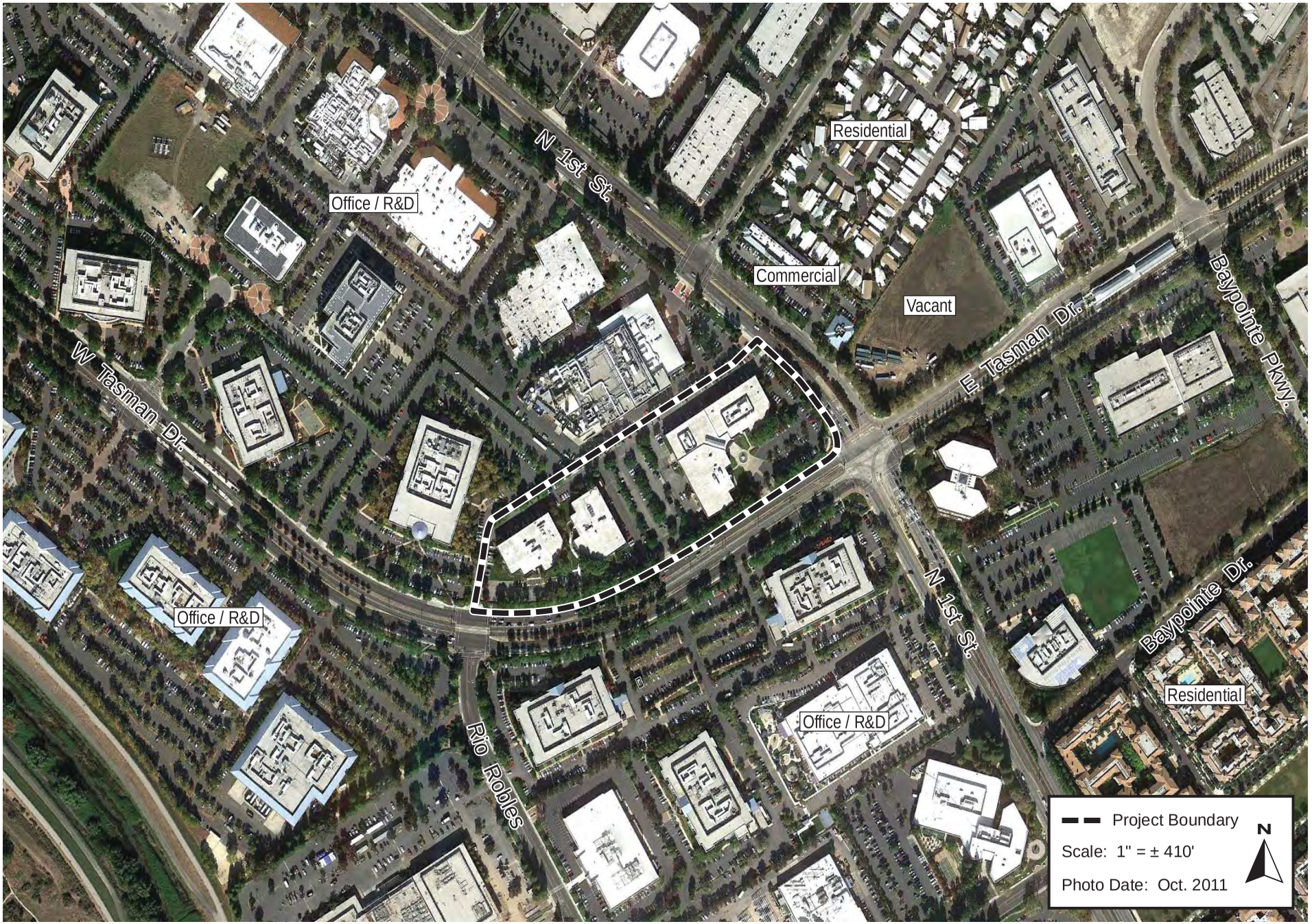
Zoning Designation: *IP-Industrial Park*



REGIONAL MAP FIGURE 2.0-1

VICINITY MAP

FIGURE 2.0-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.0-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW OF THE PROPOSED PROJECT

The proposed project would re-develop a 9.49-acre site and provide approximately 679,223 gross and 577,340 net usable square feet of office/R&D space in one 10-story office/R&D building and a single-story multi-use building containing a cafeteria. The project would also construct a nine-story parking structure and surrounding landscaping. Three existing office buildings totaling approximately 214, 919 gross square feet would be demolished to accommodate the development.

3.2 PROJECT DESCRIPTION

The proposed project would construct one 10-story office building and a single-story multi-use building, in total providing approximately 679,223 gross and 577,340 net usable square feet of office/R&D space. Beneath the office building a basement would provide a service entrance for loading/unloading. The 10-story office building is approximately 166-feet tall as measured at the roof line. The top of the rooftop equipment screen is 181 feet and the top of the elevator penthouse is 191 feet. The project proposes a nine-story parking structure adjacent to the office building, which measures 88 feet to the top of parking level 9. Photovoltaic equipment placed on the garage roof would measure at 97.5 feet, and the top of the elevator penthouse serving the garage would be 112 feet. The remainder of the project site would be landscaping and common open space for employees. Prior to construction of the proposed project, the three existing office buildings would be demolished.

3.2.1 Site Access

Access to the project site is proposed via two entrances to a private street running along the north side of the project site. The proposed parking structure and surface parking lots would be accessible from this street which connects southbound North First Street and westbound West Tasman Drive.

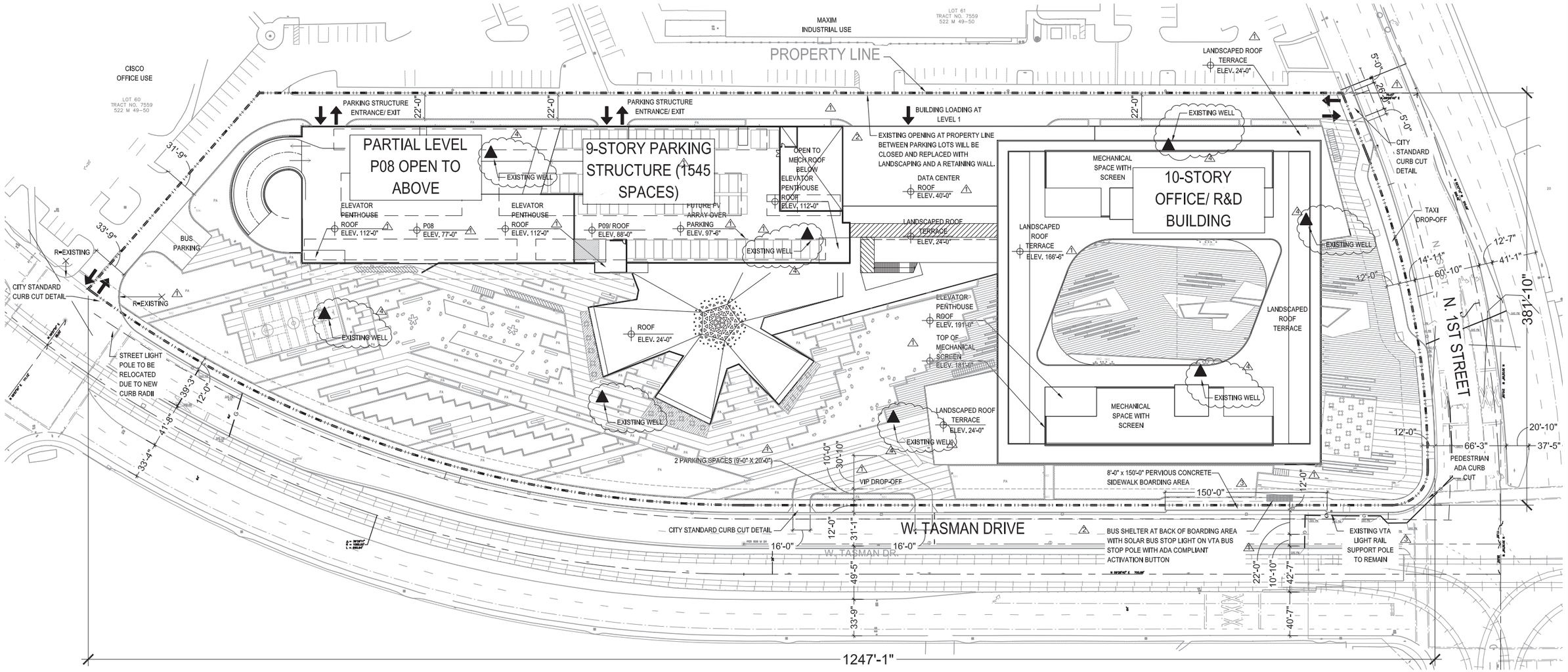
Pedestrian and bicycle access are available via existing sidewalks and bicycle lanes. There are multiple light rail transit stations within 2,000 feet of the project site, allowing employees to take public transit in place of vehicles or bicycles.

3.2.2 Parking

The proposed project would provide 1,545 parking stalls in a nine-story parking structure. The project proposes 144 bicycle parking spaces.

3.2.3 Utility Relocation

An existing 24 inch diameter PG&E gas line running through the site would be abandoned in place to accommodate the proposed new office construction. A new replacement pipeline would be installed 35 feet south of the current alignment, along the site's West Tasman Drive street frontage. The pipeline would be installed four to six feet beneath ground surface within a new 15 foot PG&E easement. Construction would occur in existing street right-of-way within the bike lane and curb travel lane and would not impact trees. The existing and proposed pipeline locations are shown on Figure 3.0-6 Existing and Proposed Gas Pipeline.



Source: nbbj (Jan. 3, 2013)

CONCEPTUAL SITE PLAN

FIGURE 3.0-1

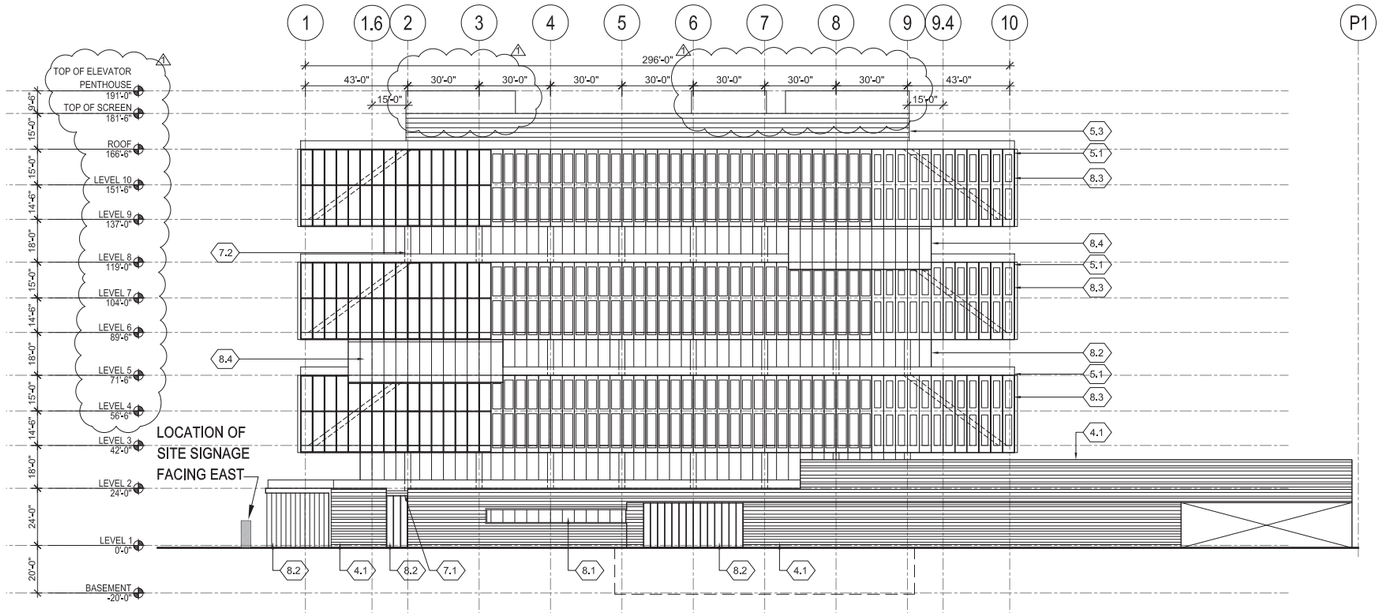
FACADE DESIGN

The facades for the Garden Synergy Tower are formed from simple patterns driven by internal function, solar paths, and an expression of a straightforward Samsung character. The unique form of this new tower typology allows for this relatively simple external façade expression.

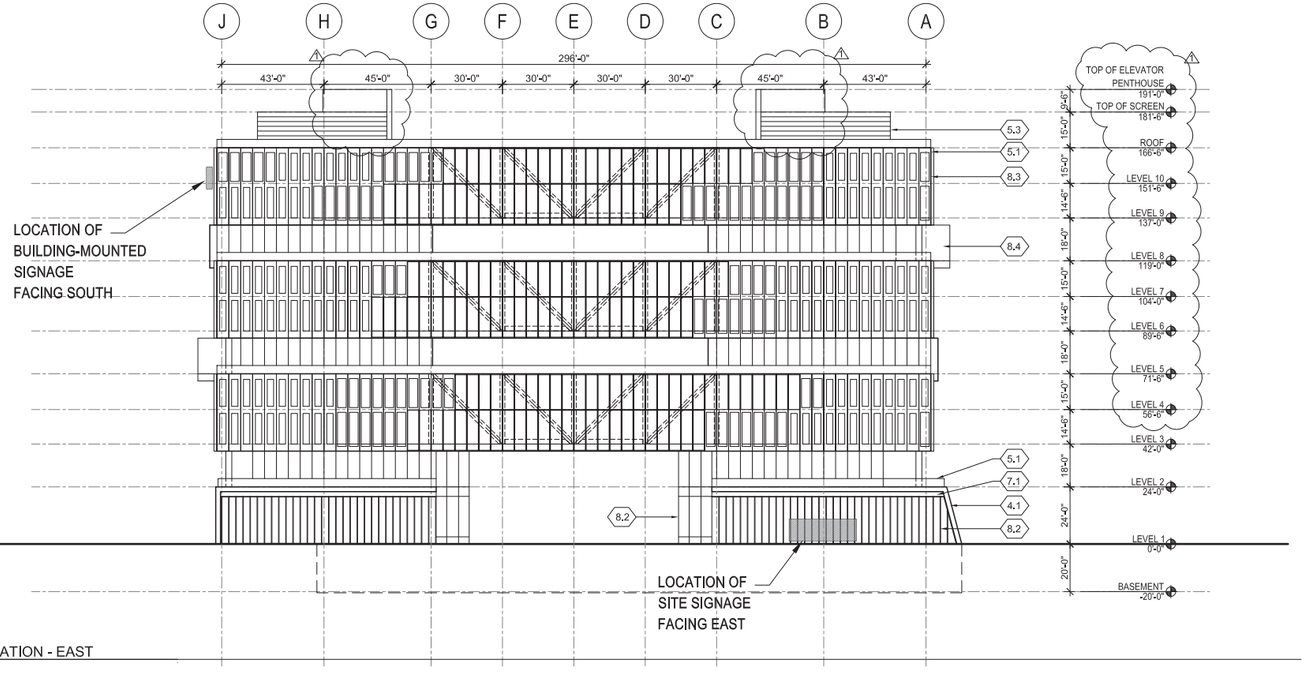
TOWER
The tower is clad in white metal panels and clear glass. This white expression articulated with punched windows emphasizes the freshness and purity of the future of Samsung while highlighting the formal mass of the two story office "wafers." The window pattern is composed of three different modules that range from more glass to less glass. These modules are composed on the façade based on computer driven data derived from sun paths and internal functions. The soffits above each garden floor are clad in strips of white metal to emphasize the continuity of the white metal mass while softening the ceiling above the garden.

GARAGE
The garage facade is designed as a backdrop to the open space and the tower itself. As seen from Tasman, the garage façade - a series of perforated metal screens - floats in the back of the site as a folding green screen. It acts both as a soft backdrop for the site garden and an expressive screen hiding the scale and roughness of the parking structure.

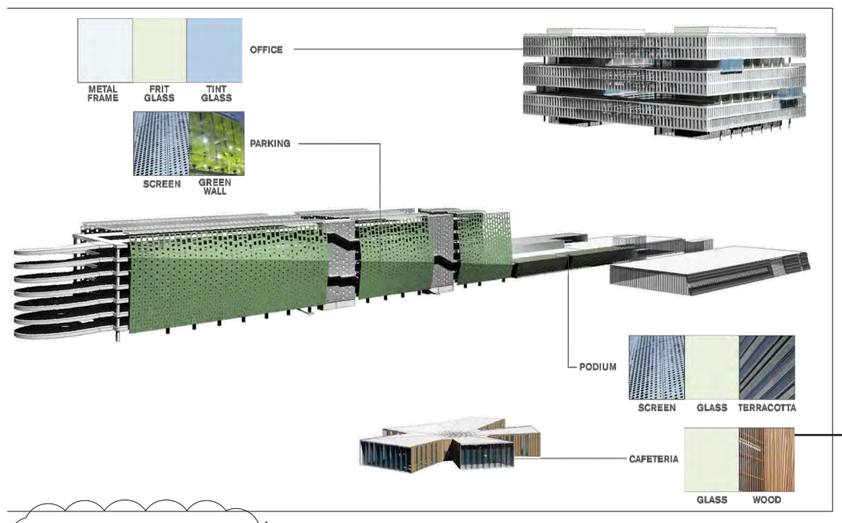
CAFETERIA
Imagined as a pavilion in the park, the cafeteria is clad in vertical redwood siding, making reference to the tracitional wood structures of northern California, and large glass windows welcoming the garden into the cafeteria and the cafeteria into the garden.



1 TOWER ELEVATION - NORTH
1/32" = 1'



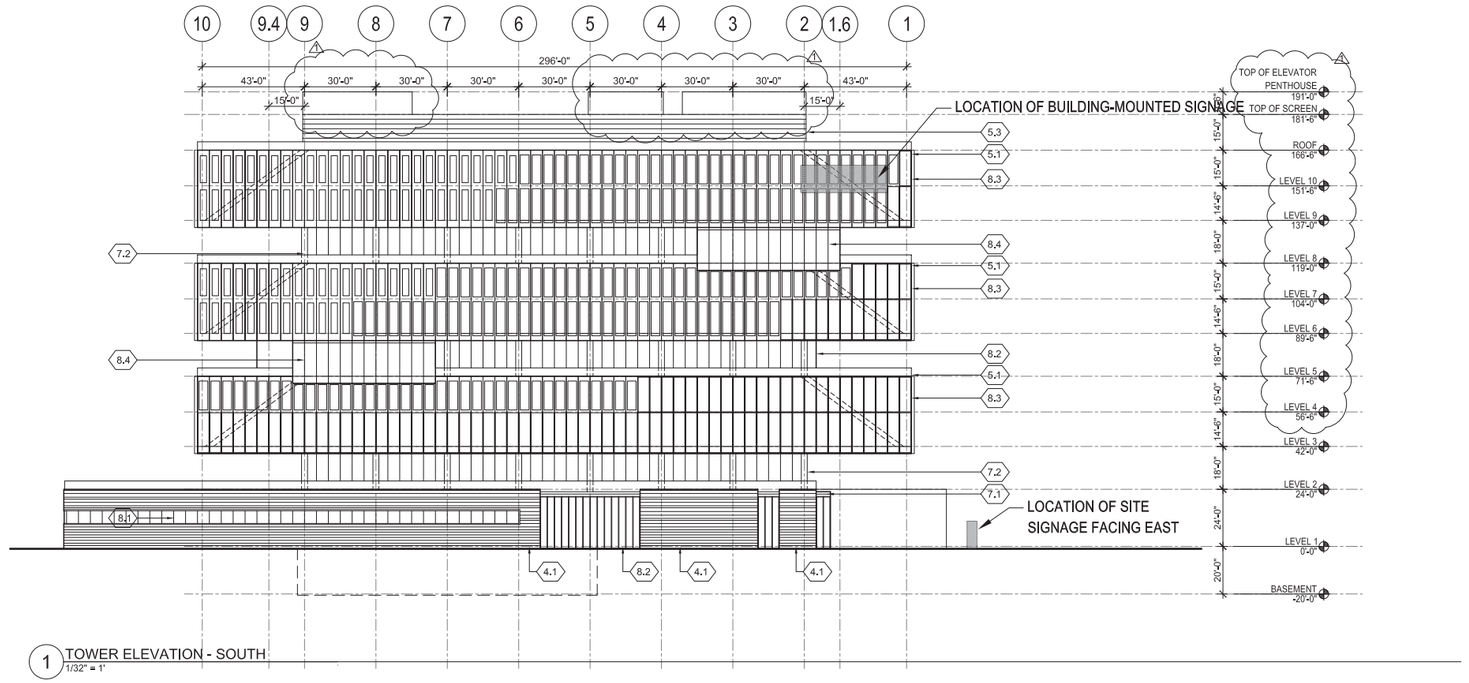
2 TOWER ELEVATION - EAST
1/32" = 1'



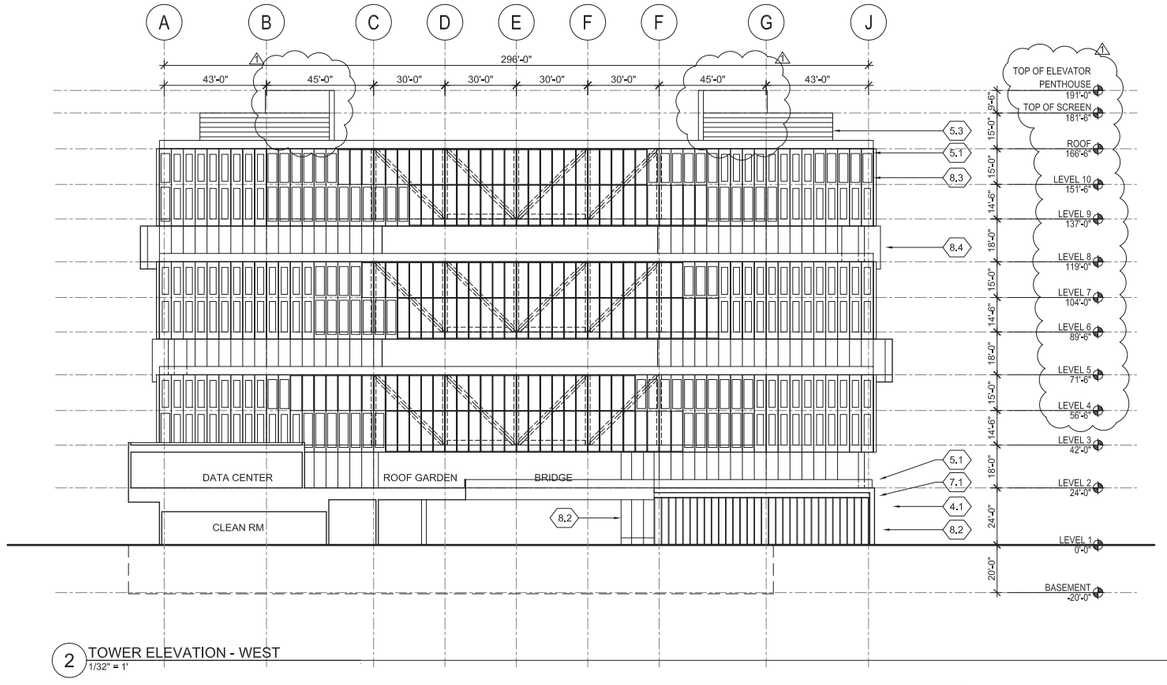
3 FACADE ARTICULATION
N.T.S.

CONCEPTUAL NORTH AND EAST ELEVATIONS

FIGURE 3.0-2



1 TOWER ELEVATION - SOUTH
1/32" = 1'

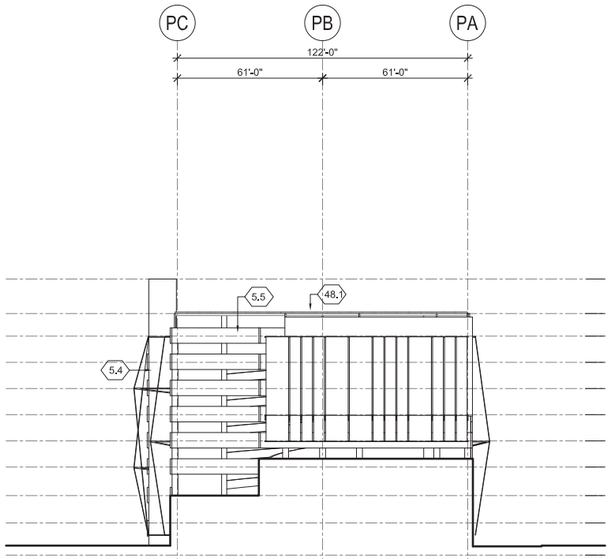


2 TOWER ELEVATION - WEST
1/32" = 1'

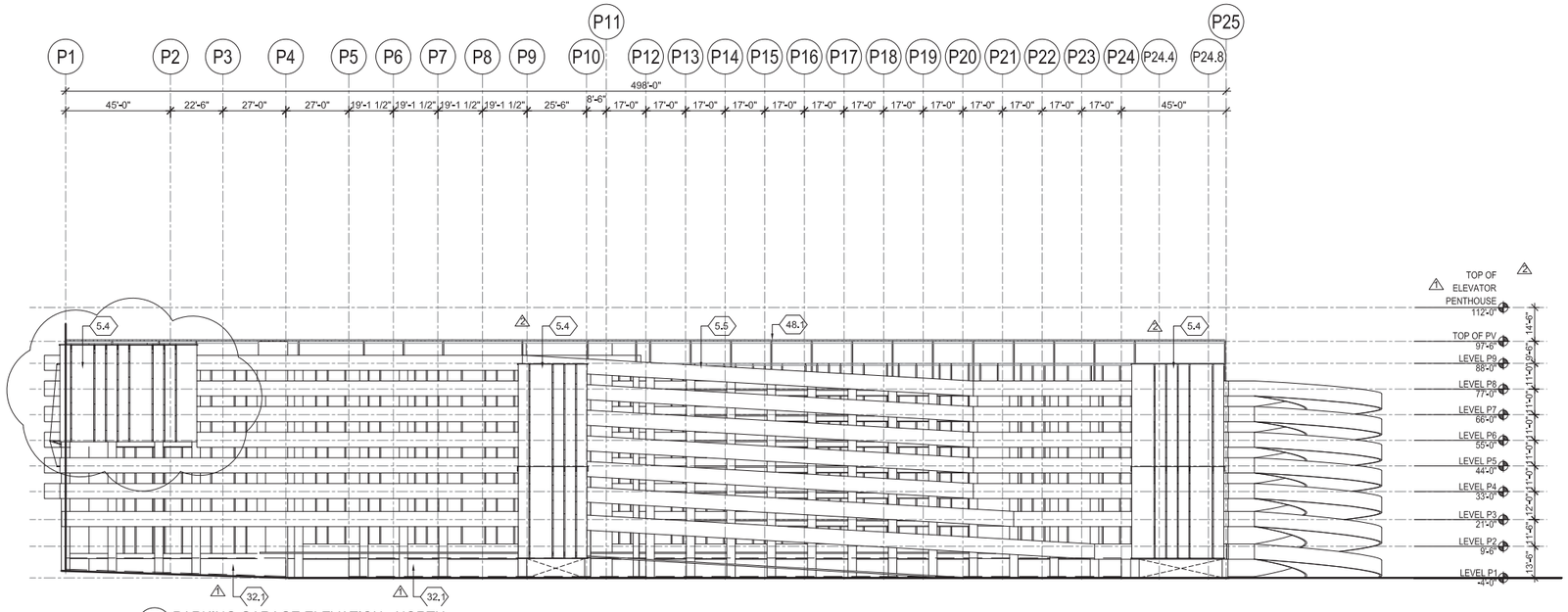
CODED NOTES

CONCEPTUAL SOUTH AND WEST ELEVATIONS

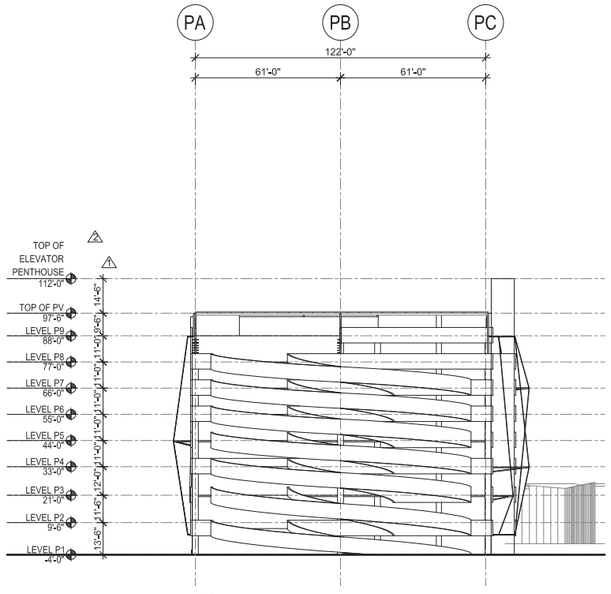
FIGURE 3.0-3



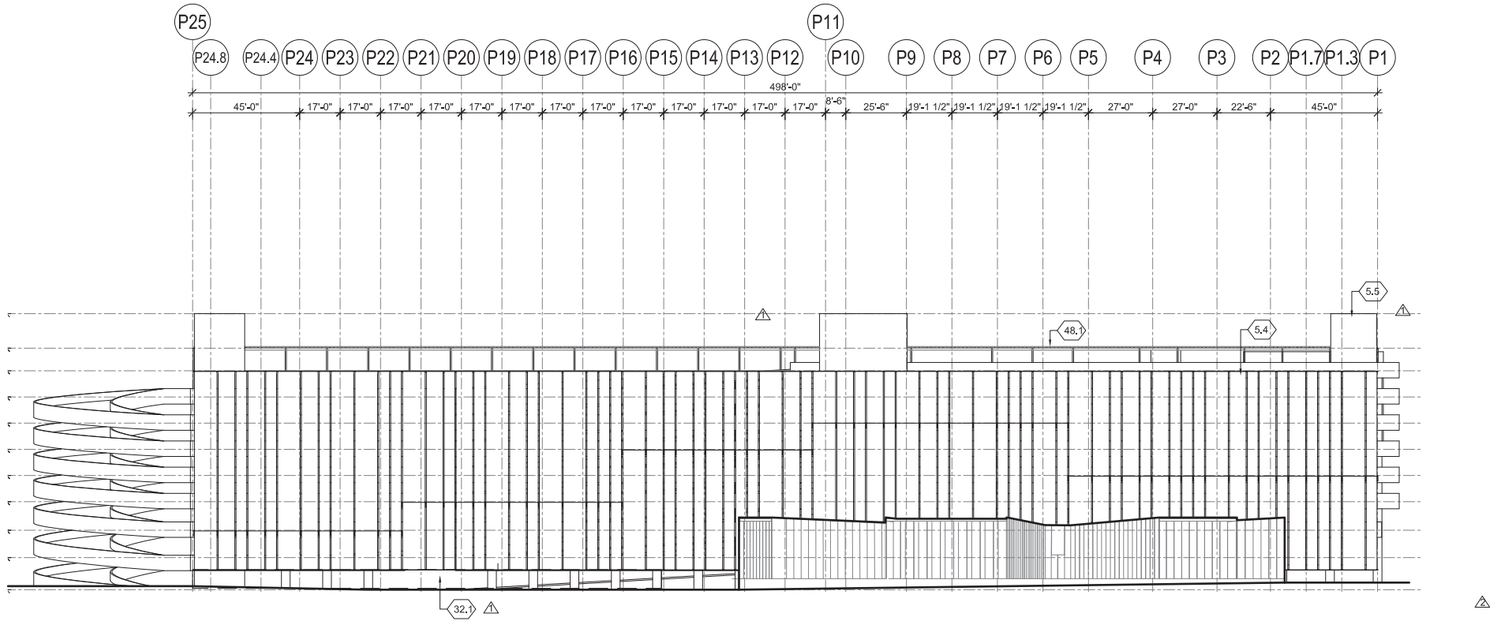
2 PARKING GARAGE ELEVATION - EAST



1 PARKING GARAGE ELEVATION - NORTH



4 PARKING GARAGE ELEVATION - WEST



3 PARKING GARAGE ELEVATION - SOUTH

Source: nbbj (Jan. 3, 2013)

PARKING GARAGE ELEVATIONS

FIGURE 3.0-4

5.3 PERFORATED CORRUGATED MECHANICAL SCREEN WALL ON STEEL FRAMING

8.3 2-STORY UNITIZED ALUM CURTAIN WALL SYSTEM WITH UNSULATED GLASS UNIT

8.4 2-SIDED BUTT GLAZED CURTAIN WALL WITH COLORED INSULATED GLASS UNIT

12.1 ROOF DECK WITH VEGETATION

8.1 ALUM WINDOW SYSTEM WITH CLEAR INSULATED GLASS UNIT AT ENTRIES

7.3 LIGHT-COLORED ROOFING

12.1 ROOF DECK WITH VEGETATION

48.1 PHOTOVOLTAIC PANELS ON STEEL SUPPORTING TRELLIS

5.3 ALTERNATING PERFORATED CORRUGATED MECHANICAL SCREEN WALL ON STEEL FRAMING WITH ANS WITHOUT VEGETATION

4.1 TERRA COTTA RAINSCREEN CLADDING ON METAL STUD BACKUP WALL SYSTEM

8.1 ALUM WINDOW SYSTEM WITH CLEAR INSULATED GLASS UNIT AT ENTRIES

8.3 2-STORY UNITIZED ALUM CURTAIN WALL SYSTEM WITH UNSULATED GLASS UNIT

5.1 GLASS BALUSTER & STAINLESS STEEL RAILING SYSTEM

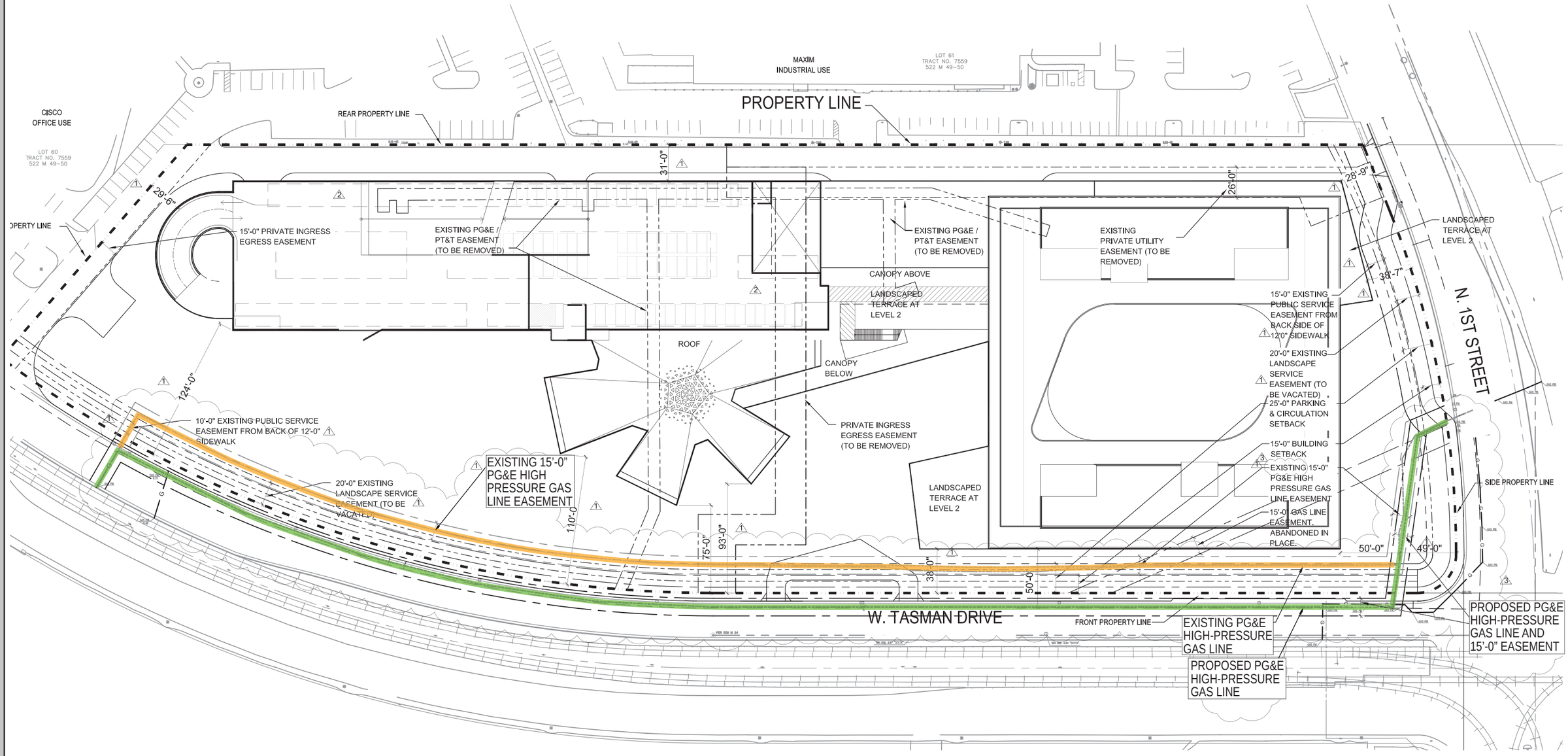
8.1 ALUM WINDOW SYSTEM WITH CLEAR INSULATED GLASS UNIT AT ENTRIES

5.3 ALTERNATING PERFORATED CORRUGATED MECHANICAL SCREEN WALL ON STEEL FRAMING WITH ANS WITHOUT VEGETATION

7.1 ALUM COMPOSITE MATERIAL WALL PANEL

3D VIEWS

FIGURE 3.0-5



EXISTING AND PROPOSED GAS LINE

FIGURE 3.0-6

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the previously certified City of San José 2005 NSJ FPEIR (approved June 2005) and the Envision San José 2040 General Plan EIR (approved September 2011).

The amount of office/R&D development proposed was included and analyzed in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. This Addendum evaluates the project specific environmental impacts that were not addressed in the two previously certified FPEIRs. Because the proposed project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR.

This section, **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, describes any changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project or the changed conditions. 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 in the 2011 Envision San José 2040 General Plan FPEIR) and to identify whether the proposed project would likely result in new significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section.

Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are required by law or are City standard conditions of approval are categorized as "Standard Project Conditions." Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as "Standard Construction Practices."

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
GHG	Greenhouse Gas Emissions

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 9.49-acre project site is located at the intersection of North First Street and West Tasman Drive in North San José (refer to Figures 2.0-2 and 2.0-3). The project site is currently developed with three buildings constructed in the mid 1980s (and an addition in 1995), surface parking areas, and landscape trees. The site and surrounding area are flat, and as a result, the project site is only visible from the immediate area.

The visual character of the site is that of a typical industrial park office/R&D building constructed in the 1980-1990s. The property is flat and mostly contains surface parking, and similar to other development in North San José, the existing buildings on site are short (two or three-story). The perimeter of the project site is marked with landscape trees and street trees.

4.1.1.2 *Surrounding Area*

The site is bounded by West Tasman Drive to the south, North First Street to the East and North, and similar industrial development to the west. With the exception of the commercial and residential development north of the project site across North 1st Street, the project area is surrounded by industrial office/R&D uses.

Photographs of the project site and surrounding area are shown in Photos 1-4 below.

4.1.1.3 *Scenic Vistas*

The project site is not located within a scenic view shed or along a scenic highway. Intermittent views of the Diablo Range foothills are available from the project site looking northeast, and of the Coast Range foothills looking southwest. The views of the foothills in either direction are interrupted by existing buildings. The project site is not located in a gateway or a rural scenic corridor as defined by the 2011 Envision San José 2040 General Plan FPEIR.

Photos 1 & 2

View of on-site building at 3655 North First Street

View of on-site building at 99 West Tasman Drive

Photos 3 & 4

Looking east across North First Street

Looking southeast at North First Street and Tasman Drive intersection

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)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1,3
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1,3
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant with Mitigation Incorporated, as described below.

4.1.2.1 *Project Design*

The project proposes to demolish the existing buildings (two or three-story), which are typical industrial park office/R&D buildings constructed in the 1980-1990s and are not significant aesthetic resources, nor do they contribute to a scenic vista. The property is flat and mostly contains surface parking planted landscape trees, and is similar in character to other late 20th century development in North San José. Removal of existing site features will not result in a significant aesthetic impact.

The project proposes to construct one ten-story office building and a single-story multi-use building providing a total of approximately 679,223 gross and 577,340 net usable square feet of office/R&D space. The project also proposes a nine-story parking structure served by two access driveways off of North First Street and West Tasman Drive. The project proposes to plant landscape trees and shrubs, and groundcover adjacent to buildings and throughout the site. Three dimensional perspective views of the project are shown in Figure 3.0-5.

The visual conditions in the North San José area are described in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. The visual analysis focuses on conformance of new development with established City of San José design guidelines. Additionally, the visual analysis evaluated the increase in shade and shadows from proposed development that could affect public and private open spaces. It was concluded in the 2005 NSJ and the 2011 Envision San José 2040 General Plan FPEIRs that future development's conformance with the City's *Title 20 Zoning Ordinance, Commercial Design Guidelines, City's Outdoor Lighting Policies* (4-2 and 4-3), and *Industrial Design Guidelines* would avoid significant visual and aesthetic impacts, including:

1) increased shade and shadow on public and private open space areas, 2) impacts to scenic vistas, 3) visual effects of light and glare.

The proposed new development is required to conform to the design criteria set forth in the North San José Area Development Policy, as well as the policies and actions set forth in the 2011 Envision San José 2040 General Plan FPEIR. The proposed office/industrial project would conform to the existing General Plan designation (Industrial Park) as well as the existing zoning designation (IP-Industrial Park) for the site. In addition, the proposed parking structure will not be placed along North First Street. All of these elements are consistent with NSJ Area Development Policies including design criteria and transportation demand management measures.

Scenic Vistas

The developed parcel is not a scenic resource. While the visual change to the property (ten story buildings replacing three story buildings) will be noticeable to occupants of nearby businesses and to passing cars on North First Street and Tasman Drive, the replacement of office buildings at an infill location near other office buildings would not be a significant adverse environmental impact. Redevelopment of the site has already been evaluated in the 2005 NSJ and the 2011 Envision San José 2040 General Plan FPEIRs. Development of the proposed project in conformance with existing policies, regulations, and adopted plans would not result in a substantial degradation of the visual character of the area, and would not significantly affect a scenic vista.

Shade and Shadow

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

The project would result in new office and parking structures on the project site. The height of the proposed ten story office/R&D building (166-feet tall as measured at the roof line, rooftop equipment screen at 181 feet, and the top of the elevator penthouse at 191 feet) will be taller than any buildings currently surrounding the site. Shading effects resulting from the proposed project design would not impact any public open spaces in the vicinity, the nearest being Moitozo Park approximately 1,500 feet to the south of the site on North First Street.

Light and Glare

The project would include lighting for security and site recognition. These sources would consist of outdoor lighting of parking areas, driveways, and walkways, and lighted commercial signage. The increase in night lighting from new development would not significantly increase the ambient light levels in the area, which are already dominated by existing light sources of night lighting. The proposed development would have no greater light and glare impacts than what was anticipated in the 2005 NSJ and the 2011 Envision San José 2040 General Plan FPEIRs.

The project proposes LED lighting (rather than standard low pressure sodium lighting) and requires a policy exception for energy efficient outdoor lighting on private development from the City's

Outdoor Lighting Policy (Policy 4-3). All lighting fixtures for outdoor, unroofed areas will be fully shielded and directed downward. For these reasons, the project would not result in significant light and glare impacts.

Development of the proposed project would alter the appearance of the project area by substantially increasing on-site building heights and converting surface parking into a nine-story, 88-foot tall (97.5 feet to top of photovoltaics and 112 feet to top of elevator penthouse) parking structure. Implementation of the proposed actions and policies included in the 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR, and existing regulations and adopted plans, would avoid substantial degradation of the existing visual character or quality of the proposed project site and its surroundings area, substantial light and glare impacts, increased shade and shadow on public open space areas, and impacts to natural scenic views from key gateways and roadways within the City. **(Less Than Significant Impact)**

4.1.3 *Conclusion*

The proposed project would not result in any new or more significant visual and aesthetic impacts than those previously identified in the NSJ and the 2011 Envision San José 2040 General Plan FPEIRs. **[Same Impact as Approved Project (Less than Significant)]**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The North San José area was cultivated for over one hundred years for a variety of crops including orchards, field crops, and greenhouse-grown flowers. Presently, however, very little agriculture remains and all of the land within the project area has been designated for urban uses for over 30 years.

According to the Santa Clara County Important Farmland 2010 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.

Currently, the project site is developed and not used for agricultural purposes. 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 agricultural land adjacent to the project site.

4.2.2 Environmental Checklist and Discussion of Impacts

AGRICULTURAL AND FOREST 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)
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?	☐	☐	☐	☒	☐	1,4
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1,2,3
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	☐	1,2,3
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1,4

5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1,4

The currently proposed project will result in the same impact as the approved project, i.e. No Impact, as described below.

The project site is not designated as farmland, nor is it used for agricultural purposes. The project would not result in the development of prime agricultural land. The 2005 NSJ and the 2011 Envision San José 2040 General Plan FPEIRs anticipated development of the site with Office/R&D uses. **(No Impact)**

4.2.3 Conclusion

The proposed project would not result in any new or more significant impacts to farmland or agricultural resources than were described in the certified 2005 NSJ or 2011 Envision San José 2040 General Plan FPEIRs. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

4.3.1 Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determination of transport and dilution are wind, atmospheric stability, terrain, and for photochemical pollutants, sun light.

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

Both the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The major criteria pollutants are ozone, carbon monoxide, nitrogen dioxide (NOx), sulfur dioxide, and particulate matter.

Three pollutants are known at times to exceed the state and federal standards in the project area: ozone, particulates (PM_{10}), and carbon monoxide. Both ozone and PM_{10} are considered regional pollutants because their concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant because elevated concentrations are usually only found near the source (e.g., congested intersections).

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor exhaust. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics. The nearest sensitive receptor is a residential development (Westwinds Mobile Home Park) approximately 500 feet northeast of the project site, located behind a commercial property fronting on the east side of North First Street.

4.3.1.1 *Background Information*

The ambient and regulatory requirements regarding air quality have basically remained unchanged since the approval of the 2011 Envision San José 2040 General Plan FPEIR.

Since the proposed project will increase the number of jobs in a job center near transit (within 2,000 feet of LRT) and future housing, the project is consistent with the Bay Area Ozone Strategy.

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)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1,5
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?	☐	☐	☐	☒	☐	1,5
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1,5
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant with Mitigation Incorporated, as described below.

4.3.2.1 *Regional and Local Air Quality Impacts*

The development of the proposed project would contribute to the significant regional and local air quality impacts identified in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs. The proposed office development is included within the overall amount of new job growth anticipated to occur in the NSJ and General Plan FPEIRs. While the proposed project with 2,000 employees (1,500 net new above the current site) would generate substantial pollutants from vehicular trips, the proposed project would not result in any new or more significant regional or local air quality impacts than were described in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs.

The BAAQMD has developed thresholds of significance for local plans (general plans, redevelopment plans, specific area plans). The following criteria must be satisfied for a local plan to be determined to be consistent with the CAP and not have a significant air quality impact:

- The local plan should be consistent with the Clean Air Plan (*2010 Clean Air Plan)* and Vehicle Miles Traveled (VMT) assumptions. This is demonstrated if the population growth over the planning period will not exceed the values in the current CAP, and the rate of increase in VMT for the jurisdiction is equal to or less than the rate of increase in population.

- The local plan demonstrates reasonable efforts to implement the Transportation Control Measures (TCMs) included in the CAP that identify cities as implementing agencies.

The proposed project would allow for increased development of office/industrial space in North San Jose, which is consistent with the land uses in the certified 2005 NSJ and 2011 Envision San Jose 2040 General Plan FPEIRs. For this reason, the proposed project would be consistent with the growth assumptions in the NSJ and Envision SJ 2040 General Plan FPEIRs, and would, therefore, be consistent with the CAP and VMT assumptions.

The 2005 NSJ and 2011 Envision San Jose 2040 General Plan FPEIRs provide for incorporation of Transportation Control Measures in future projects, which is consistent with the regional air quality plan. The proposed project, therefore, is consistent with the regional Clean Air Plan and would not have a significant impact on air quality.

The project may include a standby emergency generator to power the site in the event of loss of electricity. Since the model/specifications for the potential generator is not known at this time, additional environmental review will be completed by the City of San Jose prior to issuance of a development permit allowing its installation. The future generator will be required to comply with BAAQMD air quality standards, which will be confirmed as part of the review of the future development permit required for any new generator. **(Less Than Significant Impact)**

The proposed project would be consistent with the North San Jose Area Development Policy in that it provides office job growth within the Phase 1 allotment for office/industrial space in North San Jose. The project will also implement transportation mitigation measures with the aim of reducing the number of daily vehicle trips by 15 percent. For these reasons, the proposed project would not result in new significant impacts to regional and local air quality.

Impact AIR-1: Traffic from the proposed project would contribute to significant criteria air pollutant emissions. This impact was identified in the certified 2005 NSJ FPEIR and the City Council adopted a statement of overriding consideration for the impact. **[Same Impact as Approved Project (Contribution to Significant Unavoidable Cumulative Impact)]**

MM AIR-1: The following mitigation measure is identified as part of the certified 2005 NSJ FPEIR and is proposed by the project:

The project will implement the following on-site measures, with a goal of a 15 percent reduction in daily vehicle trips:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.

  - Bicycle parking is required at one space per 4,000 s.f. of building area, 80 percent short-term and 20 percent long-term. The long-term parking is provided along the north side of the tower under a canopy in a secured fenced area and short-term parking is in racks at the entry to each building.
- Provide on-site showers and lockers for employees bicycling or walking to work. Provide secure and conveniently located bicycle parking and storage for workers.
  - Showers will be provided within the tower building at the first floor and at the gym floor.
- Utilize 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.
  - The project will incorporate a high albedo roofing material.
  - Other building materials such as metal panels will be light colored.
  - High performance glazing will be incorporated.
  - Shade trees will be incorporated near the building on the southern exposures where possible.
- Design buildings so that they can provide on-site services for future employees:
  - The project includes a cafeteria.

The following TDM measures will be implemented by the building owner and coordinated with future tenants occupying the project development:

- The building owner will provide an on-site TDM coordinator to develop and implement a transit use incentive program for building employees, including on-site distribution of Eco-passes (or equivalent broad spectrum transit pass) and/or subsidized transit passes for local transit systems (participation in the Clipper program would satisfy this requirement).
- The on-site TDM coordinator will distribute transit information to employees.
- On-site TDM coordinator will implement a carpool program, providing carpool ridematching for employees.
- Provide designated preferential parking for carpool vehicles.
- Provide designated preferential parking for electric or alternatively-fueled vehicles.

4.3.2.2 *Construction-Related Impacts*

Construction activities would temporarily affect local air quality. Construction activities such as 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.

Construction of the project would result in the generation of toxic air contaminants (TACs), including diesel PM, from trucks and off-road equipment exhaust emissions. Construction activity on the project site will vary over time and the emissions of TACs would also be temporary given the relatively short timeframe diesel equipment will be used. The nearest sensitive receptor is the residential development approximately 500 feet northeast of the project site, across North First Street.

The current models and methodologies available to conduct health risk assessments do not correlate to the temporary and variable nature of construction activities. Accurate estimates of health risk due to construction activity, therefore, are difficult to quantify. The BAAQMD acknowledges that the implementation of the best management practices identified in the discussion of construction dust emissions above would reduce diesel PM exhaust emissions. With implementation of construction best management practices, including restrictions on the idling of construction vehicles, construction TAC emissions from the project site would be limited.

Impact AIR-2: The development of the proposed project would contribute to the significant construction-related, short-term air quality impacts identified in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs. 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 and 2011 Envision San José 2040 General Plan FPEIRs. [**Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

MM AIR-2: Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the standard project conditions listed below will reduce the temporary construction impacts to a less than significant level.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

4.3.3 Conclusion

Impact AIR–1: The proposed project would not result in any new or more significant regional or local air quality impacts than those addressed in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIRs. **[Same Impact as Approved Project (Contribution to Significant Unavoidable Cumulative Impact)]**

Impact AIR–2: The proposed project, with the implementation of the standard project conditions, would not result in any new or more significant construction-related air quality impacts than those addressed in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs. [**Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on an Arborist Report prepared by *Concentric Ecologies* in November 2012 for the project site, provided in Appendix A.

4.4.1 Setting

The project site was previously utilized for agricultural purposes, likely field crops, as evidenced by aerial photographs from the 1930s. Between 1939 and 1972 the site and surround areas went relatively unchanged. The current development on the site was constructed between 1983 and 1987.

The project site is composed primarily of industrial office development, surface parking, landscape areas, and non-native trees planted in connection with the current site development. The entire site is developed and is not considered a sensitive biological community. The project area is also surrounded by commercial and industrial development, indicating that no wildlife migratory corridors are likely to occur in the vicinity. The potential presence of sensitive species is considered low because of a lack of foraging habitat resulting from past and present disturbance as well as surrounding development.

There are no wetlands or riparian areas within or proximate to the project site. The project site is not located within an adopted Habitat Conservation Plan or other approved local, regional, or state habitat conservation plan.

4.4.1.2 *Special-Status Plants and Wildlife*

Special-status species include those plant and wildlife species that have been formerly listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Game (CDFG) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, and CDFG special-status invertebrates are all considered special-status species.

Most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act of 1918. Under this legislation, destroying active nests, eggs, and young is illegal.

Plant species on California Native Plant Society (CNPS) Lists 1 and 2 are also considered special-status plant species and must be considered under CEQA.

The project site is currently developed with office buildings and parking lots as well as small amounts of landscaping. Because the project site is developed with buildings and substantial areas of impervious surfaces, the site does not support the habitat that would be necessary for special-status species to breed or forage. Landscaped areas do not contain native plant species that might support special-status wildlife. Special status plants are also absent from the site due to its developed condition.

4.4.1.3 *City of San José Tree Ordinance*

The City of San José Tree Ordinance defines an ordinance-sized tree as any woody perennial plant characterized by having main stem or trunk which measures 56 inches or more in circumference (18 inch diameter) at a height of two feet above natural grade. A tree removal permit is required from the City for the removal of ordinance-sized trees.

There are currently 213 trees on the project site, 46 of which are considered ordinance-sized. Tree species occurring on the site include: Ash (94), Birch (6), Carob (39), Cedar (3), Elm (1), Evergreen pear (21), Mayten (9), Pine (6), and Purple-leaf plum (34). Of these trees, 163 are in average health, 46 in fair health, three in poor health, and one is dead. The majority of the ordinance-sized trees are large ash trees along Tasman Drive. There are no heritage trees, native species trees, or trees with any historical significance on the project site. See Figure 4.4-1 Tree Removal and Preservation Plan.

4.4.1.4 *Santa Clara Valley Habitat Conservation Plan (HCP)*

The project site is located within the Santa Clara Valley Habitat Conservation Plan, which has been approved by the local partners but is not yet effective pending additional future actions by local, state, and federal agencies. The Habitat Plan's **"Effective Date"** (or operative date) is the first business day after **ALL** of the following has occurred:

- ☐ Execution of the Implementing Agreement by all Parties;
- ☐ Issuance of both State and Federal Permits;
- ☐ Adoption of an implementing ordinance by each of the three Cities and the County;
- ☐ Formation of the Implementing Entity (Santa Clara Valley Habitat Agency); and
- ☐ The effective date of the impact fee ordinance to be adopted by the Habitat Agency

The effective date is anticipated in late 2013, or perhaps early 2014.

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)
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?	☐	☐	☐	☒	☐	1,2,3

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)
Would the project:						
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,2,3,6
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3,6
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1,6
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?	☐	☐	☐	☒	☐	1,2,3

4.4.2.1 *Local Policies and Ordinances*

Any potential development within the project area shall be consistent with policies outlined in the Envision San José General Plan 2040 and shall use best management practices to avoid impacts to special-status species and sensitive communities within and adjacent to the project area. Measures included in the North San José Development Policies Update Final EIR are encompassed by measures identified in the Envision San José General Plan 2040.

The proposed project is subject to following Envision San José General Plan 2040 policies:

ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

ER-6.5: Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

ER-6.6: Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.

City of San José Tree Ordinance

There are currently 46 ordinance-sized trees on the site and 167 non-ordinance sized trees. The project would preserve 47 existing trees, including 24 ordinance-sized trees, and remove 166 existing trees, including 22 ordinance-sized trees. In order to conform to the City of San José tree replacement ratios shown in Table 4.4-1, the project would be required to plant 279 trees. The project proposes 310 trees, which exceeds the City's requirement by 31 trees. Figure 4.4-1 Tree Removal and Preservation Plan and Figure 4.4-2 Proposed Landscape Plan show the location of proposed trees.

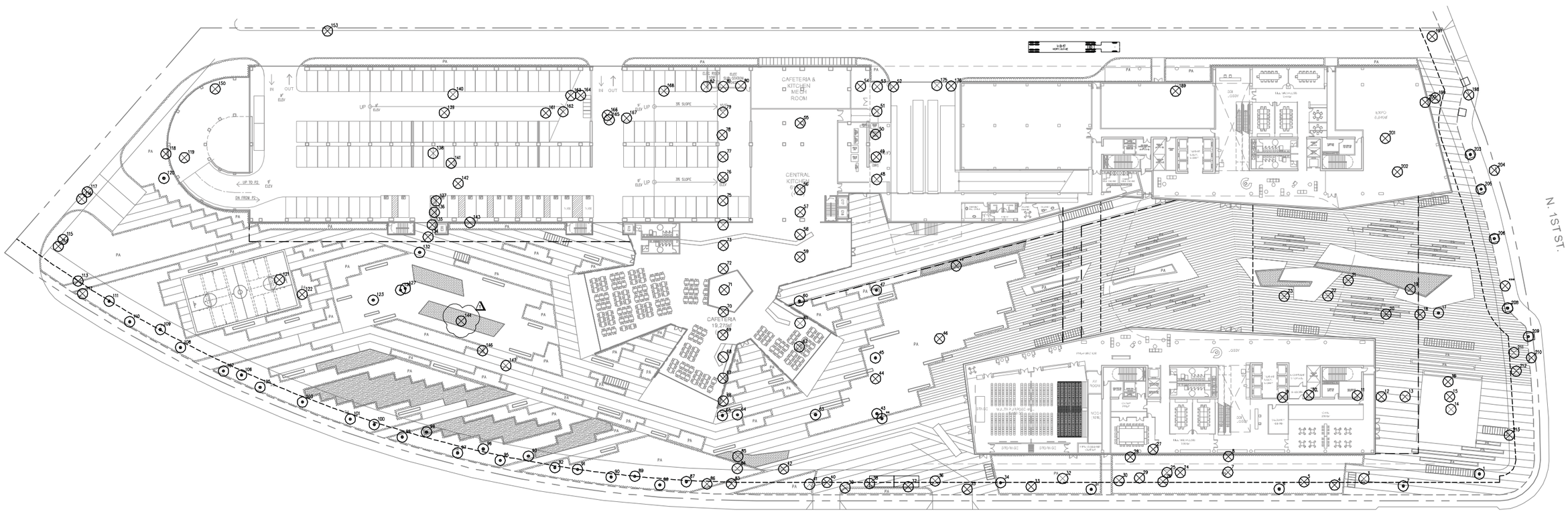
Table 4.4-1: Tree Replacement Ratios

Diameter of Tree to be Removed	Number of Existing Trees to be Removed	Native/Non-Native Status of Existing Trees to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree	Number of Required Replacement Trees
			Native	Non-Native	Orchard		
18 inches or greater	22	Non-Native	5:1	4:1	3:1	24-inch box	88
12 -18 inches	45	Non-Native	3:1	2:1	none	24-inch box	90
less than 12 inches	101	Non-Native	1:1	1:1	none	15-gallon container	101
Note: x:x = tree replacement to tree loss ratio. Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.							

Standard Project Conditions: The project proposes to implement the following measures, as required by the City:

- Install street trees within public right-of-way along the entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Project." Street trees shall be installed in cut-outs at the back of the curb. Obtain a DOT street tree planting permit for any proposed street tree planting.

- Contact the City Arborist at (408) 794-1901 for the designated street tree.



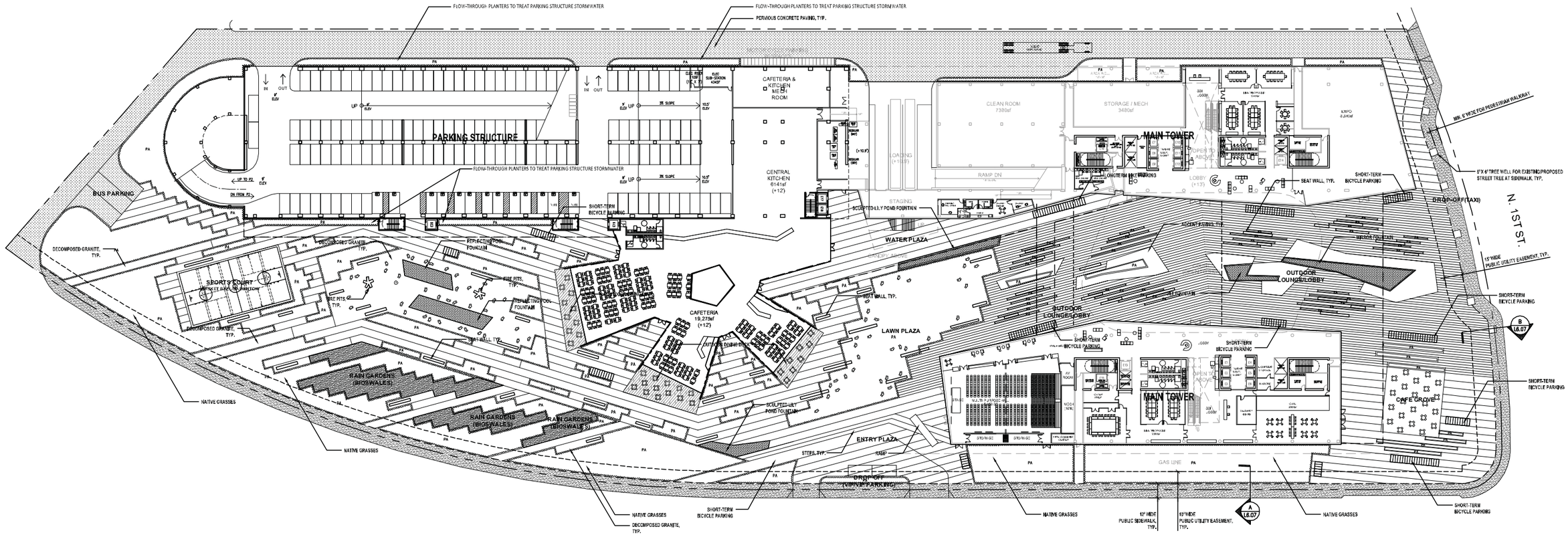
TREE PRESERVATION PLAN LEGEND

XX (TREE TAG NUMBER PER ARBORIST REPORT) — TREE TO BE RETAINED

XX (TREE TAG NUMBER PER ARBORIST REPORT) — TREE TO BE REMOVED

TREE REMOVAL AND PRESERVATION PLAN

FIGURE 4.4-1



PAVING LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
	DARK BROWN STONE UNIT PAVER		NATURAL STONE PAVER
	LIGHT BEIGE STONE UNIT PAVER		IPE WOOD DECK
	DARK GRAY STONE UNIT PAVER		STABILIZED DECOMPOSED GRANITE
	GRAY STONE UNIT PAVER		CONCRETE PAVING AT SIDEWALK
	PERVIOUS CONCRETE ON ROAD		

LANDSCAPE PLAN

FIGURE 4.4-2

Impact BIO-1: The project preserves and retains 47 existing trees, including 24 ordinance-sized trees, where possible, but 166 trees, including 22 ordinance-sized trees would be removed. [**Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

MM BIO-1: The following measure is identified as part of the certified 2005 NSJ FPEIR (Section E, p. 243), and is proposed by the project to reduce impacts from tree removal to a less than significant level consistent with the 2005 NSJ FPEIR.

- The project shall obtain a tree removal permit for any ordinance-size trees to be removed, and shall for all removed trees incorporate the City's standard tree replacement ratios (per Table 4.4-1 above) in landscape plans and planting of street trees along the site's street frontage.

4.4.2.2 *Special-Status Plants and Wildlife*

Plants

No special-status plant species were observed within the project area and it is unlikely any special-status plant species have potential to occur within the project area. **(No Impact)**

Wildlife

While no special-status wildlife species have been observed or are expected to forage on the project site, it is possible that the landscape and street trees could provide a habitat for urban-adapted bird species.

Impact BIO-2: Removal of trees from the site could impact birds utilizing those trees as habitat. [**Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

MM BIO-2: The following measure is identified as part of the certified 2005 NSJ FPEIR (Section E, p. 235 and 237) and the 2011 Envision San José General Plan 2040 EIR (Section 3.5.3.7 p. 489, 490, and 494), and is proposed by the project.

- Nesting birds protected by the Migratory Bird Treaty Act and other regulations may be impacted by construction during the bird breeding season from February through August. Ideally, the clearing of vegetation and the initiation of construction would be done in the non-breeding season from September through January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. The survey area should encompass the project area and the areas within a 100 foot buffer. If active nests or behavior indicative of nests are encountered, those areas plus a 50 foot buffer for small songbirds and 250-foot buffer for larger birds (e.g. raptors) designated by the biologist in coordination with CA Dept. of Fish

and Wildlife shall be avoided until the nests have been vacated. If the work areas are left unattended for more than one week following the initial surveys, additional surveys shall be completed.

4.4.2.3 *Santa Clara Valley Habitat Conservation Plan (HCP)*

While the HCP's effective date is unknown, it is anticipated to occur some time in the second half of 2013. With respect to the HCP, the proposed project is anticipated to be a "pipeline project" which refers to development projects, or portion thereof, that are in the process of receiving local jurisdiction approvals at the time the Habitat Plan is effective. Pipeline projects will not be subject to the Habitat Plan if all of the following apply:

1. it has received at least one of the following approved development entitlements with a specified expiration date (including allowed renewals/extensions) prior to **Habitat Plan adoption:** site and architectural permit/approval, planned development approval, conditional use approval, or a tentative map; and

2. it is issued a grading or building permit within 1 year of issuance of the Habitat Plan's state and federal incidental take permits; and

3. the project review process identified no impacts to any of the Habitat Plan's covered species.

The project is anticipated to receive architectural permit/approval (i.e. Site Development Permit) in early Spring 2013 and grading and building permits in Summer of 2013. The analysis of biological impacts in this Addendum has identified no impacts to any of the HCP's covered species. For these reasons, it is anticipated the project will be deemed a pipeline project with respect to the HCP. **(Less than Significant Impact)**

4.4.3 Conclusion

Impact BIO–1: The project preserves and retains 47 existing trees, including 24 ordinance-sized trees where possible, but 166 trees, including 22 ordinance-sized trees would be removed. To offset trees lost to development, the project will plant 310 trees, which exceeds the City's standard condition for tree replacement. [**Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

Impact BIO–2: Removal of trees from the site could impact birds utilizing those trees as habitat. The project will implement pre-construction surveys to prevent impacts to birds. [**Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

The project would not impact any special status plants, riparian habitat, wetlands, or other sensitive natural community. The project would not conflict with the Santa Clara Valley HCP. The proposed project, with the implementation of the above standard project conditions and mitigation measures, would not result in any new or more significant impacts to biological resources (trees and birds) than those addressed in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

4.5 CULTURAL RESOURCES

The following discussion is based upon a Cultural Resources Review prepared by Basin Research Associates in September 2004 for the North San Jose Development Policies Update, the subsequent analysis contained in the 2005 NSJ FPEIR, and a Phase I Environmental Site Assessment prepared by *Cornerstone Earth Group* in November 2012 (Appendix C).

4.5.1 Setting

The project site is currently occupied by three two-story office buildings constructed in the 1980s surrounded by asphalt concrete parking, landscaping, and street trees. Surrounding properties are also developed with recent construction from the past three decades.

Soils on site consist of stiff clays and silts with inter-bedded layers of sand and gravel. This type of soil is typical of the Santa Clara Valley and especially North San José, where both Guadalupe River and Coyote Creek discharge into the San Francisco Bay.

4.5.1.1 *Prehistoric Resources*

The project site is not identified on the City of San José's archaeological or historical sensitivity maps. However according to the Envision San Jose 2040 General Plan Final EIR, the land is considered to have a high paleontological sensitivity at varying depths.

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)
Would the project:						1,2,3,8
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	☐	
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,2,3
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1,2,3
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1,2,3

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant Impact, as described below.

The project proposes minimal grading to install utilities and provide level building pads with positive drainage. No below grade parking is proposed by the project. The project does not propose any development that would occur in cultural resource impacts beyond that was previously evaluated in the 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR.

4.5.2.1 *Prehistoric Resources*

While no traces of aboriginal presence or historic materials have been observed and located nearby on a cultural resources map, there remains a possibility that excavations at the building sites could result in the discovery of buried prehistoric archaeological deposits. Although it is unlikely that the proposed project will disturb archaeological resources, there still remains a low possibility. Therefore, the project will implement the following standard project conditions, as necessary. **(Less Than Significant Impact)**

Standard Project Conditions: In the event any significant cultural materials are encountered, all construction within a radius of 50-feet radius of the find would be halted, the Director of Planning, Building and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

- If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify "most likely" descendants of the deceased.

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

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

4.5.2.2 *Historic Resources*

Based on aerial photographs obtained from Environmental Data Resources, Inc. and historical topographic maps obtained from the United States Geological Survey (USGS), the project site was used for agriculture and developed with a residence and associated outbuildings at least until 1982. An aerial photograph from 1993 shows the site developed with four buildings which were constructed in the 1980s, all of which still exist. Since none of the buildings on site are over 50 years old, they do not qualify for the national or state registers of historic places. The demolition of the existing structures will have no impact on historic resources. None of the structures on properties

surrounding the site are listed on the City's Historic Resources Inventory or the national or state registers of historic places. **(No Impact)**

4.5.3 Conclusion

The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant impacts to cultural resources than those addressed in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FEIR. **[Same Impact as Approved Project, (Less than Significant Impact)]**

4.6 GEOLOGY AND SOILS

The following discussion is based on a Geotechnical Feasibility Study completed by *Cornerstone Earth Group* in November 2012 for the project site. A copy of this report is included as Appendix B.

4.6.1 Setting

4.6.1.1 *Geological Features*

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the northeast, and the San Francisco Bay to the north. The soil is made up of bedrock overlaid with marine and terrestrial sedimentary rocks of Tertiary and Quaternary age materials. The soils on the site consist of stiff alluvial soils to a depth of 30 feet. The alluvial soils consist of stiff clays and silts with inter-bedded layers of sand and gravel.

4.6.1.2 *On-Site Geologic Conditions*

Soils and Groundwater

The site is located in an area underlain by Holocene age (less than 11,000 years old) alluvial fan deposits. Fan deposits in the Santa Clara Valley generally consist of clays and silts with inter-bedded sandy zones. Holocene stream terrace deposits, which are generally more coarse-grained than fan deposits, are mapped towards the western side of the property.

Surficial soils encountered on the site are moderately to highly expansive. Expansive soils can undergo significant volume change with changes in moisture content. These changes can cause heaving and cracking of slabs-on-grade, pavements and structures found on shallow foundations.

The California Division of Mines and Geology (2001) maps the historic highest depth to ground water in the vicinity of the site as approximately 6 to 7 feet. In previous borings on the site, ground water was encountered at depths of 13 t o15 feet. Fluctuations in ground water levels occur due to many factors including seasonal fluctuation, underground drainage patterns, regional fluctuations, and other factors.

Seismicity

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone D, 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 and active 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 southwest of the site; the Calaveras Fault is approximately eight miles east of the site; and the Hayward Fault is approximately four miles east of the site.

The project site is not located within a fault rupture hazard zone, and therefore, fault rupture through the site is not anticipated.

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.

According to the Santa Clara County Geologic Hazards Map, the project site is located in an area considered vulnerable to earthquake-induced liquefaction. Due to the relatively young soils and the depth to ground water, the liquefaction hazard is high.

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 an open body of water, channel or excavation. The nearest free face is Guadalupe River, which runs approximately 1,200 feet to the west of the site. Due to the distance to the Guadalupe River, the depth of the channel, and the lack of historical observations of lateral spreading during previous earthquakes, the potential for lateral spreading to affect the site is low.

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)
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.)	☐	☐	☐	☒	☐	1,7
b) Strong seismic ground shaking?	☐	☐	☐	☒	☐	1,7
c) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1,7
d) Landslides?	☐	☐	☐	☒	☐	1,7

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)
Would the project:						
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1
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?	☐	☐	☐	☒	☐	1,7
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?	☐	☐	☐	☒	☐	1,7
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?	☐	☐	☐	☐	☒	1

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant, as described below.

4.6.2.1 *On-Site Soils*

The soils on-site have a moderate to high expansive potential and, therefore, soils 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. Design and construction of the project in conformance with a project-specific geotechnical investigation, using common design and construction practices, will ensure that potential hazards from expansive soils result in a less than significant impact.

The proposed project is not expected to be exposed to slope instability, erosion, or landslide-related hazards, due to the flat topography of the project site. The project does not propose the use of septic tanks or alternative wastewater disposal systems. The proposed project would not result in any new or more significant geologic or soil related impacts than were described in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR. **(Less than Significant Impact)**

The project will implement the following standard project conditions to ensure that site soils and geologic conditions result in less than significant geologic hazard impacts:

Standard Project Conditions: A design-level geotechnical investigation report addressing the potential hazard of liquefaction and expansive soils must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation, and should provide detailed geotechnical recommendations for the design and construction of the project.

- 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.

- Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

- Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

- The project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, therefore a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.

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 building occupants.

The project site includes potentially liquefiable soil materials. Soils most susceptible to liquefaction are loose, saturated non-cohesive soils, such as sands and low plasticity silts. Design and construction of the project in conformance with a project-specific geotechnical investigation utilizing standard features such as relatively rigid shallow foundations, a deep foundation system, and/or ground improvement, will ensure that potential hazards from liquefiable soils result in a less than significant impact.

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 and 2011 Envision San José 2040 General Plan FPEIR. **(Less than Significant Impact)**

The following standard condition 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:

Standard Project Condition: The project shall be designed and constructed in conformance with the 2007 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

The proposed project, with the implementation of the above standard project conditions, 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 or 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact As Approved Project (Less than Significant Impact)]**

The proposed project, with the implementation of the above standard project conditions, would not result in any new or more significant geological impacts relating to seismic and seismic-related hazards than those addressed in the certified 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7 GREENHOUSE GAS EMISSIONS

The following discussion evaluates greenhouse gas (GHG) emissions resulting from implementation of the Envision San José 2040 General Plan, which accounts for emissions generated by the proposed project on the subject site.

4.7.1 Existing Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) that contribute to global warming or global climate change have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space.

Among the potential implications of global warming are rising sea levels, and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic air pollutants, much of the GHG production comes from motor vehicles. GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county, and subregional level, and other measures to reduce automobile use. Energy conservation measures also can contribute to reductions in GHG emissions.

4.7.1.2 *Regulatory Setting*

Federal

In recognition of the adverse effects of degraded air quality, Congress and the California Legislature enacted the Federal and California Clean Air Acts, respectively. The requirements of these acts are administered by the U.S. Environmental Protection Agency (EPA) at the federal level, the California Air Resources Board (CARB) at the state level, and the Bay Area Air Quality Management District (BAAQMD) at the regional level.

The EPA and CARB have established ambient air quality standards for what are commonly referred to as "criteria pollutants," because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen oxide, sulfur dioxide, and particulate matter. There are as yet no adopted federal standards for GHG emissions.

State of California

Assembly Bill 32 (2006), California Global Warming Solutions Act

In September 2006, the governor of California signed AB 32 (Chapter 488, Statutes of 2006), the California Global Warming Solutions Act of 2006. AB 32 requires the reduction of statewide GHG emissions to 1990 levels by 2020. This equates to an approximate 15 percent reduction compared to existing statewide GHG emission levels or a 30 percent reduction from projected 2020 "business as

usual" emission levels. The required reduction will be accomplished through an enforceable statewide cap on GHG emissions beginning in 2012 (now in effect).

To effectively implement the statewide cap on GHG emissions, AB 32 directs ARB to develop and implement regulations that reduce statewide GHG emissions generated by stationary sources. Specific actions required of ARB under AB 32 include adoption of a quantified cap on GHG emissions that represent 1990 emissions levels along with disclosing how the cap was quantified, institution of a schedule to meet the emissions cap, and development of tracking, reporting, and enforcement mechanisms to ensure that the state achieves the reductions in GHG emissions needed to meet the cap.

AB 32 Climate Change Scoping Plan

In December 2008, ARB adopted its *Climate Change Scoping Plan*, which contains the main strategies California will implement to achieve reduction of approximately 169 million metric tons (MMT) of CO2e, or approximately 30 percent from the state's projected 2020 emission level of 596 MMT of CO2e under a business-as-usual scenario. The *Scoping Plan* also includes ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The *Scoping Plan* calls for the largest reductions in GHG emissions to be achieved by implementing the following measures and standards:

- Improved emissions standards for light-duty vehicles (estimated reductions of 31.7 MMT CO2e);
- The Low-Carbon Fuel Standard (15.0 MMT CO2e);
- Energy efficiency measures in buildings and appliances and the widespread development of combined heat and power systems (26.3 MMT CO2e); and
- A renewable portfolio standard for electricity production (21.3 MMT CO2e).

ARB acknowledges that decisions on how land is used will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emission sectors. With regard to land use planning, the *Scoping Plan* expects approximately 5.0 MMT CO2e will be achieved associated with implementation of SB 375, which is discussed further below.

Senate Bill 375

SB 375, signed in September 2008, aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. As part of the alignment, SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) which prescribes land use allocation in that MPO's Regional Transportation Plan (RTP). The ARB, in consultation with MPOs, is required to provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets will be updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. The ARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned GHG emission reduction targets. If MPOs do not meet the GHG reduction targets, transportation projects located in the MPO boundaries would not be eligible for funding programmed after January 1, 2012.

The project area is part of the Association of Bay Area Governments (ABAG), a council of local governments and the regional planning agency for the Bay Area. It is also the MPO charged with implementing measures to meet the Bay Area's GHG reduction targets set by SB 375. ABAG, alongside the Metropolitan Transportation Commission (MTC), is in the process of adopting a Sustainable Communities strategy known as Plan Bay Area. Plan Bay Area will be the region's 25-year blueprint for transportation, housing, and land use policies and investments. On May 18, 2012, ABAG and MTC officials approved the "Preferred Land Use and Transportation Investment Strategy." This was considered a "key milestone" in the development of Plan Bay Area, and the plan is expected to be adopted in June 2013.[1]

California Environmental Quality Act (CEQA)

Under modifications of the CEQA Guidelines (March 2010), public agencies must consider the effects of greenhouse gas emissions and identify mitigation for greenhouse gas emissions or the effects of greenhouse gas emission, including but not limited to the effects associated with transportation or energy consumption. Since the adoption of the North San José FPEIR dates to March 2005, GHG effects were not addressed. Therefore, this Addendum will rely solely upon the Envision San José 2040 General Plan FPEIR adopted in September 2011 which comprehensively addressed GHG emissions from future planned City growth.

Regional

Bay Area Air Quality Management District (BAAQMD)

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area Counties. Several key activities of BAAQMD related to greenhouse gas emissions are described below.

Regional Clean Air Plans: BAAQMD and other agencies prepare clean air plans as required under the State and Federal Clean Air Acts. The Bay Area 2010 Clean Air Plan (CAP) provides a comprehensive plan to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and decrease ambient concentrations of harmful pollutants. The most recent CAP also includes measure designed to reduce GHG emissions.

BAAQMD CEQA Air Quality Guidelines: The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing air quality impacts, thresholds of significance, mitigation measures, and background air quality information. In June 2010, the Air District's Board of Directors adopted their CEQA thresholds of significance and an update of their CEQA Guidelines. The updated CEQA Guidelines review and describe assessment methodologies, and mitigation strategies for criteria pollutants, air toxics, odors, and greenhouse gas emissions.

[1] Metropolitan Transportation Commission. *Regional Initiatives: Plan Bay Area: Status & Milestones.* 2012. Available at: http://onebayarea.org/regional-initiatives/plan-bay-area/status-milestones.html#.UNTmJ-TWL6U Accessed December 21, 2012.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data.

The City of San José, among numerous other jurisdictions in the San Francisco Bay Area Air Basin, has recently used the thresholds and methodology for assessing GHG emissions put forth by BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

In December 2010, the California Building Industry Association (BIA) filed a lawsuit in Alameda County Superior Court challenging toxic air contaminants and $PM_{2.5}$ thresholds developed by BAQQMD for its CEQA Air Quality Guidelines (*California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693). One of the identified concerns is that the widespread use of the thresholds would inhibit infill and smart growth in the urbanized Bay Area. On January 19, 2012, the Superior Court found that adoption of thresholds by the BAAQMD in its CEQA Air Quality Guidelines is a CEQA project, though no further findings or rulings were made. On March 5, 2012, the Alameda County Superior Court issued a judgment that BAAQMD had failed to comply with CEQA when it adopted its Thresholds. The Court issued a writ of mandate ordering the District to set aside the Thresholds and cease disseminating them until the District fully complies with CEQA. The BAAQMD has appealed this ruling, and the case remains pending. On April 13, 2012, BAAQMD revised their website in conformance with the court order, no longer recommending use of the 2010 Thresholds in determining a project's significant air quality impacts. BAAQMD has appealed this ruling.

The City understands the effect of the lawsuit to be that BAAQMD eventually have to prepare an environmental review document before adopting the same or revised thresholds. However, the tentative ruling in the case does not equate to a finding that the quantitative metrics in the BAAQMD thresholds are incorrect or unreliable for meeting AB 32's climate protection goals. Moreover, as noted above, the determination of whether a project may have a significant effect on the environment is subject to the discretion of each individual lead agency, based upon substantial evidence. Notwithstanding the BIA lawsuit, which has no binding or preclusive effect on the City of San José's discretion to decide on the appropriate thresholds to use for determining the significance of GHG emissions impacts, the City has carefully considered the thresholds prepared by BAAQMD and regards the quantitative thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- Bay Area Air Quality Management District (BAAQMD)
  CEQA Air Quality Guidelines. May 2011.
- California Air Resources Board. 2008. Climate Change Scoping Plan.
  (Statewide GHG Emission Targets)

City of San José

Greenhouse Gas Reduction Strategy

The Envision San José 2040 General Plan includes a range of policies and actions that are known to reduce GHG emissions. It also provides for and commits the City to the implementation of an integrated Greenhouse Gas Reduction Strategy that contains overall performance criteria against

which the City's future actions can be evaluated. More specific performance criteria than the policies in the General Plan will be included in a GHG Reduction City Council Policy to assist in interpreting and implementing the City's strategy. Other policies, such as Green Building Policies, may also be developed or incorporated in the Council Policy to ensure that new development and redevelopment incorporates design and operational characteristics in conformance with the strategy.

Implementation of the Greenhouse Gas Reduction Strategy will be an ongoing adaptive management process, whereby opportunities to reduce GHG emission will be evaluated and selected based on a variety of factors, including available technology, relative cost, and policy references, among others.

4.7.2 Environmental Checklist and Discussion of Impacts

GREENHOUSE GAS EMISSIONS						
	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)
Would the project:						
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐	1,3
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐	1,3

The currently proposed project will result in a new Less than Significant Impact, as described below.

4.7.2.1 *Impacts From the Project*

Greenhouse Gas Reduction Strategy

As described previously in the *Regulatory Setting*, the City of San José adopted the Envision San José 2040 General Plan FPEIR in 2011 (Section 3.15.4.2, p. 817, 818, 821-824), which included the Greenhouse Gas Reduction Strategy. The GHG Reduction Strategy in the Envision San José 2040 General Plan FPEIR identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures would be considered mandatory for all proposed development projects, while others would be considered voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would then be considered to have a less than significant impact related to GHG emissions. Below is a listing of the mandatory and voluntary criteria provided by the City of San José.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinance and Policies
   - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4)

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7)

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with mandatory criteria 1, 2, and 3. Specifically, the project is consistent with the site's existing land use designation for the Land Use/Transportation Diagram. The project also proposes to obtain LEED Silver certification (see Appendix F LEED Checklist), thereby meeting mandatory criteria 2.

As discussed in *Section 4.15 Transportation*, 144 bike parking spaces would be provided. The proposed 144 spaces meet the requirement for ratio of bike spaces to building size (1/4,000 s.f. of net building area). Pedestrian access and connectivity would also be provided for each proposed office/R&D building, as well as the proposed parking structure and amenity building. The proposed project would meet mandatory criterion 3. As discussed in *Section 4.3 Air Quality*, the project has prepared a TDM program, therefore, the proposed project is also consistent with mandatory criterion 6. Criteria 4, 5, and 7 are not applicable to the proposed project, because there are no historic structures on the site, the project is not an energy-intensive use and the site does not propose drive-through uses.

Voluntary Criteria

Table 4.7-1 provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

Table 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	**Description of Project Measure**	**Project Conformance/ Applicability**
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	The project proposes installation of photovoltaic panels on the top deck of the parking structure. This feature would provide distributed power from renewable sources consistent with the GHG Reduction Strategy and the City's Green Vision.	☒ Proposed ☐ Not Proposed or ☐ Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	The closest recycled water line currently available is 0.25 miles from the project and it is not currently cost-effective for the project alone to extend recycled water service to the site, nor does the City have funding currently to extend it..	☐ Required/ Proposed ☐ Not Proposed or ☒ Not Applicable
TRANSPORTATION AND LAND USE		
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	A car share program is not currently available in North San José and no spaces are proposed to be reserved in the parking structure for this use. Project anticipates that 5% of parking spaces shall be labeled for use by carpools or vanpools.	☐ Proposed ☒ Not Proposed or ☐ Not Applicable
Limit parking above code requirements TR-8.4	Parking is provided at a ratio of 1,545 spaces for 577,000 net sq.ft., consistent with requirements in Section 20.90.220(A) in the Municipal Code which allows reduced parking for projects near light rail and incorporating a TDM program.	☒ Project is Parked at or below Code Requirements ☐ Project is Parked above Code Requirements or ☐ Not Applicable

Table 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	**Description of Project Measure**	**Project Conformance/ Applicability**
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	A TDM plan will be prepared and implemented. .	☒ Proposed ☐ Project Does Not Propose or ☐ Not Applicable

The proposed project is consistent with all of the mandatory criteria that are applicable to the project, and proposes several of the voluntary criteria included in the Greenhouse Gas Reduction Strategy in the 2011 Envision San José 2040 General Plan FPEIR. **(Less Than Significant Impact)**

4.7.3 Conclusion

The project is consistent with the Greenhouse Gas Reduction Strategy **(New Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion of soil and groundwater conditions is based upon a Phase I Environmental Site Assessment Report prepared by *Cornerstone EarthGroup*, December 2012, and a Soil Quality Evaluation and a Soil Vapor Evaluation by *Cornerstone EarthGroup*, each prepared in January 2013. The Phase I Report is provided in Appendix C, the Soil Quality Evaluation in Appendix E and Soil Vapor Evaluation in Appendix I. The following PG&E gas pipeline discussion is based on a Façade and Structural Risk Assessment of Natural Gas Pipeline Explosion Hazard by *ARUP*, March 2013, included as Appendix H.

4.8.1 Setting

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 sites where contamination has occurred.

4.8.1.1 *Site History*

The Site was historically used for agricultural purposes (row crops) and what appears to have been a farm house with associated outbuildings were located on the southern portion of the Site since at least the 1930s.

The Site was developed in approximately 1984 with the current commercial buildings. The on-site buildings at 3655 North 1st Street and 77 West Tasman Drive were expanded and combined in 1995. These buildings appear to have been occupied by Samsung since 1988.

The 85 West Tasman Drive building was occupied between approximately 1985 and 1996 by Silicon General, a company that supplied linear integrated circuits and changed its name to Symmetricom in 1993. Samsung has occupied the building since approximately 1996.

Between 1985 and 2006, the 99 West Tasman Drive building appears to have been a multi-tenant building. The building appears to have been occupied by Samsung since 2007.

At the time of the site visit on October 30, 2012, potential sources of hazardous substances were observed. There is an emergency generator in the building at 85 West Tasman Drive, which includes a 1,200 gallon diesel fuel storage tank. Cabinets containing lead-acid batteries were observed within the buildings that were used to support computer systems and server rooms. The elevator rooms contain hydraulic equipment that appeared to be in good condition; no hydraulic fluid leaks were readily apparent. There is a limited amount of soldering equipment and isopropyl alcohol (in small plastic bottles) present at work stations for electronics testing and soldering.

No evidence of pits, ponds, septic systems, wastewater, or sumps was observed, or signs of stressed vegetation or discolored surface soils. The site showed no evidence of polychlorinated biphenyl contamination (PCBs) (including transformers, capacitors, elevators, and lifts).

4.8.1.2 *On-Site Sources of Contamination*

Due to the historic agricultural use on the site, pesticides were likely used during normal farming operations. Dicholor diphenyl tricloroethane (DDT) and other chlorinated pesticides were used for agricultural purposes in this area of the Santa Clara Valley, as was lead arsenate, a metallic pesticide.

Soil sampling of the site was previously prepared by *Wahler Associates* in 1988 to evaluate soil, soil vapor and ground water quality on a portion of the site. Three organochlorine pesticides were detected in the composite samples: DDD, DDE, and DDT. The reported concentrations were less than their respective current environmental screening levels. Total DDT (i.e., the sum of DDD, DDE, and DDT) was detected at up to 0.513 milligrams per kilogram (mg/kg or parts per million [ppm]).

A soil-vapor survey was performed in 1988 that included the collection of 36 soil vapor samples. Though not collected per modern protocols, 1,1,1-trichloroethane (TCA) was present at concentrations up to 0.1 micrograms per liter (µg/L:) in 23 out of 36 samples; trichloroethene (TCE) was found at concentrations up to 0.4 µg/L in 23 out of 36 samples, and perchloroethane (PCE) was found in 36 out of 36 samples at concentrations up to 0.02 µg/L. Methane was also detected in 36 of 36 samples, with concentrations ranging from 5 to 2,000 µg/L.

Three ground water monitoring wells were installed in 1986 on the adjacent off-site parcel at 3725 North 1st Street and in 1988 two on-site monitoring wells were installed. The only contaminant detected was bis(2-ethylhexyl)phthalate, and it was detected at 58 parts per billion, well below the ground water environmental screening level.

A review of standard environmental record sources showed that Silicon General Telecom was listed at 85 West Tasman Drive as a small quantity generator of hazardous waste between 1987 and 1997. Halogenated solvents, inorganic solid waste, and unspecific organic liquids were manifested for off-site disposal. Samsung was listed at 3655 North 1st Street on the San Jose database.

Given the prior 1988 sampling was not completed according to modern protocols and indicated potential contamination affecting the site, in December 2012soil quality and soil vapor evaluations were completed to document current site conditions.

Soil Quality

Laboratory analyses of soil samples collected in December 2012 did not detect Volatile Organic Compounds (VOCs including TPHg and PCBs). Petroleum hydrocarbons (TPHo, TPHd, sVOCs and PAHs) were reported at low frequencies of detection and low concentrations (below residential screening levels) and do not appear to be a significant threat to human health.

Metal concentrations (arsenic, chromium, nickel, lead) generally appeared to represent background/ambient concentrations and do not represent a significant threat to human health. None of the samples analyzed exceeded the hazardous waste limits for metals. Chromium, lead and nickel were detected at concentrations exceeding ten times their soluble hazardous waste limits. Thus, if

this soil is removed for landfill disposal, these facilities may require analyses for soluble metals prior to accepting the soil.

Organochlorine pesticides (DDT, dieldrin, and alpha-chlordane) were detected at levels below residential screening levels and do not represent a significant threat to human health. Total DDT was detected at concentrations exceeding the hazardous waste limits of 1.0 mg/kg in soil collected from the upper 3 feet of native soil; the fill samples contained lower concentrations of Total DDT. The site's native soils (to a depth of 3 to 4 feet) may be classifiable as a California hazardous waste, which would constrain where excess soils may be disposed.

Soil Vapor

Laboratory analyses of soil vapor samples collected during the December 2012 investigation did not detect VOCs at concentrations exceeding the commercial screening levels. In addition, during field work, soil samples collected from borings SV-1 to SV-7 also were evaluated for organic vapors using an organic vapor meter. Organic vapors were not detected or were detected at concentrations less than 1 ppm.

The following were detected at levels below residential and commercial screening levels:

- TPHg was detected in 8 of 24 samples;
- toluene was detected in 13 of 14 samples;
- ethyl benzene was detected in 6 of 14 samples; and
- total xylenes were detected in 11 of 14 samples.

During this investigation, benzene was detected in 14 of 14 soil vapor samples; 11 samples exceeded the residential screening level and one sample also was reported with a concentration equal to the commercial screening level. The source of this widespread soil vapor impact is unclear. Based on the information obtained during the Phase I Environmental Site Assessment (Cornerstone, December 2012), no hazardous material incidents were reported in the Site vicinity that would be likely to significantly impact the Site.

In addition, chloroform was detected in 13 of 14 soil vapor samples, with three samples exceeding residential screening levels and none exceeding commercial screening levels; in *Cornerstone Earthgroup's* opinion, the likely source is laboratory contamination.

4.8.1.3 *Off-Site Sources of Contamination*

No off-site spill incidents were reported that appear likely to significantly impact soil or ground water beneath the site. The general site vicinity appears to have historically consisted of agricultural properties with widely spaced residences. An increase in mainly commercial development in the area is apparent by the early 1990s. Further increases in commercial development are apparent by the late 1990s and 2000s. No specific off-site source of contamination is identified.

4.8.1.4 *Norman Y. Mineta-San Jose International Airport/Federal Aviation Administration*

The Norman Y. Mineta San Jose International Airport is located approximately two miles southwest of the project area. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace"

(referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

For the project site, any proposed structure of a height greater than approximately 150 feet above ground is required under FAR Part 77 to be submitted to the FAA for review. As the project proposes a 10-story office building with a roof height of 166 feet above ground and a maximum height of 191 feet above ground (including elevator penthouse and rooftop equipment screens), notification to the FAA is required. In turn, City General Plan policy requires FAA issuance of "no hazard" determinations prior to development approval, with any conditions set forth in an FAA no-hazard determination also incorporated into the City's project approval. Application of this General Plan policy ensures that the project will not be a hazard to aircraft operation.

4.8.1.5 *PG&E High-Pressure Gas Line*

A 24 inch diameter PG&E gas line runs through the site in a 15 foot wide easement, as depicted in Figure 3.0-6. The pipeline alignment starts to the east from North First Street and then continues west along the site's frontage parallel to West Tasman Drive. The pipeline leaves the site near its western boundary by turning southwest, crossing under West Tasman Drive.

4.8.2 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)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐	1,8,12
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐	1,8,12, 15
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

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)
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?	☐	☐	☐	☒	☐	1,9
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
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒	1
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?	☐	☐	☐	☐	☒	1,3

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant with Mitigation Incorporated, as described below.

The site is not on a City designated evacuation route. The site, within a developed area of San José, is also not located within an area subject to wildfires.

4.8.2.1 *On-Site Sources of Contamination*

<u>On-site Soils</u>

The project proposes to excavate beneath the proposed office building, thereby creating a need to manage the excess soil material. While not present at concentrations that pose a significant threat to human health or risk to environment, the Site's native soil (to a depth of approximately 3 to 4 feet)

contain concentrations of various chemicals and metals that may be classifiable as a California hazardous waste which limits the off-site disposal options available to the project. Samsung may choose to implement among several options to manage on-site soils. Common and potentially applicable remedial measures may include: 1) excavation and off-Site disposal of the impacted soil at a permitted facility; 2) the use of engineering and administrative controls, such as consolidation and capping of the soil on-Site and land use covenants restricting certain activities/uses; and 3) a combination of the above. If the on-Site capping alternative is desired (which may avoid substantial costs associated with disposal fees at a permitted landfill facility), Samsung may voluntarily request that remedial work at the Site be overseen by an appropriate regulatory agency, such as the Department of Toxic Substances Control or the Santa Clara County Department of Environmental Health. (**Less Than Significant Impact**)

Soil Vapor

On-site soil vapor sampling results in 2012 identified contaminants exceeding residential and commercial screening levels. These results indicate the potential for human health risk for future building occupants. The source of this contamination is unclear. Because soil vapor quality can vary over time, *Cornerstone Earthgroup* has recommended re-sampling the soil vapor monitoring wells prior to project construction. In the event the results continue to indicate the presence of contaminants of concern in soil vapor, the project will need to install a vapor barrier system to effectively eliminate vapor intrusion into the proposed structures.

Impact HAZ-1: On-site soil vapor sampling results in 2012 identified contaminants exceeding residential and commercial screening levels, indicating residual contamination in soils could expose future construction workers or employees to hazardous materials on site. **(Less than Significant Impact with Mitigation Incorporated)**

MM HAZ-1: To confirm the presence of contaminants in soil vapor, the project shall re-sample the soil vapor monitoring wells prior to project construction. Should the sampling continue to indicate the presence of contaminants of concern in soil vapor in excess of screening levels, the project will need to install an appropriate vapor barrier system to help protect against vapor intrusion into the indoor air space of the proposed buildings. This work shall be overseen by an appropriate regulatory agency, such as the Department of Toxic Substances Control or the Santa Clara County Department of Environmental Health.

Building Materials

Building materials may contain hazardous chemicals that could pose a threat to construction workers and/or the environment if not properly surveyed, handled, and disposed.

1. Although limited sampling conducted in 1998 did not detect asbestos, due to the age of the on-site structures, asbestos-containing building materials (ACBMs) may be present.

2. The Consumer Product Safety Commission banned the use of lead as an additive in paint in 1978. Based on the age of the building, lead-based paint may be present.

3. Mercury-containing fluorescent light tubes may be present.

4. Light ballasts containing PCBs may be present.

Impact HAZ-2: Building materials may contain hazardous chemicals that could pose a threat to construction workers and/or the environment. The project will conduct appropriate surveys prior to demolition and properly handle and dispose of any contaminants found on site, consistent with mitigation measures identified in the NSJ FPEIR, page 303. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

MM-HAZ 2.1: Prior to building demolition, an asbestos survey is required by local authorities and/or National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable ACBMs prior to building demolition or renovation that may disturb the ACBM.

MM-HAZ 2.2: A lead survey of painted surfaces built prior to 1978 will be performed prior to demolition. The removal of lead based paint is not required prior to building demolition if it is bonded to the building materials. However, if the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. In either case, applicable OSHA regulations must be followed; these include requirements for worker training, air monitoring and dust control, among others. Any debris or soil containing lead must be disposed appropriately at facilities that meet acceptance criteria for hazardous waste.

MM-HAZ 2.3: If mercury-containing fluorescent light tubes are present, tubes shall be removed from the fixtures without breakage and packaged for mercury reclamation as a universal waste through an appropriate vendor prior to demolition of the structures.

MM-HAZ 2.4: Light ballast shall be observed for the printed statement, "No PCBs". Ballasts missing the "No PCBs" label shall be removed from the fixtures and disposed as PCB containing materials prior to the demolition of the buildings. Ballast marked as "No PCBs" could contain land-banned dielectric fluids and also shall be disposed in an appropriate manner.

4.8.2.2 *Possible Off-Site Sources of Impact*

Based on the Phase I Environmental Site Assessment prepared, no off-site contamination currently affects the project site. No sites within the project vicinity would significantly impact the project site. **(No New Impact)**

4.8.2.3 *PG&E High-Pressure Gas Line*

As stated in Section 3.0, the project description includes the construction of a new PG&E gas pipeline, southward of the existing pipeline, to accommodate the proposed new office construction. The existing pipeline would be abandoned in place, and a new replacement pipeline would be installed 35 feet south of the current alignment, along the site's street frontage on West Tasman

Drive. The new pipeline would be separated at minimum 50 feet from the proposed building. The risk assessment (see Appendix H) prepared for the project concluded the new pipeline can be designed to be largely safe by design (i.e. pipeline wall thickness, minimizing flanged connections, thorough weld inspection procedures, and a protective slab over the pipeline to minimize accidental rupture), such that the likelihood of a full-bore rupture occurring is sufficiently remote and the maximum credible event is a fractional gas leak, rather than a full-bore pipe rupture.

The risk assessment concluded that the building occupants would be exposed to a tolerable level of risk and would not be exposed to a significant hazard through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, i.e. a less than significant impact would occur. This is based on a combination of factors, including the increased level of confidence inherent in a new pipeline built to current safety standards, the 50 foot distance separation between the pipeline and office building, and the proposed enhanced method of building construction. As the building and pipeline design develop during the preparation of construction drawings, more refined risk and engineering analysis will be performed to determine the detailed requirements for the design and construction of the pipeline and the building. Potential enhancements to the façade systems include use of double-laminated annealed insulated glazed units to the south façade (structurally silicone glazed with blast design), and detailing of framing members. Façade and structural elements, per the ASCE Design of Blast Resistant Buildings in Petrochemical Facilities (1997) technical standards, would be incorporated as determined appropriate during the building permit process, as follows:

> **Natural Gas Pipeline-Related Requirements.** Because the applicant has included as a part of its proposed project a relocation of an existing natural gas pipeline located on the subject property, as shown on the approved plans, prior to the issuance of a Building Permit, the following information must be provided to the Chief Building Official:
>
> i. **Supplemental Risk Assessment.** In connection with this pipeline relocation, the applicant has had prepared and has submitted as a part of this development permit application that a certain risk assessment report prepared by Arup, dated March 11, 2013, which identified potential blast and fire hazards associated with the existing natural gas pipeline and proposes moving the pipeline 50 feet from the new building. A supplemental risk assessment report prepared by a licensed engineering consultant that identifies any structural and fire/life safety enhancement recommendations determined to be necessary to address any risk associated with deflagration of the natural gas pipeline.
>
> ii. **Construction Documents.** All necessary structural and fire/life safety enhancement recommendations identified and set forth in the supplemental risk assessment report shall be incorporated into the construction documents submitted to the Building Division.
>
> iii. **Acknowledgement Letter.** An acknowledgement letter from a licensed engineering consultant stating that they have reviewed the final version of the construction documents to be submitted to the Building Division and verified that the recommendations set forth in the supplemental risk assessment report have been implemented to their satisfaction.

(New Less Than Significant Impact)

4.8.2.4 *Norman Y. Mineta-San Jose International Airport/Federal Aviation Administration*

Federal regulations require the proposed project to be submitted to the FAA for airspace safety review. FAA issuance of a Determination of No Hazard and incorporation of any conditions of the FAA determinations into the City project approval will result in a less than significant impact to airspace safety. **(Less Than Significant Impact)**

4.8.3 Conclusion

Impact HAZ-1: Residual contamination in soils could expose future construction workers or employees to hazardous materials on site. Should confirmation sampling continue to indicate the presence of contaminants of concern in soil vapor in excess of screening levels, the project will install an appropriate vapor barrier system to protect against vapor intrusion into the indoor air space of the proposed buildings. The proposed project, with the implementation of the mitigation measures, would not result in any new or more significant hazardous material impacts than were previously identified in the 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

Impact HAZ-2: Building materials may contain hazardous chemicals that could pose a threat to construction workers and/or the environment. The project will conduct appropriate surveys prior to demolition and properly handle and dispose of any contaminants found on site. The proposed project, with the implementation of the mitigation measures, would not result in any new or more significant hazardous material impacts than were previously identified in the 2005 NSJ FPEIR. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

The project will not be exposed to significant impacts from off-site sources of contamination, would not result in a safety hazard related to aircraft operations, and would not be at risk from wildfires. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, nor would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. [**Same Impact as Approved Project (Less than Significant Impact)**]

The project proposes to abandon an existing PG&E gas pipeline in place, and install a new PG&E gas pipeline a minimum of 50 feet from the office building. Taking into account the distance separation, the substantial integrity of the new gas line, and the proposed enhanced building construction methods, building occupants would not be exposed to a significant hazard through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(New Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

The existing drainage and regulatory requirements regarding hydrology and water quality are generally unchanged from the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. The primary changes are the update of the North San José Floodplain Management Study reflecting the completion of flood control projects for Coyote Creek and Lower Guadalupe River, 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).

4.9.1.1 *Flooding*

The North San José Floodplain Management Study was updated in June 2006. Existing flood conditions in North San José have been changed by completion of flood control projects for Coyote Creek and Lower Guadalupe River. The flood control projects have increased the stream channel flood capacity and reduced the potential for overflows from the stream channels into the North San José area. With the flood control projects, the flood potential has been reduced to residual shallow flooding primarily due to storm drain excess flows which exceed the capacity of the storm drain systems during a 100-year storm.

Based on the updated Federal Emergency Management Agency's Flood Insurance Rate Maps, the east and southwest corners of the project site are located within *Zone "AO"*. Flood zone "AO" describes areas with a flood depth of one to three feet during a 100-year flood. [2]

The updated 2006 North San José Floodplain Management Study identifies building criteria to protect against flooding and increased flooding potential. The updated study identifies areas subject to flooding and the effective flood elevations. In flooding areas (including the project site) this criterion includes blockage criteria, minimum finished floor elevations, development controls to limit building footprints and allow flows through the site.

The project site is in an area with an allowable 75 percent blockage, according to the Floodplain Management Study. Blockage is defined as any area on the site with an elevation higher than the approximate elevation of the back edge of the street sidewalk surrounding the site. Onsite conveyance of shallow flooding must be maintained to an amount of 25 percent of the site width perpendicular to the direction of flood flow across the site. At least 25 percent of the site width in any given cross section must be at the same elevation or lower than the sidewalk and thus essentially maintain existing topography.

4.9.1.2 *Drainage*

North San José is served by eight main drainage systems which discharge to both Coyote Creek and Guadalupe River. Four of the systems include City pump stations to pump the storm drain flows into the stream channel. The nearest pump station to the project site is the Oakmead pump station, serving the area roughly bounded by Highway 237 to River Oaks Parkway and Guadalupe River to Coyote Creek. The Oakmead Pump Station has a pumping capacity of 730 cubic feet per second (cfs).

[2] Federal Emergency Management Agency (FEMA). Flood Insurance Rate Map, Community Panel Number 06085C0062H, dated May 18, 2009.

4.9.1.3 *Regulatory Requirements*

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

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This Policy establishes specific design standards for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. Policy 6-29 also applies to Special Land Use Category projects (e.g. uncovered parking areas) that create, add, or replace 5,000 square feet or more of impervious surfaces.

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.

Post-Construction Treatment Control Measures are permanent stormwater management 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 include filtration and infiltration devices (e.g., bioretention areas, flow-through planters, and vegetated swales) or detention/retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of BMPs.

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

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

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.

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. The Policy establishes specified performance criteria for Post-Construction Hydromodification control measures (HCMs) and identifies projects which are exempt from HCM requirements. Policy 8-14 hydromodification requirements are not applicable to the proposed project because stormwater in the area drains into tidally-influenced channels which are exempt from Policy 8-14.

4.9.2 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)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1, 14
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
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?	☐	☐	☐	☒	☐	1,10
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?	☐	☐	☐	☒	☐	1,10
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?	☐	☐	☐	☒	☐	1,2,3
6) Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1,2,3, 14
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

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)
Would the project:						
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐	☐	10,11
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?	☐	☐	☐	☒	☐	1,2,3
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒	1,2,3,7

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant with Mitigation Incorporated, as described below.

4.9.2.1 *Flooding*

Flood Blockage

Consistent with the North San José Flood Plain Management Study and FEMA requirements, an analysis of the proposed site plan and building elevations' potential for blocking flood flows was prepared in December 2012 by *Schaaf & Wheeler* (see Appendix D). The maximum onsite blockage allowed at the Samsung site is 75 percent. Blockage is defined as any area on a site with an elevation that is higher than the approximate elevation of the back edge of the street sidewalk surrounding the site, which is about elevation 9 feet (project survey datum) at North First Street and Tasman Drive. Onsite conveyance of shallow flooding must be maintained to an amount of at least 25 percent of the site width perpendicular to the direction of flood flow across the site (or generally perpendicular to North First Street). At least 25 percent of the site width in any given cross section must be at the same elevation or lower than the adjacent sidewalk and thus essentially maintain existing topography.

The conceptual Building Layout and Grading Plan (see Figure 4.9-1) shows that shallow onsite flow conveyance will be provided adjacent to North First Street on the east and through an open parking structure on the west. Flood waters flow across the site from south to north. Blocked areas include obstructions and ground elevations above elevation 9 feet on the project datum. Obstructions within the parking structure include structural columns, walls, and foundations with an elevation above 9 feet. At the most critical cross section location on the north edge of the proposed parking structure and adjacent building, 70 percent of the site is blocked. This meets the maximum applicable site blockage criterion of 75 percent, and therefore the project is consistent with the North San Jose Floodplain Management Policy and the project will not affect flooding.

Flooding throughout the project area could also occur if the adjacent Guadalupe River levee breaches as a result of earthquake-induced soil liquefaction and lateral spreading under the levee. However, the potential for this to occur is remote and unlikely.

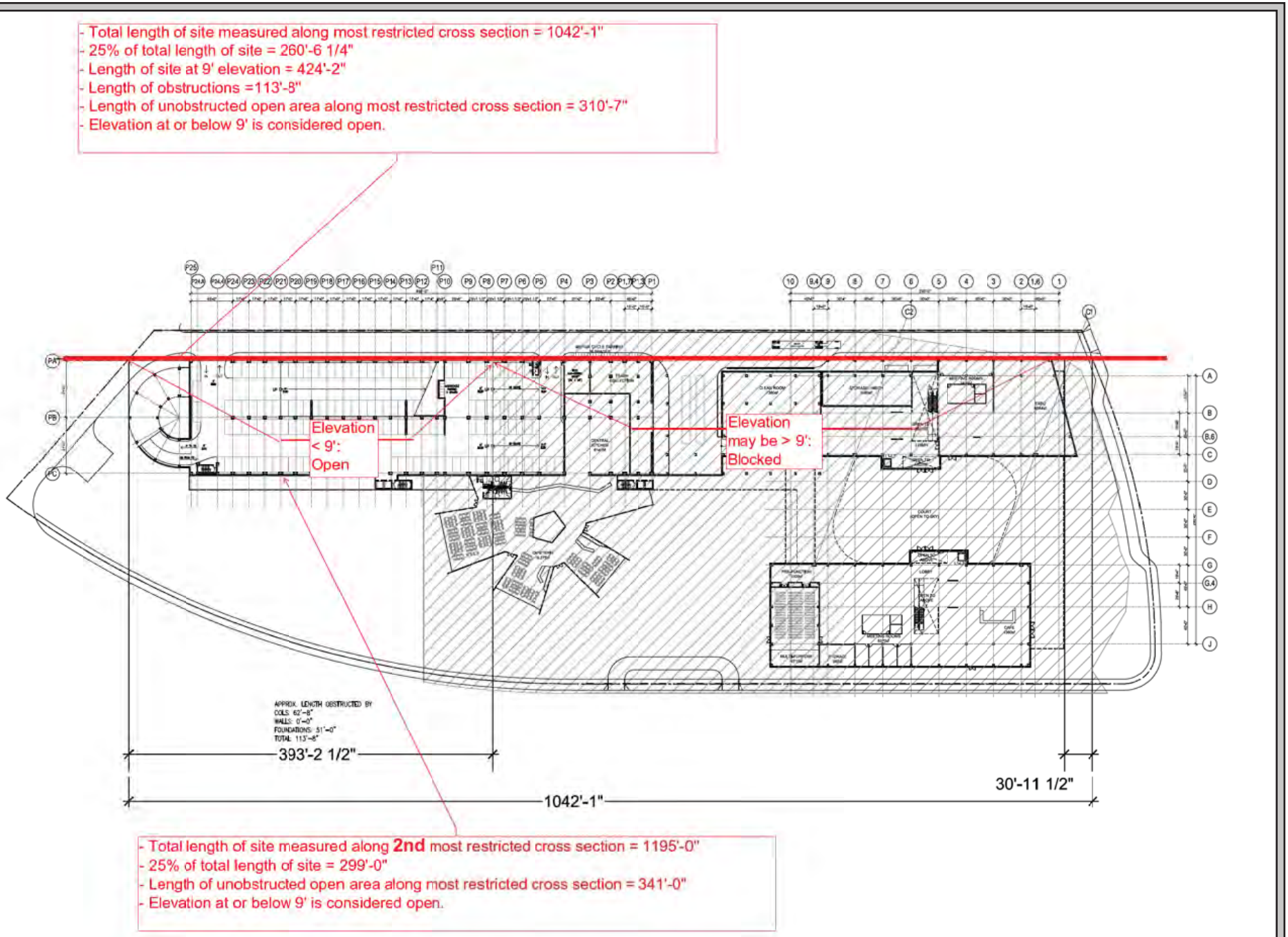
Finished Floor Elevations

Per the North San José Flood Plain Management Study and FEMA requirements, finished floors for new development shall be at or above the established 100-year water surface elevation. The regulatory base flood (100-year) elevation is 12 feet NAVD at Tasman Drive, which bounds the southern edge of the Samsung site. Conceptual grading plans provided by NBBJ for the site are based on a site survey performed on a vertical datum related to City of San Jose bench marks. According to the site surveyor, the conversion between the site survey datum and NAVD is to subtract 1.19 feet from NAVD. Therefore the effective regulatory base flood elevation is 10.81 feet on the project datum. Conceptual grading plans show building finish flood elevations at 12 feet and 13 feet on the project datum. These elevations meet the North San Jose Floodplain Management Policy requirement. Furthermore, the indicated lowest adjacent grade elevation of 11 feet is above the regulatory base flood elevation and meets National Flood Insurance Program requirements for the elevation of structures above a special flood hazard zone.

As discussed in the prior flood blockage discussion, portions of the parking garage are designed to be flooded. However, per the floodplain requirements, the project will avoid placing utilities/equipment that serve the project (e.g. the service transformer) in the garage basement. Building utilities and equipment will be elevated and floodproofed consistent with requirements for occupied space.

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

The proposed project would not result in significant flooding impacts. **(Less than Significant Impact)**



GRADING AND DRAINAGE

FIGURE 4.9-1

4.9.2.2 *Drainage*

The project area contains a 30-inch and 60-inch diameter storm drain pipe in West Tasman Drive and North First Street, respectively. Due to the size of the available existing mains it is anticipated that capacity will be available for the proposed project development. The project is subject to the City's Post-Construction Urban Runoff Management (Policy 6-29) which requires that new projects replacing or adding 10,000 square feet or more of impervious surfaces to a site not increase the total amount of runoff entering the storm drainage system. As documented in Table 4.9-1, the project reduces the amount of impervious surface area (and associated runoff) by approximately 17,440 sq.ft. compared to existing conditions. To accommodate the City's requirement, the proposed project has been designed to demonstrate compliance with the requirements for the Municipal Regional Stormwater NPDES Permit (MRP) issued by the California Regional Water Quality Control Board, commonly referred to as Provision C.3 and governed in San Jose by City Policies 6-29 and 8-14.

To address the municipal permit requirements, the project proposes to install a combination of source control measures, see Section 4.9.2.3 *Water Quality* that follows.

The proposed project would not result in significant drainage impacts. **(Less than Significant Impact)**

4.9.2.3 *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 discharged into the storm drain system and ultimately the San Francisco Bay.

The development of the proposed project would contribute to the significant construction-related water quality impacts identified in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan. 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 and 2011 Envision San José 2040 General Plan.

The project proposes to implement the following measures identified as part of the certified 2005 NSJ FPEIR:

Standard Project Conditions: 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 pollution prior to rainfall events or monitor runoff.
- Perform monitoring of discharges to the stormwater system.

With implementation of the above standard project conditions, the proposed project would not result in construction-related water quality impacts. **(Less than Significant Impact)**

Post-Construction Impacts

Stormwater runoff from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. The existing and proposed areas of pervious and impervious surfaces are shown in Table 4.9-1.

Table 4.9-1
PERVIOUS AND IMPERVIOUS SURFACES COMPARISON

	Existing Condition (sq ft)	%	Proposed Condition (sq ft)	%	Difference (sq ft)	%
Site (acres): 9.44	**Site (sq ft): 411,055**					
Building Footprint(s)	108,940	26.5	181,500	44	+72,560	+17.6
Parking	189,940	46	0	0	-189,940	-46
Sidewalks, Patios, Paths, etc.	16,280	4	115,135	28	+98,885	+24
Landscaping, pervious paving	95,895	23.5	113,335	27.5	+17,440	+4
Total						
Impervious Surfaces	315,160	76.5	297,740	72.5	-17,420	-4
Pervious Surfaces	95,895	23.5	113,335	27.5	+17,440	+4
Total	**411,055**					

The proposed project would develop 297,740 s.f. (72.5 percent) of the site with impervious surfaces, a reduction of approximately 17,440 s.f. The remaining 27.5 percent of the site (113, 335) would be

pervious surfaces comprised of landscaping and pervious paving. While the project would increase traffic and human activity on and around the project site, generating pollutants and increasing dust, litter, and other contaminants that would be washed into the storm drain system, the project reduces overall impervious surface area, provides covered parking in a multi-story garage, and incorporates treatment control measures to treat water contaminants that could be carried downstream in stormwater runoff from paved surfaces on the site. The project will add/replace more than 10,000 square feet of impervious surfaces, so it must conform to Council Policy 6-29.

The City of San Jose requires projects to treat 100% of the proposed stormwater runoff with surface Low Impact Development (LID) treatment measures. LID treatment measures include rainwater harvesting, infiltration, and bio-treatment. LID treatment reduction credits can be applied to urban infill, high density, or transit-oriented projects that meet specific criteria for "Special Projects". This Samsung office project may qualify as a transit-oriented "Special Project" and up to a 70% LID Treatment Reduction Credit, see Appendix G - LID Special Projects Worksheet for details.

The project proposes the following runoff controls:

-Pervious paving with under drains
-Bio-swales in open landscape areas
-Flowing to self-retaining areas
-Flow through planters (where applicable)
-Infiltration Trenches (where applicable)
-Tree preservation and planting

The development of the proposed project would contribute to the significant post-construction related water quality impacts identified in the certified 2005 NSJ FPEIR (Section H, p.268-269) and 2011 Envision San José 2040 General Plan FPEIR (Section 3.7.3.3, p. 565-571). The proposed project would not result in any new or more significant post-construction related water quality impacts than were described in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. The proposed project has Best Management Practices (BMPs) in place to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts.

Standard Project Conditions: The project proposes to implement the following measures:

- The proposed project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29.
- The project's Stormwater Control Plan and numeric sizing calculations will be in conformance with City Policy 6-29.
- Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

With implementation of the above standard project conditions, the proposed project would not result in post-construction-related water quality impacts. **(Less than Significant Impact)**

4.9.2.4 *Groundwater Quality*

As discussed in *Section 4.8 Hazards and Hazardous Materials*, according to the 2012 Phase I report by *Cornerstone Earthgroup*, in 1988 two on-site ground water monitoring wells (SAM-4, SAM-5) were installed in connection with monitoring associated with the adjacent off-site parcel at 3725 North First Street. One of the wells (SAM-5) was removed under permit from the Santa Clara Valley Water District in 1995. The other groundwater monitoring well (SAM-4) was observed in 2012 on the northeast side of the 3655 North First Street Building. Development of the proposed project and demolition of the existing buildings requires the destruction of the monitoring well. Prior to construction activities, the remaining groundwater monitoring well along with the soil vapor sampling wells installed by *Cornerstone Earthgroup* in 2012 must be appropriately decommissioned under permit by the Santa Clara Valley Water District.

Impact HYD-1: If not properly decommissioned, existing on-site monitoring and sampling wells would be disturbed by project construction and could serve as a pathway for contamination of the underlying aquifer. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

MM HYD-1: Destruction of the existing on-site wells under permit authority of the Santa Clara Valley Water District will ensure the proposed project would not result in groundwater impacts.

4.9.2.5 *Impacts to the Project Site*

Land immediately east of the project site (across North First Street) is within the Anderson dam failure inundation area.

The project site would only be affected by sea level rise up to 55" in the event of a FEMA 100-year flood.

The project site is not within a tsunami inundation area or subject to a seiche.

4.9.3 Conclusion

Impact HYD-1: If not properly decommissioned, existing on-site monitoring and sampling wells could serve as a pathway for contamination of the underlying aquifer. Destruction of the existing on-site wells under permit authority of the Santa Clara Valley Water District will ensure the proposed project would not result in groundwater impacts. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Measures Incorporated in the Project)]**

The proposed project would not result in any new or more significant flooding impacts than those addressed in the certified 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

The proposed project, with the implementation of the above standard project conditions, would not result in any new or more significant construction-related impacts than those addressed in the certified 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

The proposed project, with the implementation of the above standard project conditions, would not result in any new or more significant post-construction water quality impacts than those addressed in the certified 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10 LAND USE

4.10.1 Setting

4.10.1.1 *Existing Land Use*

The 9.49-acre project site consists of two parcels (APN 097-53-026 and 097-53-027) and is located at the northwest corner of North First Street and Tasman Drive in San José (refer to Figure 2.0-3). The project site is developed with three office buildings that provide 214,919 gross square feet, surface parking lots, landscaping, and trees.

4.10.1.2 *Surrounding Land Uses*

The surrounding land uses include industrial office/R&D in all directions with the exception of a small area of residential development located behind a commercial property across North First Street, northeast of the project site. The lot east of the project site across North First Street is presently vacant.

4.10.1.3 *Land Use Plans*

General Plan Land Use and Zoning Designation

General Plan Land Use Designation

After the certification of the 2011 Envision San José 2040 General Plan FPEIR, the 2005 North San José Development Policies Update land use designations in north San José were modified in selected areas. The existing land use designation on the project site (*Industrial Park)* did not change when the 2011 Envision San José 2040 General Plan FPEIR was certified and the General Plan adopted.

The *Industrial Park* land use designation (density: FAR up to 10.0, 2 to 15 stories) is an industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. Industrial Park uses are limited to those for which the functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas identified exclusively for Industrial Park uses may contain a very limited number of supportive and compatible commercial 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. One primary difference between this use category and the "Light Industrial" category is that, through the Zoning Ordinance, performance and design standards are more stringently applied to Industrial Park uses.

Zoning Designation

The project site has a zoning designation of *IP– Industrial Park.* The *IP – Industrial Park* designation is an exclusive designation intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing, and offices. 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 North San José Area Development Policy (hereinafter referred to as the Policy) provides for the development of up to 32,000 new residential dwelling units allowing for approximately 56,640 new residents within North San José, and up to 26.7 million square feet of new industrial/office/R&D building space beyond existing entitlements, allowing for 83,000 new employees. Table 4.10-1 provides a summary of the project's consistency with provisions of the Policy, as listed below.

Table 4.10-1
Consistency with North San José Area Development Policy 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		
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 square footage.	X		

Table 4.10-1 Consistency with North San José Area Development Policy Checklist			
Provisions of the Policy	**Consistent?**		
	Yes	**No**	**N/A**
Design Criteria			
Project is consistent with relevant policies in the Residential Design Guidelines.			X
Project is consistent with Multi-modal Transportation Design Criteria in the ADP.	X		
Project incorporates Green Building techniques, resource conservation programs, and minimizes water use.	X		

Santa Clara Valley Habitat Conservation Plan

The project site is located within the Santa Clara Valley Habitat Conservation Plan, which has been approved by the local partners but is not yet effective pending additional future actions by local, state, and federal agencies. The Habitat Plan's **"Effective Date"** (or operative date) is the first business day after **ALL** of the following has occurred:

- ☐ Execution of the Implementing Agreement by all Parties;
- ☐ Issuance of both State and Federal Permits;
- ☐ Adoption of an implementing ordinance by each of the three Cities and the County;
- ☐ Formation of the Implementing Entity (Santa Clara Valley Habitat Agency); and
- ☐ The effective date of the impact fee ordinance to be adopted by the Habitat Agency

The effective date is anticipated in late 2013, or perhaps early 2014.

4.10.2 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)
Would the project:						
1) Physically divide an established community?	☐	☐	☐	☒	☐	1,2,3,12
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?	☐	☐	☐	☒	☐	1,2,3,12
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1,2,3

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant, as described below.

The proposed project would develop a 9.49-acre site and provide 577,000 net square feet of office use in one 10-story office/R&D building and a single-story multi-use building containing a cafeteria. The project would also construct a nine-story parking structure and landscaping. The existing structures would be demolished to accommodate the development.

4.10.2.1 *Conformance with Land Use Plans*

Envision San José 2040 General Plan

The project proposes to demolish the three existing office buildings and replace them with one new ten-story office building, a single-story multi-use building, and a parking structure. This is consistent with the *Industrial Park* designation in the Envision San José 2040 General Plan

North San José Area Development Policy

Land Use

The North San Jose Area Development Policy states that allocation of industrial square footage outside of the Core Area should be used to intensify light rail corridors. There are three light rail stations within 2,000 feet of the project site, so increasing the FAR and number of employees on the site is consistent with the Land Use component of the policy.

Traffic

The project will pay relevant impact fees to fund mitigation measures needed to meet future traffic conditions resulting from development in the North San José area. Traffic impact fees will be spent on projects identified as mitigation measures in the North San José Area Development Environmental Impact Report (EIR).

The project also proposes design features (including TDM measures) that encourage bicycle and pedestrian travel (refer to *Section 4.3 Air Quality*). As a result, 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 existing utility systems have adequate capacity to serve the proposed project and the project would connect to existing utility lines in nearby streets.

Allocation of Capacity

The NSJ Policy provides for the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, and 32,000 new dwelling units in the Rincon area. The proposed project would draw from Phase 1 industrial capacity under the NSJ Policy. The project site is not within the Core area, but it is within 2,000 feet of a light-rail transit station. There are three light rail stations within two thousand feet of the project site. The Baypointe station on East Tasman Drive is approximately 900 feet east of the project site. Measured from the southwest corner of the project site, the distance to the Champion light rail station west of the project site on West Tasman Drive is approximately 850 feet. The Tasman station on North First Street is approximately 350 feet southeast of the project site.

Design Criteria

The proposed project is consistent with the North San José Area Development Policy's Industrial Design Guidelines. Table 4.10-2 provides a summary of the project's consistency with the Policy's provisions.

4.10.2.2 *Land Use Compatibility*

Land use conflicts can arise from two basic causes: 1) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility; or 2) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope.

Federal Aviation Administration Determination

See Section 4.8 Hazards and Hazardous Materials regarding required Federal Aviation Administration (FAA) airspace safety review of the proposed office building. The project site is not located within the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP) for the San José International Airport.

Agricultural Land and Open Space Impacts

The proposed development would not impact agricultural lands because the site does not include any areas of prime agricultural land, the site has not been used for agriculture, it is designated for urban uses, and the site is surrounded by urban uses.

Interface with Existing Uses

The project site is surrounded by industrial R&D/Office uses to the south, west, and north. There is residential development northeast of the project site, across North First Street, located behind a commercial development. On the corner of North First and Tasman Drive, east of the project site, there is a vacant lot that is zoned *Industrial Park*. Southeast of the site there are other industrial R&D/Office uses as well as Transit Corridor Residential development. All of the surrounding uses to the site are compatible uses.

Standard Project Conditions: The following measures are identified as part of the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR to be required of future industrial development in North San José and are proposed by the project to further reduce land use compatibility impacts:

- Compliance with the City of San José *General Plan Policies*, including the following:

North San José Area Development Policy

- *Industrial Land Use Policy #12:* Employee intensive uses should be encouraged to locate near transit facilities.
- *Industrial Land Use Policy #19:* New industrial development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development and adjacent public streets.

Envision San José 2040 General Plan

- *Policy LU-1.5:* With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.

- *Policy LU-1.6:* Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers or increase services to areas with high concentrations of residents, workers, or visitors.

4.10.2.3 Santa Clara Valley Habitat Conservation Plan (HCP)

As discussed above, the HCP has been approved by the local partner agencies but is not yet effective, i.e. adopted. While the effective date is unknown, it is anticipated to occur some time in the second half of 2013. With respect to the HCP, the proposed project is anticipated to be a "pipeline project" which refers to development projects, or portion thereof, that are in the process of receiving local jurisdiction approvals at the time the Habitat Plan is effective. Pipeline projects will not be subject to the Habitat Plan if all of the following apply:

1. it has received at least one of the following approved development entitlements with a specified expiration date (including allowed renewals/extensions) prior to **Habitat Plan adoption:** site and architectural permit/approval, planned development approval, conditional use approval, or a tentative map; and

2. it is issued a grading or building permit within 1 year of issuance of the Habitat Plan's state and federal incidental take permits; and

3. the project review process identified no impacts to any of the Habitat Plan's covered species.

The project is anticipated to receive architectural permit/approval (i.e. Site Development Permit) in early Spring 2013 and grading and building permits in Summer of 2013. The analysis of biological impacts in this Addendum (see Section 4.4 Biological Resources) has identified no impacts to any of the HCP's covered species. For these reasons, it is anticipated the project will be deemed a pipeline project with respect to the HCP.

4.10.3 Conclusion

The proposed project, with the implementation of the above standard project conditions, would not result in any new or more significant land use compatibility impacts than those addressed in the certified 2005 NSJ FPEIR or certified 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Setting

The project is within a developed urban area and does not contain any known or designated mineral resources.

4.11.2 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)
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?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3

The currently proposed project will result in the same No Impact as the approved project, as described below.

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits of statewide significance or the significance of which requires further evaluation.

The project is outside the Communications Hill area, and will therefore result in no impact from the loss of availability of a known mineral resource. 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 or 2011 Envision San José 2040 General Plan FPEIR.

4.11.3 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 or 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (No Impact)]**

4.12 NOISE

The following discussion is based upon a noise assessment study completed for the 2011 Envision San José 2040 General Plan FPEIR by *Illingworth & Rodkin*.

4.12.1 Setting

The ambient noise conditions and regulatory requirements regarding noise have not changed since the certification of the 2011 Envision San José 2040 General Plan FPEIR.

4.12.1.1 *Existing Noise Conditions*

The project site is located at the northwest corner of the intersection of North First Street and Tasman Drive, in North San José (refer to Figure 2.0-2). It is currently developed with three industrial office park buildings and surface parking areas. The noise impacting the project site primarily results from transportation noise sources in the site vicinity, including traffic on North First Street and on Tasman Drive as well as intermittent noise from light rail trains running along Tasman Drive. Background noise levels at the site result primarily from traffic on those streets.

In the noise assessment prepared for the 2011 Envision San José 2040 General Plan FPEIR, it was determined that the existing noise levels in the project area range from 60 to 71 dBA DNL.[3] In 2035, projected noise levels in the project area will range from 60 to 69 dBA DNL.

The project does not fall within the noise contour impact area of the Norman Y. Mineta San José International Airport.

4.12.1.2 *Noise Standards*

Based on the City's General Plan, Table 4.12-1 shows the noise levels considered consistent with specific land uses. For office and commercial uses, outdoor noise levels of up to 70 decibels are considered satisfactory and up to 75 decibels are permitted for new development if the indoor noise level does not exceed 45 decibels and outdoor uses are limited to acoustically protected areas.

Relevant San José General Plan Policies

Policy EC-1.7 Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

[3] The Day/Night Average Sound Level (DNL). The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-1.9 Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.

Policy EC-2.1 Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

Table 4.12-1
General Plan Land Use Compatibility Guidelines (GP Table EC-1)

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

4.12.3 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)
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?	☐	☐	☐	☒	☐	1,2,3
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1,2,3
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,3
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☐	☒	1,2,3

The currently proposed project will result in the same impact as the approved project, contributing to a significant unavoidable cumulative traffic noise impact, and Less than Significant project-specific impacts, as described below.

4.12.3.1 *Noise Impacts from the Project*

The proposed project would construct 679,223 gross square feet of office space in one 10-story office/R&D building and a single-story multi-use building containing a cafeteria. The project would also construct a nine-story parking structure. The existing structures would be demolished to accommodate the development.

Traffic-Generated Noise Impacts

The Envision San José 2040 General Plan FPEIR identified that future development in North San José would generate an increase in traffic along the local roadway network and noise levels for highways and expressways would also increase incrementally.

In the vicinity of the project in North San Jose, the Envision San José 2040 General Plan FPEIR determined that noise levels would increase between 2008 and 2035 with build-out of the General Plan. Specifically, the roadway segment from North First Street and Tasman Drive to SR 237 is projected to experience a two dBA increase in the Day/Night Average Sound Level (DNL), from 72 to 74. Between North First Street and the Guadalupe River, Tasman Drive is expected to experience a four dBA DNL increase, from 67 to 71 dBA (Table 3.3-7, p. 338-339).[4]

Although the proposed project is located in an industrial/office area, it is within 500 feet of noise sensitive land uses. As a result, traffic generated by the proposed project could have a significant impact to nearby residences. The Envision San Jose 2040 General Plan requires the use of noise attenuation techniques in the design of streets projected to adversely impact sensitive uses. Since the noise impacts of industrial development in this area have already been evaluated and the necessary mitigation measures adopted, this project will not have a new impact.

Development in the North San José area, including the proposed project, would attempt to reduce traffic-related noise by implementation of TDMs described in *Section 4.15 Transportation*. Even with these measures, it was concluded in the certified 2011 Envision San José 2040 General Plan FPEIR that noise impacts at some locations would remain significant and unavoidable and the City Council adopted a statement of overriding consideration for the impact. The project would contribute to this noise impact.

Impact NOI – 1: Traffic from the proposed project would contribute to noise increases on roadways in the North San José area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2011 Envision San José 2040 General Plan FPEIR and the City Council adopted a statement of overriding consideration for the impact. **[Same Impact as Approved Project (Contribution to Significant Unavoidable Cumulative Impact)]**

Short-Term Construction Impacts

Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), in areas immediately adjoining noise sensitive land uses, or when construction occurs over extended periods of time. Significant noise impacts do not normally occur when standard construction noise control measures are enforced at the project site and when the duration of the noise generating construction period at a particular sensitive receptor is limited to one construction season (typically one year) or less. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction materials, would reduce construction-related noise impacts.

[4] City of San Jose. Envision San Jose 2040 General Plan Program EIR. June 2011.

The project site is surrounded by industrial office/R&D development. However, there is a noise-sensitive residential development (Westwinds Mobile Home Park) less than 500 feet northeast of the project site, across North First Street.

In an effort to reduce the overall duration, the project proposes extended construction hours of 7am-11pm, Monday through Friday, to work a secondary shift. The project proposes to limit the nature of the work beyond 7pm to encompass relatively quiet activities. This would include small hand tools, placement of reinforcing steel, and small, diesel powered equipment. The work during normal (7am to 7pm) working hours would include demolition of the existing buildings, installation of foundations which will require large, diesel equipment, earth moving activities, placement of concrete and setting of structural steel and vertical concrete. Additionally, the project requests the option to work a single shift from 7am to 5pm on Saturday and Sunday in the event of adverse weather or unforeseen conditions. The construction activity would occur in the following phases, with phases overlapping to the extent possible, over the course of 26 months:

Demolition - 5 weeks
Site clearing/excavation- 7 weeks
Pile driving - 14 weeks
Foundations - 5 months
Framing/structural- Office 5 months; Garage 17 months
Exteriors- Office 9 months
Interiors- 12 months
Landscaping- 6 months

Installation of a new PG&E gas pipeline along the site's Tasman Drive street frontage would occur concurrent with site construction activity and would involve ground excavation and laying of pipe four to six feet beneath the ground surface, and would not generate substantial additional noise compared to proposed building construction (e.g. pile driving, foundations, structural framing, etc.).

Since construction activities would take longer than 12 months, the proposed project is required to implement a noise logistics plan, per General Plan Policy EC-1.7 and as described in detail below, prior to project approval.

The North San Jose Development Policies Update Final EIR assumed noise-generating activities at construction sites would be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays, with no construction activities occurring Sundays or holidays. If the project were to be constructed under these standard hours, construction is anticipated to take an additional five to six months, up to 32 months in total.

The proposed project would not result in any new or more significant construction-related impacts than were described in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR, which assumed construction would be occurring on multiple properties throughout North San José for decades through 2035. The proposed project would result in a short-term increase in noise levels in the project area during demolition and construction activities, which could, if unregulated, adversely affect a noise-sensitive use.

Standard Project Conditions are identified as part of the certified 2011 Envision San José 2040 General Plan FPEIR and 2005 NSJ FPEIR, and will be implemented as part of the project. Implementation of General Plan Policy EC-1.7 *Community Noise Levels and Land Use Compatibility*

Policy will require a noise logistics plan which would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

Standard Project Conditions: The project will implement the following measures, as documented in a noise logistics plan, to reduce construction noise levels as low as practical:

- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced;
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected;
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing;
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

With implementation of the standard noise conditions identified in the 2011 Envision San José 2040 General Plan FPEIR and 2005 NSJ FPEIR, construction noise impacts to nearby residential land uses would be reduced to acceptable levels. **(Less Than Significant Impact)**

Standby Emergency Generator

The project may include a standby emergency generator to power the site in the event of loss of electricity. Since the model/specifications for the potential generator is not known at this time,

additional environmental review will be completed by the City of San Jose prior to issuance of a development permit allowing its installation. The future generator will be required to comply with City noise standards, which will be confirmed as part of the review of the future development permit required for any new generator. **(Less Than Significant Impact)**

4.12.3.2 *Noise Impacts to the Project*

The proposed project is the development of office/industrial uses on a site with outdoor noise levels ranging from 60-71 dBA DNL. Outdoor noise levels of up to 75 decibels (DNL) are considered satisfactory for industrial park sites, and as mentioned in *Section 4.12.1.2*, noise levels near the project site do not exceed 75 decibels. Standard construction techniques would reduce interior noise levels 30 decibels lower than the exterior levels, resulting in building interior noise levels of less than 45 decibels.

The proposed project would expose building occupants to intermittent noise impacts from the light rail on Tasman Drive. Light rail is also a source of ground-borne vibration. Prior to project approval, the proposed project shall demonstrate compliance with General Plan Policies EC-1.9 and EC-2.1. Compliance with these policies will require a noise study proving that people, residences, and businesses will not experience noise and vibration levels exceeding applicable laws. These pre-construction measures will reduce noise and vibration impacts to the project to a less-than-significant level.

The office/industrial land use is compatible with aircraft noise impact areas and compliant with the General Plan noise policies. The project would not result in any new or more significant noise levels than were previously described in the NSJ FPEIR or Envision San José 2040 General Plan FPEIR. **(Less Than Significant Impact)**

4.12.4 Conclusion

Impact NOI – 1: Traffic from the proposed project would contribute to noise increases on roadways in the North San José area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2011 Envision San José 2040 General Plan FPEIR and the City Council adopted a statement of overriding consideration for the impact. The project is compatible with the ambient noise level. [**Same Impact as Approved Project (Contribution to Significant Unavoidable Cumulative Impact)]**

In addition, the proposed project would result in a short-term increase in noise levels in the project area during demolition and construction activities, which could adversely affect a noise-sensitive use. Standard Project Conditions are identified as part of the certified 2011 Envision San José 2040 General Plan FPEIR and 2005 NSJ FPEIR, and will be implemented as part of the project. The proposed project, with the implementation of the above standard project conditions, would not result in any new or more significant short-term construction noise impacts. **[(Same Impact as Approved Project (Less than Significant Impact)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

The current and future population and housing estimates and assumptions have not changed since the certification of the 2011 Envision San José 2040 General Plan FPEIR. Currently, there are no residential uses on-site, and none are proposed.

4.13.2 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)
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)?	☐	☐	☐	☒	☐	1,2,3
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,3
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,3

The currently proposed project will result in the same No Impact as the approved project, as described below.

The 2011 Envision San José 2040 General Plan FPEIR concluded that development and redevelopment of properties in the overall NSJ area will increase both jobs and housing in north San José. The proposed land use changes and policy revisions under the North San José Development Policies Update (which include the proposed project) would result in a greater increase of jobs than housing in north San José, which is consistent with the City's General Plan policies.

The project proposes industrial park/office uses on the site. The applicant expects that there will be approximately 2,000 people working in the building once completed.[5] Given that the existing number of employees is approximately 500, the project would increase employment in San Jose by 1500. 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 and 2011 Envision San José 2040 FPEIR.

[5] Chambers, Laurence. Senior Associate, NBBJ. Personal Communication. October 23, 2012.

4.13.3 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 and 2011 Envision San José 2040 General Plan FPEIR. [**Same Impact as Approved Project (No Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Setting

All public services provided in San José are discussed in detail in the 2011 Envision San José 2040 General Plan FPEIR and NSJ FPEIR. There has been no change in the availability of services since the certification of the Envision San José 2040 General Plan FPEIR and NSJ FPEIR. The nearest fire station is Station 29, located approximately 0.9 miles southeast of the project site at 199 Innovation Drive.

4.14.2 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)
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?	☐	☐	☐	☒	☐	1,3
Police Protection?	☐	☐	☐	☒	☐	1,3
Schools?	☐	☐	☐	☒	☐	1,3
Parks?	☐	☐	☐	☒	☐	1,3
Other Public Facilities?	☐	☐	☐	☒	☐	1,3

The currently proposed project will result in the same Less than Significant Impact as the approved project, as described below.

4.14.2.1 *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 SJFD to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR, the build-out of the development analyzed would incrementally increase the need for fire and police protection services, which may create the need for additional staffing or resources, or a new fire station in the greater 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 or 2011 Envision San José 2040 General Plan 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 and 2011 Envision San José 2040 General Plan FPEIR.

4.14.2.2 *Schools, Parks and Libraries*

The project proposes industrial park/office/R&D use and would therefore not generate students, park users, or library users. Therefore, the proposed project will not impact school, park, or library facilities in San José.

4.14.3 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 or 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15 RECREATION

4.15.1 Setting

The existing park and recreational facilities in the project area have not changed since the certification of the 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR.

4.15.2 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)
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) 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?	☐	☐	☐	☒	☐	1,2,3

The currently proposed project will result in the same Less than Significant Impact as the approved project, as described below.

The project proposes office/R&D use and would not generate a residential population that would increase demands on park and recreation facilities. The project would not result in any new or more significant impacts to parks and facilities than those addressed in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR.

4.15.3 Conclusion

Implementation of the proposed project-specific development would not result in any new or more significant recreational impacts than were previously identified in the NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.16 TRANSPORTATION

4.16.1 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.

4.16.1.1 North San José Area Development Policy

The City adopted a new Area Development Policy for North San José as part of the approved North San José Development Policies Update. The policy makes better use of the land in North San José by encouraging intensification of an existing urbanized area in order to significantly increase transit use and discourage sprawl on the outer edges of Santa Clara County and the Central Valley.

The proposed project site is located within the North San José Development Policy area. The Area Development Policy allows the project site to be redeveloped with higher density industrial land uses, even though the City's Level of Service (LOS) policy cannot be achieved in the project area.

A revised Deficiency Plan for North San José was proposed as part of the approved North San José Development Policies Update as a companion to the revised North San José Development Policy. The revised Deficiency Plan reflects the City's approved intensification of development in North San José and the actions proposed to encourage and facilitate transit use in the area.

The 577,340 net square feet of office use may be developed on the site under the provisions of the NSJ Development Policy and subject to the Deficiency Plan and the current zoning.

4.16.1.2 Site Access

The site is currently developed with three office buildings and surrounding surface parking. There is a main entrance and parking lot on West Tasman Drive adjacent to the intersection at North 1st Street. There is also a small private street that runs behind the existing buildings from southbound North 1st Street to westbound West Tasman Drive. Pedestrian access is available from existing sidewalks located on North 1st Street and West Tasman Drive.

The project proposes to remove the main entrance driveway and maintain the existing entrances on North 1st Street and West Tasman Drive. There would be an entrance for service vehicles via the street behind the office buildings.

4.16.2 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)
Would the project:						
1) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1,2,3
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1,2,3
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
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
5) Result in inadequate emergency access?	☐	☐	☐	☒	☐	1
6) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1,2,3

The currently proposed project will contribute to the significant unavoidable traffic impacts resulting from the North San Jose Development Policies Update (the approved project) as disclosed in the 2005 NSJ FPEIR, as discussed below.

4.16.2.1 *Level of Service*

The traffic impacts from the proposed office/R&D development have already been analyzed and accounted for in the certified 2005 NSJ FPEIR. Implementation of the proposed project will contribute to the overall level of service (LOS) impact on local intersections and freeway segments in the North San José area. These impacts were found to be significant and unavoidable and, as a result, the City of San José adopted a statement of overriding consideration for the NSJ FPEIR transportation impacts in accordance with CEQA Guidelines Section 15093. This project will not result in any new or more significant impacts to the LOS of any local intersection or freeway segment than were previously identified in the NSJ FPEIR in that the project will receive allocation from the 'pool' of Phase I industrial development created by the NSJ Development Policies update.

The approximately 577,340 square feet of net new usable development proposed (less existing building sq.ft.) on the site falls under the provisions of the North San José Area Development Policy and is subject to the Deficiency Fee per the policy. These fees will be used to fund construction of a series of transportation improvements identified concurrent with Phase 1 in the 2005 NSJ Final EIR.

Even with these prescribed improvements for the North San José Area, traffic impacts at some locations would remain significant and unavoidable; the City Council adopted a statement of overriding considerations for this impact.

The proposed project would include TDM measures as required in the NSJ FPEIR to reduce air pollution emissions. Relevant TDM measures include the provision of bike and pedestrian facilities, implementation of carpool/vanpool programs, and use of various transit and other non-auto incentive programs for employees.

Standard Project Conditions: The project proposes to implement the following standard project conditions:

- The proposed project shall comply with the City's *North San José Area Development Policy* and Deficiency Plan Fee.
- According to the North San Jose Area Development Policy, "high intensity development proposals (that include parking in excess of 105% of the City requirement) will need allocation based upon the City's Zoning Code parking ratio for the proposed use (e.g. for industrial park development, 350 square feet of development capacity will need to be allocated to the property for each additional parking space in excess of 105% of the minimum requirement). Allocations for high intensity uses will be subject to all of the provisions of this Policy, including payment of the Traffic Impact Fee. The current project does **not** exceed the minimum parking requirement and would **not** be subject to this fee.
- Consistent with the NSJ FPEIR, the proposed project is required to pay a traffic impact fee (TIF). The 2013 fee is $12.69 through June 30th and increases to $13.54 per square foot and is subject to an annual escalation of 3.3 percent. This fee must be paid prior to the issuance of a building permit or in accordance with the schedule specified in a development agreement.
- The City adopted a Short-Term Incentive Program of the NSJADP on January 31, 2012 to reduce the TIF to $5 per square foot for industrial

development larger than 200,000 square feet. This incentive is available for projects pulling Building Permits from February 1, 2012 to June 31, 2014 and would be capped at 1,000,0000 square feet of new development.

4.16.2.2 *Parking*

The proposed nine-level parking garage as well as limited surface parking would provide a total of 1,545 parking stalls. This reflects a reduction in required parking spaces per Section 20.90 of the San Jose Municipal Code. Code amendments adopted by the City Council in February 2013, specifically Section 20.90.220(A), provide for circumstances under which projects may qualify for a reduction in the required amount of off-street parking. The project satisfies these requirements in that the site is located within 2,000 feet of a light rail transit station, the project incorporates a qualifying Transportation Demand Management (TDM) program, and the project provides bicycle spaces in accordance with the requirements of SJMC Table 20-90.

Bike parking for the proposed project is required at a rate of 1 per 4,000 s.f. of net building area (144 total). The project proposes to provide 144 bike parking spaces.

4.16.3 Conclusion

The proposed project, with the implementation of the above standard project conditions, would not result in new or more significant impacts to the transportation system than those addressed in the certified 2005 NSJ FPEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

The water, sanitary sewer, storm drainage, solid waste, natural gas, and electricity services and facilities serving the project area have not changed since the certification of the 2011 2005 NSJ FPEIR or the Envision San José 2040 General Plan FPEIR.

4.17.1.1 Water Service

The project site is located within the jurisdictional boundary limits of San José Municipal Water, a subsidiary agency of the City of San José that provides water service to a large portion of the City. Existing water lines will provide potable water, irrigation and fire services to the project development.

The City of San José administers the South Bay Water Recycling (SBWR) system. The system currently has over 130 miles of pipeline, five pump stations, and over 625 customers. The City promotes the use of recycled water in order to reduce dependency on imported fresh drinking water and to preserve the existing fresh water supply. Recycled water is delivered to customers via 'purple pipe,' and can be used for landscape irrigation, cooling buildings, and industrial processes. According to the SBWR Recycled Water Pipeline System map[6], the nearest purple pipe connection is located on North First Street, in between Tasman Drive and Montague Expressway, approximately 0.25 miles from the site.

4.17.1.2 Sanitary Sewer/Wastewater Treatment

Wastewater from the City of San José is treated at the San José/Santa Clara Water Pollution Control Plan (WPCP), located near Alviso. The WPCP provides primary, secondary and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day (mgd).

There is currently an eight-inch sanitary sewer line located in West Tasman Drive that connects to a 30-inch trunk line in North First Street.

4.17.1.3 Storm Drainage System

Storm drainage lines in the area are owned and maintained by the City of San José. There is currently a 30-inch and 60-inch diameter storm drain pipe in West Tasman Drive and North First Street, respectively. All of the lines that serve the project site drain to the Guadalupe River which flows north into the San Francisco Bay.

4.17.1.4 Solid Waste

Beginning July 1, 2012, all businesses in San Jose will be served by Republic Services, and non-residential waste may be disposed of at any of four privately owned landfills in San José. According to the Source Reduction and Recycling Element prepared for the City of San José and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County needs for at least 25 more years. Recycling services are available to most businesses.

[6] City of San José South Bay Water Recycling (SBWR). *Recycled Water*. Accessed November 27, 2012. http://www.sanjoseca.gov/index.aspx?NID=1586

4.17.2 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)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,2,3
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
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?	☐	☐	☐	☒	☐	1,2,3
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1,2,3
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
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1,2,3
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1,2,3

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant, as described below.

4.17.2.1 Water Service

The project proposes water lines to connect to the existing water main serving the site and surrounding area. Implementation of the proposed project will generate increased water demand from the approximately 464,304 additional (679,223 new - 214,919 existing) gross sq.ft. of office space. As noted above, the nearest 'purple pipe' connection is located on North First Street, in between Tasman Drive and Montague Expressway, approximately 0.25 miles from the site. The project will provide an irrigation system ready to connect to a future recycled water connection, should the recycled water system ever become available to the site. The design and construction of the irrigation system must conform to SBWR Rules and Regulations and must be submitted to and approved by SBWR.

The NSJ FPEIR concluded that both San José Water Company and the San José Municipal Water System (SJMWS) would be able to provide water service to all future development allowed under the North San José Development Policies Update, which includes the proposed project. The proposed project will not result in any new or more significant impacts to the water supply than were previously identified in the NSJ FPEIR. The project is not adjacent to a recycled water line, and therefore does not intend to use recycled water. The project's LEED checklist (Appendix F) indicates the project includes a series of water efficiency measures to limit new demand.

4.17.2.2 Sanitary Sewer/Wastewater Treatment

The 2005 NSJ FPEIR evaluated the increased wastewater flows resulting from the North San Jose Development Policies Update. At full build-out, the combined development of Phases 1-4 would generate approximately 5,214,750 gallons per day. These increased flows would not cause the WPCP to exceed its capacity or discharge limit, and would be within San Jose's treatment allocation.

Implementation of the proposed project will generate increased wastewater from the approximately 464,304 additional (679,223 new - 214,919 existing) gross sq.ft. of office space. The proposed project net new sq.ft. will be withdrawn from the 'pool' of new building space created with the North San Jose Development Policies Update. Therefore, the additional wastewater generated by the project has been accounted for in the overall North San Jose Development Policies Update's 5,214,750 gallons per day, which would not cause the WPCP to exceed its capacity or discharge limit, and would be within San Jose's treatment allocation.

The sewer mains serving the project site are located along North 1st Street and Tasman Drive. In terms of wastewater flow conveyance, there is currently an eight-inch sanitary sewer line located in West Tasman Drive that connects to a 30-inch trunk line in North First Street. The project will use the existing three sanitary sewer laterals located on Tasman Drive. No sanitary sewer connection to North First Street shall be allowed.

4.17.2.3 Storm Drainage System

As stated in *Section 4.9 Hydrology*, implementation of the proposed project will result in a modest decrease in impervious surfaces on the project site, which will result in a net modest decrease in stormwater runoff entering the storm drain system. Additionally the project design includes a series of treatment control and source control measures to further reduce the peak flows running off of the site and remove contaminants that could impair water quality.

The proposed project reduces impervious surfaces areas and includes design measures to control the volume of storm runoff and protect water quality. **(Less than Significant Impact)**

4.17.2.4 *Solid Waste*

Implementation of the proposed project will result in a net increase of solid waste generated on the project site. The NSJ FPEIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving San José to accommodate waste generated by the development approved under the North San José Development Policies Update, which included the proposed project. As a result, implementation of the proposed project will not result in any new or more significant impacts to solid waste collection and disposal than were previously identified in the NSJ FPEIR.

Standard Project Conditions: The proposed project will implement the following:

- Ensure storage area is large enough to accommodate both garbage and recycling containers. The minimum enclosure size to accommodate two three cubic yard bins is 11.5 feet by eight feet with an additional eight feet in front for the concrete service pad.
- Ensure enclosure has enough capacity, or frequency of collection for garbage and recycling, to accommodate site operations.
- Ensure proper hauler access to solid waste containers. Validate width of driveway and vehicle turning radius. Enclosure areas must be accessible by garbage/recycling trucks by providing minimum 22 foot wide driveways and a 50 foot turning radius for collection vehicles unless other waste management practices will be implemented.
- Ensure that project demolition debris is properly recycled or disposed. Details on recycling construction waste are available through the Construction and Demolition Diversion Deposit (CDDD) incentive program. Information is available at: http://www.syrecycles.org/construction-demolition/cddd.asp.
- The proposed commercial development must follow the requirements for recycling container space.[7] When 30 percent or more of the original floor space is added to an existing building, provision must be made for the storage and collection of recyclables. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
- It is required that scrap construction and demolition debris be recycled instead of disposing of it in a landfill.[8] An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. Additional information can be found at http://www.sjrecycles.org/construction-demolition/cddd.asp or by contacting the Commercial Solid Waste Program at (408) 535-8550.
- The City will be enhancing elements of the solid waste management program for commercial and industrial developments, which include the recycling of food waste and related materials starting July 2012. Such program enhancements have been addressed to the City Council for approval in March 2009. Developments will need to provide adequate space for the collection of garbage, recycling and food waste material.

[7] In accordance with the California Public Resource Code, Chapter 18, Articles 1 and 2.
[8] In accordance with the San Jose Municipal Code, Chapter 9.10-Solid Waste Management.

4.17.3 Conclusion

The proposed project, with implementation of the mitigation measure for the storm drainage system, will not result in any new or more significant utilities impacts than were previously identified in the NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant with Standard Conditions Incorporated)]**

4.18 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)
1) Does the project have the potential to substantially 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; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐	1,2,3
2) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	1,2,3
3) Does the project have possible environmental effects that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒	☐	1,2,3
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1,2,3

The certified 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 North San José area.

The project proposes to develop 679,223 gross (577,340 net usable) sq.ft. of new office/R&D building space (replacing 214,919 gross sq.ft. existing). The proposed development is included within the amount of development analyzed in the NSJ FPEIR and planned for the North San José area. Because the proposed project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR.

The project site is a developed site and is not considered burrowing owl habitat, but does feature numerous large mature trees that could be used for nesting by protected raptors. The project proposes pre-construction surveys, as described in *Section 4.4, Biological Resources*.

The proposed development would contribute to significant cumulative transportation, air quality, and noise impacts resulting from full build out of North San José under the North San José Development

Policies Update. No feasible mitigation measures have been identified to reduce these cumulative impacts to a less than significant level. The proposed project will not result in any new or more substantial significant impacts than were previously identified in the NSJ FPEIR or Envision San Jose General Plan EIR, and measures included in the 2005 NSJ FPEIR and included in the Envision San Jose General Plan EIR have been incorporated to reduce impacts where feasible.

Checklist Sources

1. Professional judgment and expertise of the environmental planner 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. City of San José. Final Program Environmental Impact Report for Envision San Jose 2040 General Plan. September 2011.

4. California Department of Conservation. Santa Clara County Important Farmland 2010. Map.

5. Bay Area Air Quality Management District. CEQA Guidelines Update-Thresholds of Significance. June 2010.

6. Concentric Ecologies. Arborist Report Samsung. November 2012

7. Cornerstone Earthgroup. Geotechnical Feasibility Study. November 2012

8. Cornerstone Earthgroup. Phase I Environmental Site Assessment. December 2012.

9. Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San Jose International Airport. October 27, 2010.

10. Schaaf & Wheeler, North San Jose Flood Blockage Criteria for Samsung Office Project. December 2012.

11. FEMA. Flood Insurance Rate Map, Community Panel Number 06034900068H, dated May 18, 2009.

12. City of San José. Envision San José 2040 General Plan.

13. Cornerstone Earthgroup. Phase II Soil Quality and Soil Vapor Evaluations. January 2013

14. ARUP. Low Impact Development Special Projects Worksheet. January 2013

15. ARUP. Façade and Structural Risk Assessment of Natural Gas Pipeline Explosion Hazard. March 2013.

SECTION 5.0 REFERENCES

ARUP. Façade and Structural Risk Assessment of Natural Gas Pipeline Explosion Hazard. March 2013.

ARUP. Low Impact Development Special Projects Worksheet. January 2013

Bay Area Air Quality Management District. CEQA Guidelines Update-Thresholds of Significance. June 2010.

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City of San José. Envision San José 2040 General Plan.

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City of San José. North San José Area Development Policy. February 2012.

City of San José. Zoning Ordinance.

Concentric Ecologies. Arborist Report Samsung. November 2012

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Schaaf & Wheeler. North San Jose Flood Blockage Criteria for Samsung Office Project. December 2012.

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