

Initial Study and Addendum

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

Vista Montaña Park

File No. PDC07-055, PDC07-054, and H07-035

Prepared by the



September 2007

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SECTION 1.0 INTRODUCTION AND PURPOSE

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

This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from a project which includes two primary elements: 1) the proposed rezoning approximately 21 acres in north San José from *IP – Industrial Park* to *A(PD) – Planned Development* to allow for the development of between 866 and 998 attached residential units and a total of six acres of public parkland (File No. PDC07-055 and PDC07-054);¹ and 2) the approval of a Site Development Permit and development agreement to increase the maximum allowable floor area ratio (FAR) from 0.4 to approximately 1.1 to allow for 870,000 additional square feet (a transfer of 270,251 existing square feet and 599,749 new square feet) of industrial development on approximately 27 acres in north San José (File No. H07-035).² No specific industrial development (e.g., buildings or site improvements) is currently proposed on the 27 acres.

The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed rezoning, Site Development Permit, and development agreement on the approximately 48-acre project site.

Tiering of the Environmental Review

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

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

In accordance with CEQA Sections 21093(a) and 21093(b) and CEQA Guidelines Section 15152(a), this Initial Study tiers off the City of San José Final Program EIR for the North San José Development Policies Update (State Clearinghouse #2004102067) certified by the City Council on June 21, 2005 (hereinafter referenced as the NSJ FPEIR).

¹ Two Planned Development rezoning applications were filed for this project. PDC07-054 is for the rezoning of project Areas 1 and 3 as shown on Figure 3.0-1 from *IP – Industrial Park* to *A(PD) – Planned Development* to allow up to 444 multi-family residences and a five-acre public park. PDC07-055 is for the rezoning of project Area 2 as shown on Figure 3.0-1 from *IP – Industrial Park* to *A(PD) – Planned Development* to allow up to 554 multi-family residences and a one-acre public park. In summary, the project proposes to rezone the project site from *IP – Industrial Park* to *A(PD) – Planned Development* to allow for the total development of between 866 and 998 multi-family residences and a total of six acres of public parkland.

² Currently, the maximum FAR for Area 4 is 0.4. Source: Crabtree, Andrew. City of San José Principal Planner. Personal Communications. 13 September 2007.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Vista Montaña Park Project

2.2 PROJECT LOCATION

The approximately 48-acre project site is located on Vista Montaña and North First Street in north San José. Regional and vicinity maps of the project area are shown on Figure 2.0-1 and Figure 2.0-2, respectively. The project site consists of several properties, which are not all adjacent. Building addresses and locations on these properties are shown on Figure 2.0-3.

A four-acre parcel (71 Vista Montaña) is located between 55 Vista Montaña and 81 Vista Montaña, and Vista Montaña and North First Street separate other site properties (refer to Figure 2.0-3). The approximately 48-acre project site can be divided into four main areas: Areas 1-4 (refer to Figure 2.0-3). A description of each project area is provided below.

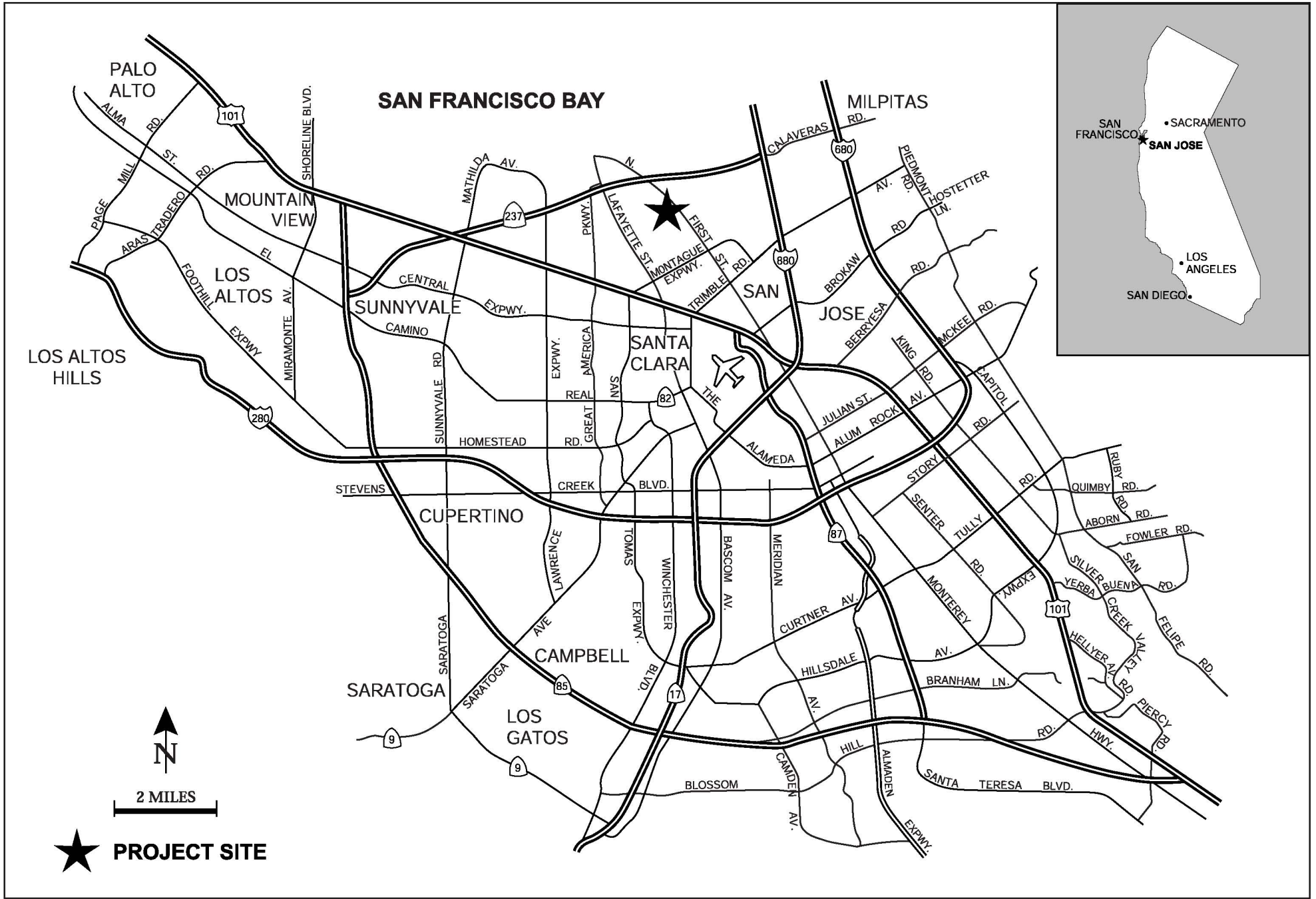
Area 1 of the project site is approximately seven acres in size and located at 4145 North First Street and 55 Vista Montaña, which is the northwest corner of Renaissance Drive and Vista Montaña. Area 1 is bounded by North First Street to the north, Vista Montaña to the east, and Renaissance Drive to the south (refer to Figure 2.0-3).

Area 2 of the project site is approximately nine acres in size and consists of two addresses: 81 Vista Montaña and 305 West Tasman Drive. Area 2 of the project site is at the northwest corner of Tasman Drive and Vista Montaña (refer to Figure 2.0-3). Area 2 is separated from Area 1 by an approximately four-acre parcel (not part of the project site) and Renaissance Drive.

Area 3 of the project site is approximately five acres in size and located at 4041 North First Street, which is at the southeast corner of North First Street and Vista Montaña (refer to Figure 2.0-3). This area is separated from Area 1 of the project site by Vista Montaña.

Area 4 of the project site is approximately 27-acres in size and located at 90 Headquarters Drive and 3930, 3940, 3950, 3960, 3970, and 4000 North First Street. Area 4 is located at the east corner of North First Street and Headquarters Drive (refer to Figure 2.0-3). This area is separated from Area 3 of the project site by North First Street.

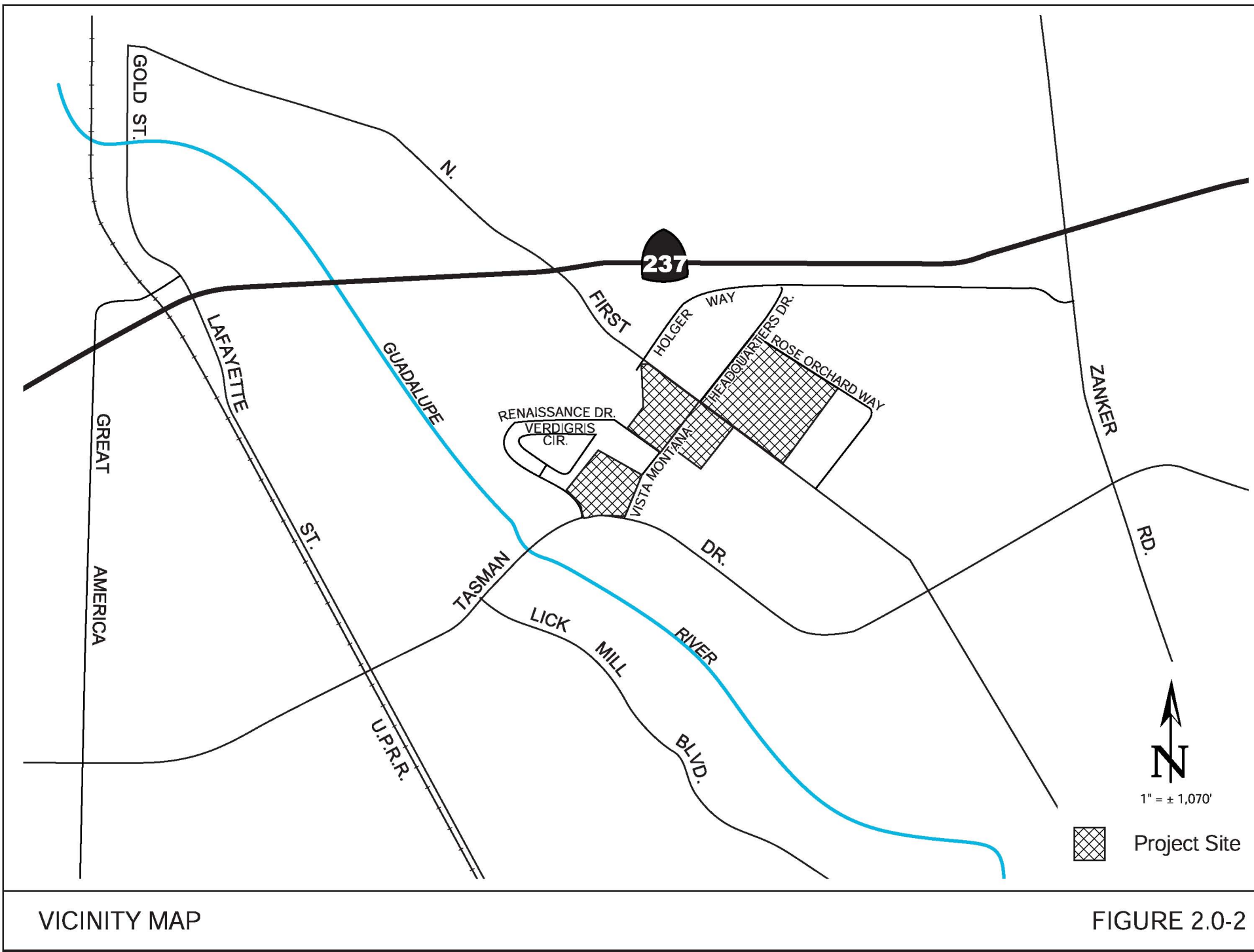
The surrounding land uses include undeveloped land to the north, light industrial uses to the north, east, and south, and residential uses to the west. An aerial photograph with the surrounding land uses is shown on Figure 2.0-4.



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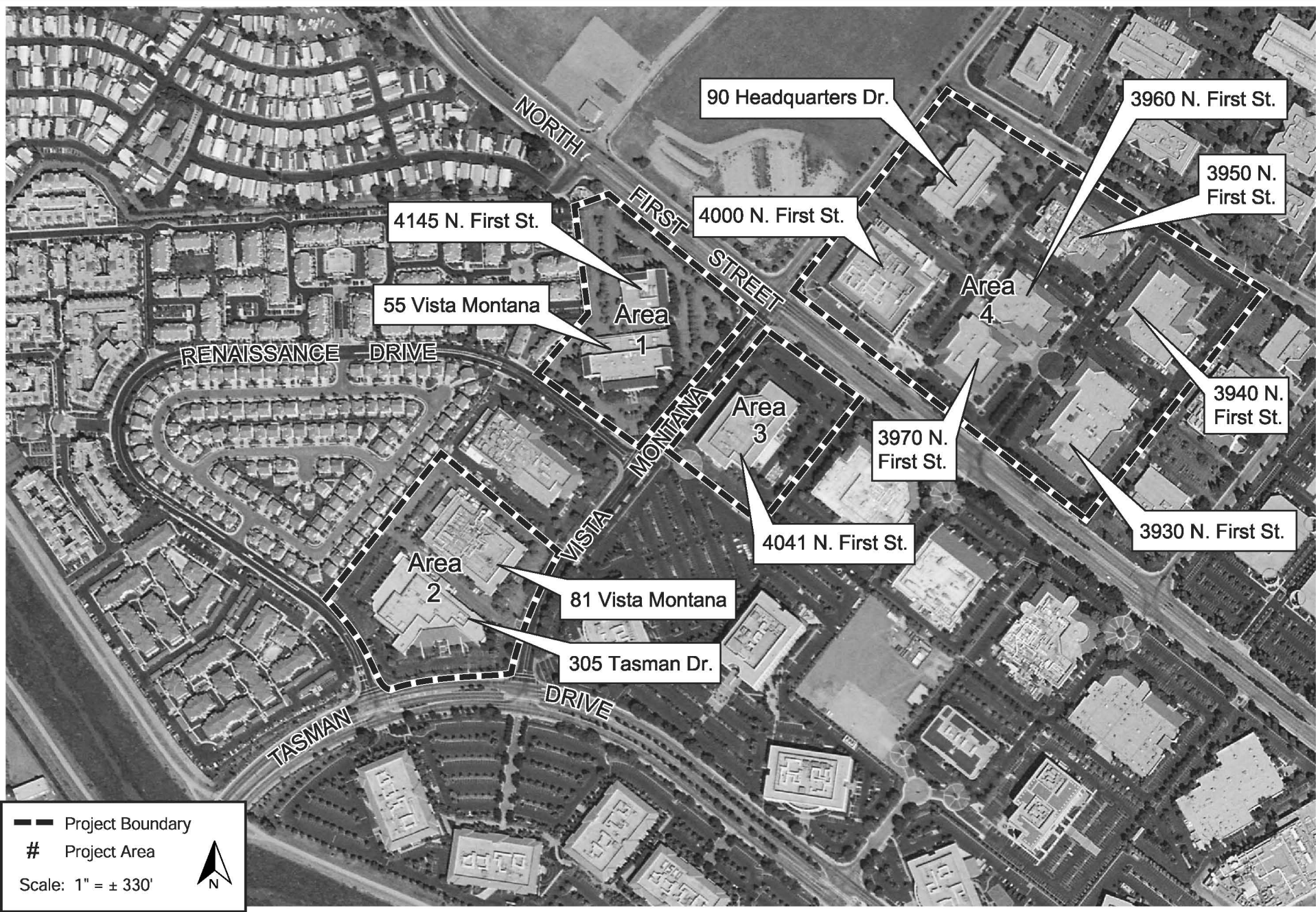
REGIONAL MAP

FIGURE 2.0-1



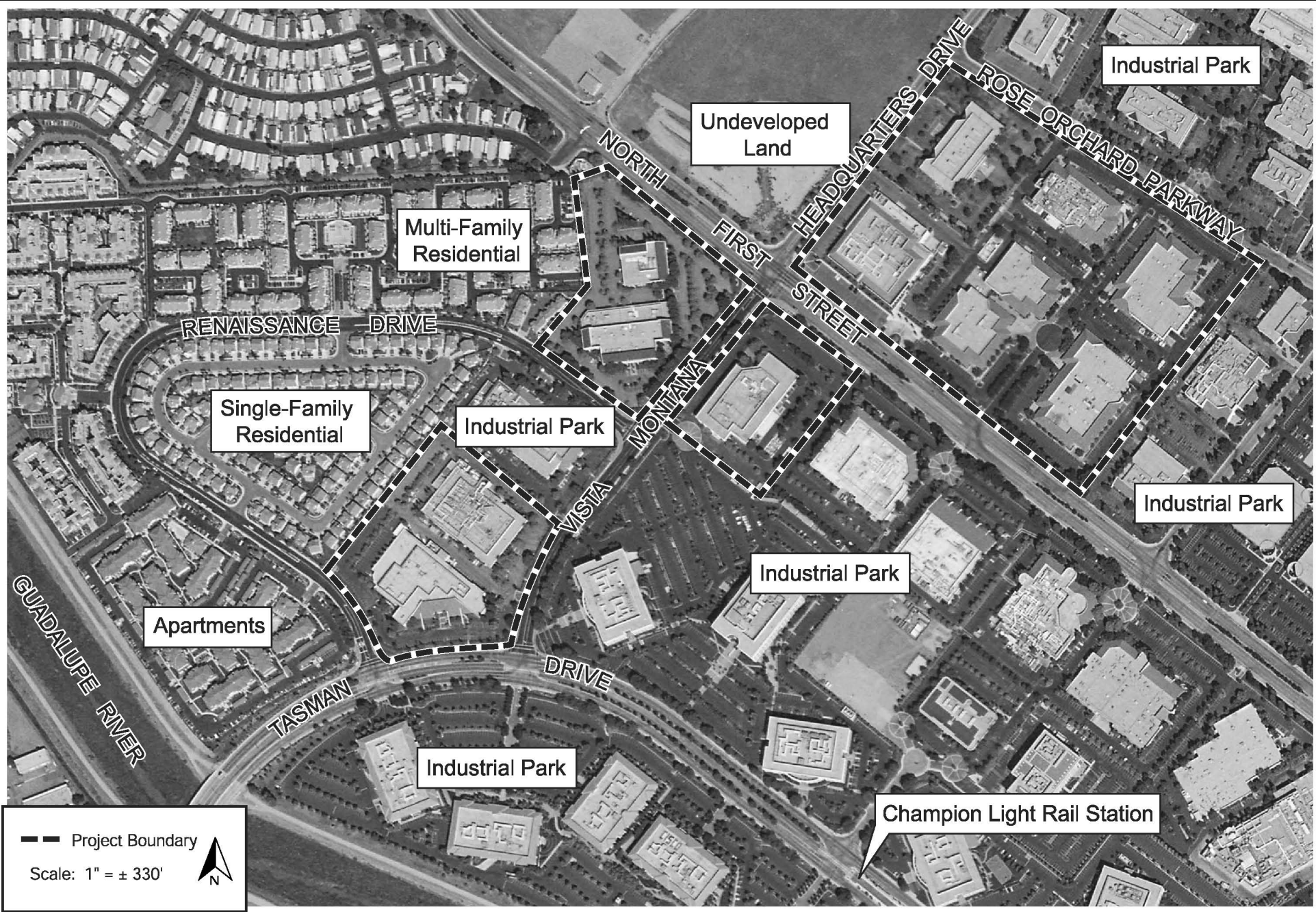
VICINITY MAP

FIGURE 2.0-2



PROJECT AREAS & ADDRESSES OF EXISTING BUILDINGS ON-SITE

FIGURE 2.0-3



AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES

FIGURE 2.0-4

2.3 PROPERTY OWNER/PROPONENT

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2.4 LEAD AGENCY CONTACT

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2.5 ASSESSOR’S PARCEL NUMBERS

097-52-013, 097-53-015, 097-52-028, 097-52-029, 097-79-001 through 097-79-003, 097-79-009, 097-79-011, and 097-79-012.

2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

General Plan Land Use Designation: Project Areas 1 and 2 – *Industrial Park* with a *Transit/Employment Residential District* [55+ dwelling units per acre (du/ac)] overlay

Project Areas 3 and 4 – *Industrial Park*

Zoning Designation: All Areas – *IP – Industrial Park*

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW OF THE PROPOSED PROJECT

The approximately 48-acre project site can be divided into four main areas: Areas 1-4 (refer to Figure 2.0-3). As a result of the approval of the 2005 NSJ FPEIR, the land use designations of project Areas 1 and 2 were changed from *Industrial Park* to *Industrial Park with a Transit/Employment Residential District* [55+ dwelling units per acre (du/ac)] overlay. Areas 3 and 4 of the project site are currently designated as *Industrial Park*.

3.1.1 Project Areas 1-3

The project proposes to rezone approximately 21 acres of the project site (Areas 1-3) from *IP – Industrial Park* to *A(PD) – Planned Development*. These 21 acres of the project site are currently developed with five, two-story office buildings that total approximately 270,251 square feet. The proposed rezoning would allow for the demolition of the five existing office buildings and development of between 866 and 998 attached residential units and a total of six acres of public parkland (refer to Figure 3.0-1). The overall density of the proposed residential development would be between approximately 55 and 68 du/ac.³ The project also includes the dedication of approximately 0.84 acres of the project site for public right-of-way (ROW).

The project also proposes to prepare and implement a Removal Action Workplan (RAW) as mitigation for existing hazardous materials contamination in coordination with the Department of Toxic Substances Control (DTSC). The RAW would include an Operations and Maintenance (O&M) Plan that identifies operation and maintenance activities for the project site and a soil management plan (SMP) that addresses how impacted soils should be handled (refer to **Section 4.7 Hazards and Hazardous Materials** for more details).

3.1.2 Project Area 4

The primary purpose of including Project Area 4 as part of this project is to increase the allowable floor area ratio (FAR). FAR is a measure of development expressed as a ratio the amount of building space (floor area) compared to the square footage of the project site. All industrial properties that are identified with shading in Figure 2 of the North San José Area Development Policy are allowed a base FAR of 0.4.⁴ The North San José Area Development Policy also states that all properties outside the Core Area may “generally be granted an allocation up to an FAR of 0.4.” In order to receive additional FAR, the project must incorporate exceptional and/or innovative architectural design treatment, transit-oriented site design elements and programs to encourage alternative modes of transportation, including transportation demand management measures. The design criteria and principles and the process for approving addition FAR beyond 0.4 are described in detail in the Council-approved Policy.

³ The overall density of the residential development portion of the project site was calculated by dividing the total number of proposed units (811 to 998 units) by the acreages proposed for residential uses (14.72 acres): $811 \div 14.72 \approx 55$ units per acre and $998 \text{ units} \div 14.72 \approx 68$ units per acre.

⁴ Source: Crabtree, Andrew. City of San José Principal Planner. Personal Communications. 13 September 2007.

The project proposes a Site Development Permit and development agreement to allow for the intensification of industrial development on Area 4 of the project site. The proposed Site Development Permit and development agreement would increase the maximum FAR on Area 4 from 0.4 to approximately 1.1 to allow for the development of up to 870,000 additional square feet of industrial development (a transfer of 270,251 existing square feet from Area 3 of the project site and 599,749 new square feet).⁵ No specific industrial development project (e.g., buildings or site improvements) is proposed as part of this project.

The main components of the project, including the proposed residential development, public parks, and industrial intensification are described in **Section 3.2 Project Components** below.

3.2 PROJECT COMPONENTS

A description of the main project components are provided below and a summary of the development proposed for each project area is provided in Table 3.0-2.

3.2.1 Residential Development

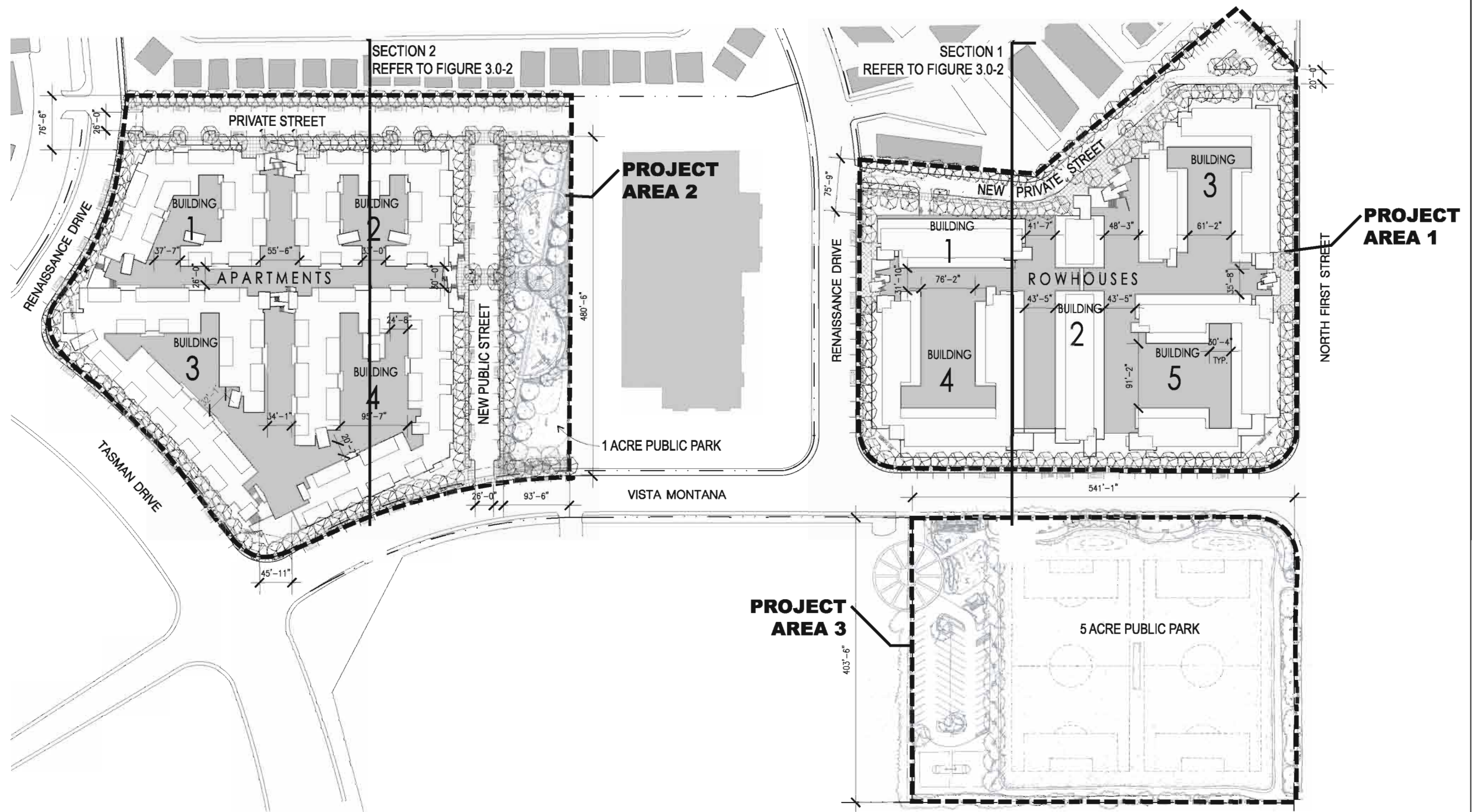
3.2.1.1 *Area 1 – Condominium Development*


The project proposes to construct between 389 and 444 attached condominiums in Area 1 of the project site. As shown on the conceptual site plan (refer to Figure 3.0-1), the proposed condominiums could be located within five buildings. The buildings would be up to four stories tall (up to 65 feet). The buildings would be located on a podium, above a one-level parking garage (refer to Figures 3.0-1 and 3.0-2). The proposed condominiums would consist of one to four bedroom units, ranging from approximately 700 to 1,500 square feet in size. The open areas between the buildings would be developed with a common recreation center, patios, and landscaping.

3.2.1.2 *Area 2 – Apartment Development*

The project proposes to construct between 477 and 554 attached apartments in Area 2 of the project site. As shown on the conceptual site plan (refer to Figure 3.0-1), the proposed apartments could be grouped into four buildings. The buildings would range from four to six stories in height (up to 95 feet tall), with building height decreasing when approaching the existing residential units northwest of the site. The proposed buildings would be located on a podium, above a one to two level parking garage (refer to Figure 3.0-2). The proposed apartments would consist of one to three bedroom units, ranging from approximately 700 to 1,250 square feet in size. The open areas between the proposed apartment buildings would be developed with a common recreation center, patios, and landscaping.

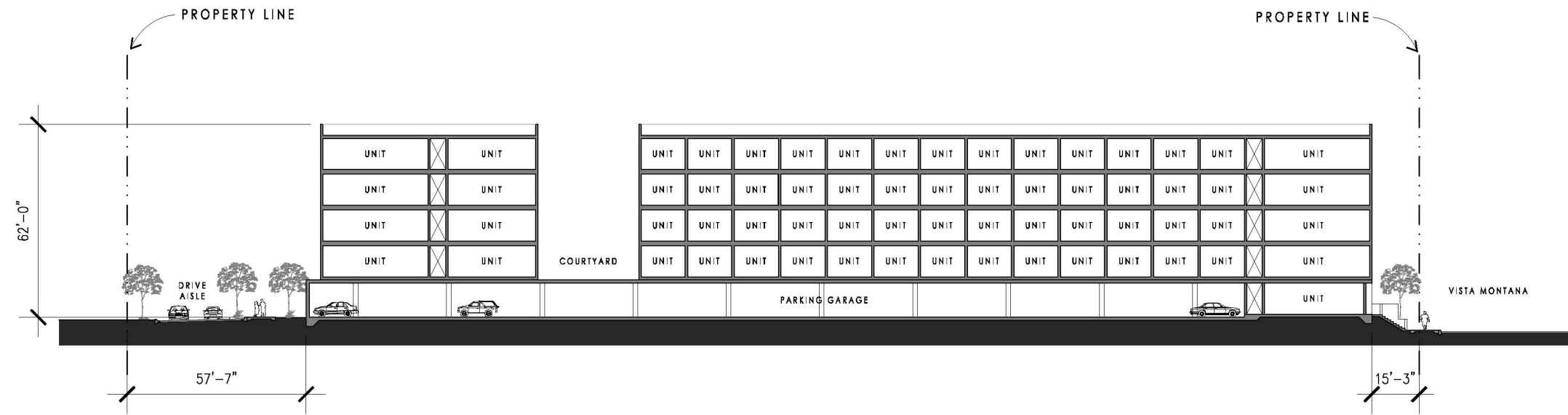
⁵ Currently, the maximum allowable FAR for Area 4 of the project site is 0.4. Source: Crabtree, Andrew. City of San José Principal Planner. Personal Communications. 13 September 2007.



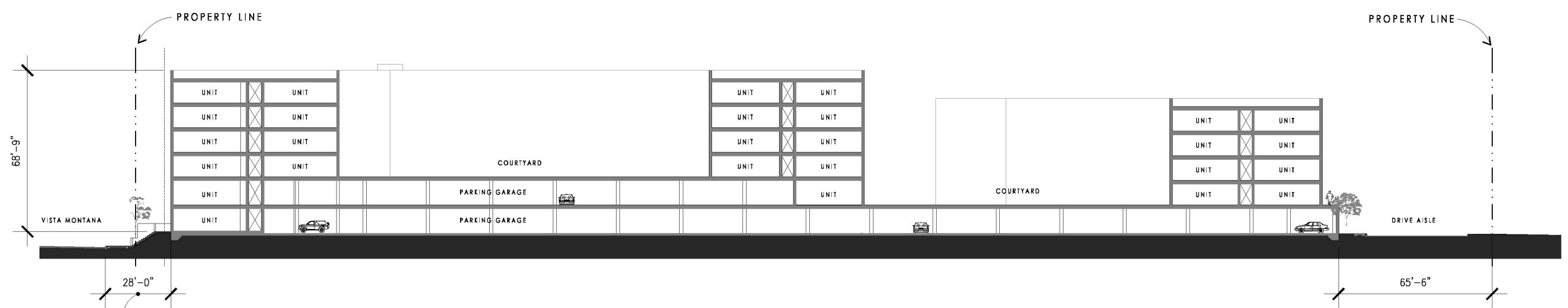

 ——— Project Boundary
 Scale: 1" = ± 150'
 Source: MBH Associates, June 26, 2007

CONCEPTUAL SITE PLAN FOR AREAS 1-3

FIGURE 3.0-1



SITE SECTION - 1
ROWHOUSES



SITE SECTION - 2
APARTMENTS

Source: MBH Associates, June 26, 2007

CONCEPTUAL CROSS-SECTIONS FOR AREAS 1 AND 2

FIGURE 3.0-2

3.2.1.3 *Common Open Space/Landscaping*

The project proposes approximately five acres of common open spaces and landscaping within project Areas 1 and 2. As mentioned above, recreation centers are proposed for both Areas 1 and 2. Each recreation center would include a pool, spa, and recreational building (refer to Figure 3.0-1). The landscaping proposed for Areas 1 and 2 include trees, vines, shrubs, and ground cover.

3.2.2 Public Parkland

The project proposes to dedicate a total of six acres of the project site as public parkland. The project proposes a one-acre linear public park on the northern end of Area 2 and a five-acre public park in Area 3 (refer to Figure 3.0-1). In addition to the dedication of the parkland, the project will develop and improve the parks as part of its obligation to the City's *Park Dedication Ordinance* (PDO) and *Park Impact Ordinance* (PIO).

The linear park would be developed with passive park uses, such as grass areas, benches, and children's play areas. As shown on the conceptual site plan (see Figure 3.0-1), the proposed public park in Area 3 could include two soccer fields (with a cricket field overlay), a picnic area, basketball half-courts, a tot lot, grass areas, parking, and landscaping. No bleacher seating, public announcement (PA) systems, or stadium lighting are proposed for either park as part of this project. In the event that bleacher seating, a PA system, or stadium lighting are desired in the future, supplemental environmental review will be required. Parking for approximately 70 cars is also included.

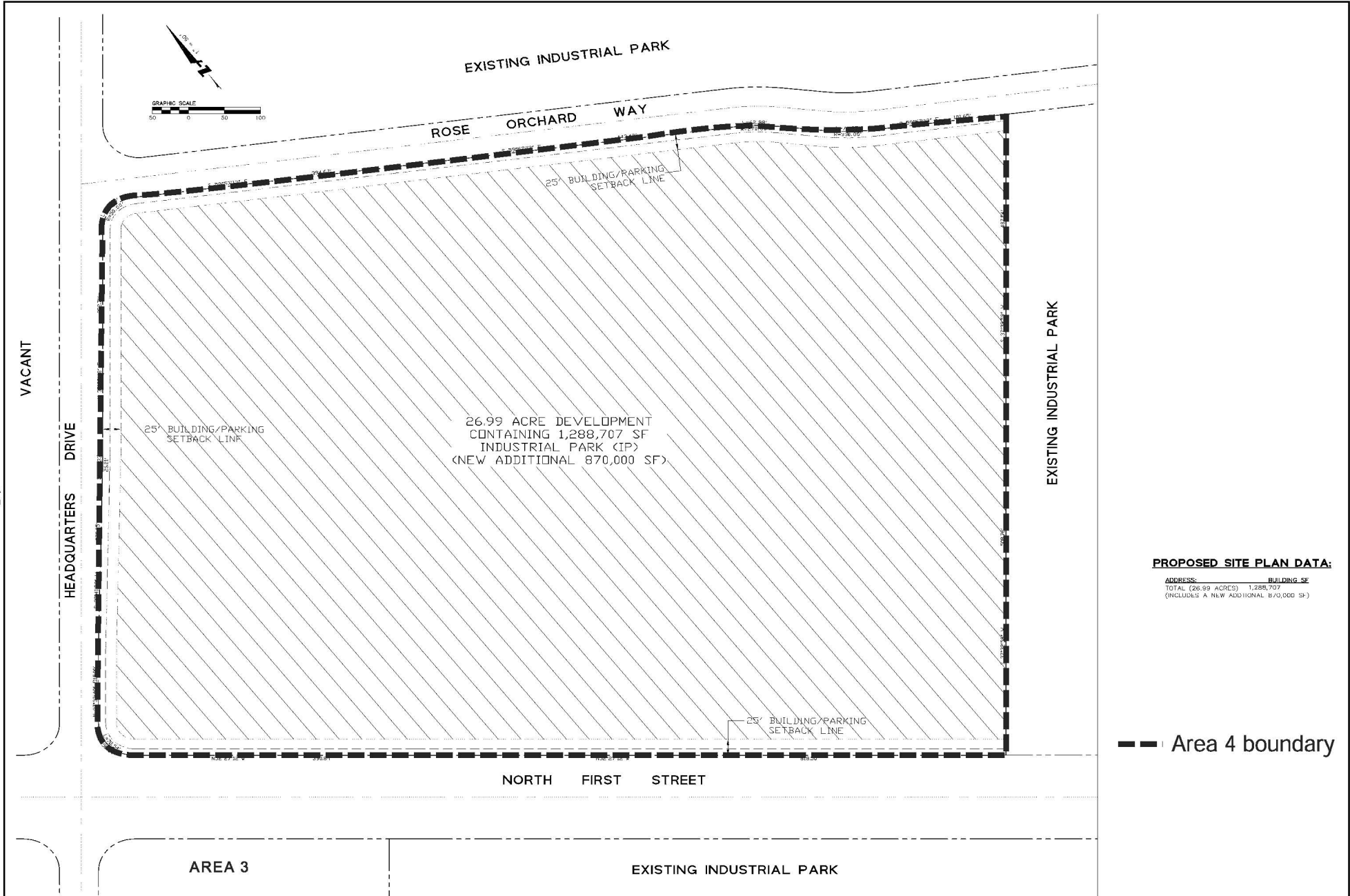
3.3.3 Industrial Intensification

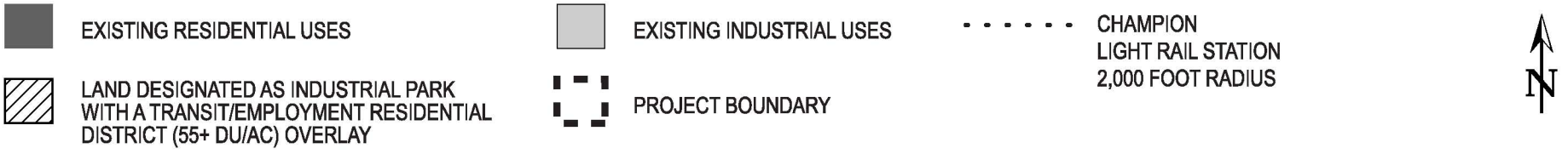
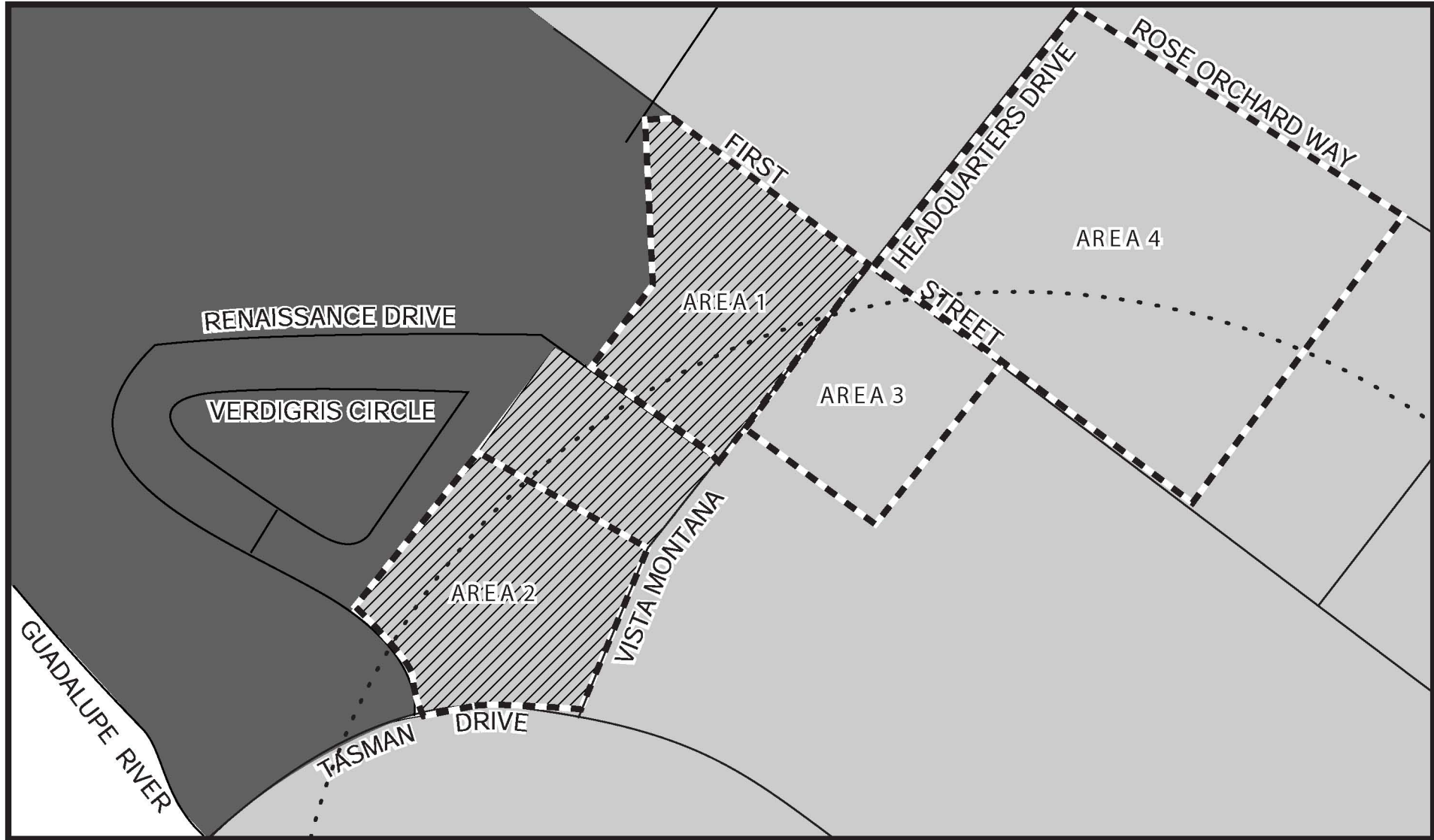
Area 4 currently contains approximately 418,707 square feet of building space – a FAR of approximately 0.36. The project proposes a Site Development Permit and development agreement to increase the maximum allowable FAR on Area 4 of the project site to approximately 1.1 (on the entire Area) to allow for the development of up to 870,000 square feet of industrial use in addition to the existing industrial development (refer to Figure 3.0-3).⁶ This represents an increase of 870,000 square feet above existing development and an increase of 818,307 square feet above the current maximum allowable FAR on the site. Of the 870,000 additional square footage of industrial development proposed for Area 4, 599,749 square feet are new industrial square footage and the remaining 270,251 square feet is existing industrial floor space existing in project Areas 1-3 to be transferred to Area 4. No specific industrial development project (e.g., buildings or site improvements) is proposed at this time.

With the approval of the proposed Site Development Permit and development agreement, future industrial development on Area 4 could be up to 150 feet in height, since it is within 2,000 feet of the Champion Light Rail Station (refer to Figure 3.0-4).⁷ Uses of the new buildings could be any of the industrial/office/R&D uses allowed under the *IP – Industrial Park* zoning. Supplemental environmental review [including a Phase I environmental site assessment and Phase II soil and groundwater sampling (if required)] for subsequent permits and other site improvements on Area 4 will be required at the time specific development (e.g., buildings and site improvements) is proposed.

⁶ Currently, the maximum allowable FAR for Area 4 of the project site is 0.4. Source: Crabtree, Andrew. City of San José Principal Planner. Personal Communications. 13 September 2007.

⁷ Orduna, Rodrigo. City of San José Project Planner. Personal Communications. 17 September 2007.





EXISTING LAND USES & LAND DESIGNATED FOR RESIDENTIAL DEVELOPMENT

FIGURE 3.0-4

In addition to the minimal standards required for conformance with the City’s Zoning Ordinance, new development in North San José must meet design criteria intended to encourage transit use and minimize reliance on automobiles. New development should “to the maximum extent feasible” be designed and constructed to promote the use of transit, pedestrian and bicycle activity by incorporating elements such as the following:

- New buildings should be located and oriented on the site to promote access to transit facilities. Active use areas and building entrances should be oriented toward the nearest primary street.
- Establishing pedestrian connections to the nearest transit station should be given priority in the site design.
- Projects should incorporate new or additional improvements for pedestrian accessibility (e.g., new street-side entrances, pedestrian sidewalk connection oriented toward the nearest transit facility).
- All new development within the vicinity of light rail stations (e.g., within 2,000 feet) should in particular provide vibrant, well-designed, pedestrian and bicycle friendly areas onsite.
- Projects should include clear, safe, and comfortable connections to transit and services from the site and building entries. These include pedestrian pathways, landscaping, canopy trees, and pedestrian scale lighting.
- Project should include adequately sized bicycle facilities.
- Project should incorporate commercial services onsite or in proximity or include space suitable for future conversion of commercial use.

In addition, the City is being asked to grant an entitlement to this proposed development that is more binding than just the proposed Site Development Permit. A Development Agreement secures the development rights for a longer period of time than a typical permit. In order for the City to make the appropriate findings under the 2005 NSJ FPEIR, the proposed development of Area 4, including the transfer of existing industrial floor area from Areas 1-3 to this location, must commit to meet the standards of the *Industrial Design Guidelines* and incorporate all of the mitigation measures identified in the FPEIR.

3.2.4 Dedication of Public Right-of-Way

The project includes the dedication of approximately 0.84 acres of land in Area 2 for the construction of new a public street. The proposed public roadway would be located along the northeastern portion of Area 2 (refer to Figure 3.0-1).

3.2.5 Site Access and Parking

3.2.5.1 *Area 1*

Area 1 of the project site would be accessible via driveways from North First Street and Renaissance Drive. The driveways would connect to a private drive aisle located along the northwestern boundary of the Area. The private street would include parallel parking spaces on the western side and provide access to the at-grade parking garage located below the buildings and podium (refer to Figures 3.0-1 and 3.0-2). Additional parallel parking is proposed on Renaissance Drive, Tasman Drive, and Vista Montaña for this Area. Parking provided shall meet the City’s parking requirements, as outlined in the *Residential Design Guidelines*. The City’s parking requirements are dependent on the size of the units. For instance, for a one bedroom unit, 1.5 parking spaces are

required. A two bedroom unit requires 1.8 parking spaces and a three bedroom unit requires two parking spaces.⁸ Most of the project site is within walking distance to the Champion light rail station (refer to Figure 2.0-4), therefore, those areas qualify for a 10 percent parking credit (Municipal Code 20.90.220A). Table 3.0-1 summarizes the City’s parking requirements.

Table 3.0-1 Minimum Parking Requirements		
Unit Size	Parking Spaces Required*	
	Standard	Within Walking Distance To LRT[†]
Studio	1.4	1.26
1 Bedroom	1.5	1.35
2 Bedroom	1.8	1.62
3 Bedroom	2.0	1.80
3 Bedroom+; add per bedroom	0.15	0.14
Notes: * Parking ratios are based on all open parking and no tandem spaces being provided (City of San José. <u>Residential Design Guidelines</u> . February 1997). [†] A 10 percent credit is applied because most of the project site is located within walking distance of the Champion light rail station (Municipal Code 20.90.220A).		

3.2.5.2 Area 2

Area 2 of the project site would be accessible via driveways from Vista Montaña and Renaissance Drive. The driveways would connect to a new private street along the northwestern boundary and a new public street along the northeastern portion of the Area. The new streets would include parallel parking on both sides and access to the parking garage located below the buildings and podium (refer to Figure 3.0-1 and 3.0-2). Additional parallel parking is proposed along Renaissance Drive, Tasman Drive, and Vista Montaña for this Area (refer to Figure 3.0-1). Parking provided shall meet the City’s parking requirements, as outlined in the *Residential Design Guidelines* (refer to Table 3.0-1).

3.2.5.3 Area 3

Area 3 of the project site would be accessible via a driveway on Vista Montaña. As shown on the conceptual site plan, parking for the park would be located on the southern end of Area 3. Approximately 70 parking spaces are proposed for the park.

3.2.5.4 Area 4

Area 4 of the project site is currently accessible via driveways on Headquarters Drive, Rose Orchard Way, and North First Street. No specific industrial development (e.g., buildings or site improvements) is proposed at this time. Future industrial development on Area 4 would be required to meet the City’s parking requirements (refer to Municipal Code Chapter 20.90). Industrial parking

⁸ City of San José. Residential Design Guidelines. 25 February 1997.

requirements differ depending on the proposed industrial use. For example, research and development (R&D) uses are required to provide a minimum of one parking space per 350 square feet of floor area, while warehouse uses of greater than 25,000 square feet are required to provide a minimum of one parking space per 5,000 square feet.

Table 3.0-2 Summary of Proposed Development for Each Project Area				
	Project Area			
	1 – southwest corner of North First Street and Vista Montaña	2 - northwestern corner of Tasman Drive and Vista Montaña	3 – southeast corner of North First Street and Vista Montaña	4 – east corner of North First Street and Headquarters Drive
Approximate Acreage	7	9	5	27
Use	389 to 444 attached apartments	477 to 554 attached condominiums and a public park	Public park	870,000 additional square feet of industrial uses
Maximum Height	65 feet	95 feet	N/A	150 feet*
Open Space/Landscaping	Approximately 2.5 acres of common open space including a recreational center (including pool, spa, and recreational building), trees, vines, shrubs, and groundcover.	A total of approximately 3.5 acres of open space including a one-acre linear public park and approximately 2.5 acres of common open space including recreational center (including pool, spa, and recreational building), trees, vines, shrubs, and groundcover.	A five-acre public park that could be developed with soccer fields (with a cricket field overlay), a picnic area, basketball half-courts, a tot lot, grass areas, and landscaping (e.g., trees, grass, and shrubs).	N/A – no development is proposed at this time.
Parking	Parking for the residential portion of the project shall meet the City’s parking requirements, as outlined in the <i>Residential Design Guidelines</i> .		~70 parking spaces	Future industrial development shall meet the City’s parking requirements, as outlined in the City’s Municipal Code.
Dedication of ROW	N/A	Approximately 0.84 acres for construction of a new public roadway.	N/A	N/A – no development is proposed at this time.
Note: * Area 4 has a maximum allowable building height of 150 feet because it is located within 2,000 feet of Champion Light Rail Station (refer to Figure 3.0-4).				

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Initial Study tiers off the City of San José North San José Development Policies Update Final Program EIR (2005 NSJ FPEIR) (approved June 21, 2005).

The amount of residential development and public parkland proposed for project Areas 1 and 2 and the industrial intensification of Area 4 was included and analyzed at a program level in the certified 2005 NSJ FPEIR. The 2005 NSJ FPEIR, however, did not analyze the development of a public park on Area 3 of the project site, which is outside the boundaries of the area planned for residential uses and for the facilities that support residential land uses (such as schools, parks, and libraries). This Initial Study evaluates the project specific environmental impacts, including those associated with the proposed public park in Area 3, that were not addressed in the 2005 NSJ FPEIR.

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

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Project Site*

The approximately 48-acre project site is located on Vista Montaña and North First Street in north San José. The project site consists of four Areas (refer to Figure 2.0-3). Project Areas 1 and 2 are bounded by North First Street to the north, Vista Montaña to the east, and Tasman Drive to the south. An approximately four-acre parcel and the northern extension of Renaissance Drive (located south of Area 1) separate Area 1 from Area 2. Area 3 of the project site is located on the east side of Vista Montaña, east of Area 1. Area 3 is bounded by North First Street to the north and Vista Montaña to the west. Area 4 is bounded by Headquarters Drive to the northwest, Rose Orchard Way to the northeast, and North First Street to the south. The project site and surrounding area are flat, and as a result, the project site is only visible from the immediate area.

Each Area is described in more detail below.

Area 1

As discussed above, Area 1 of the project site is at the southwest corner of North First Street and Vista Montaña. Area 1 is approximately seven acres in size and developed with two, two-story office buildings that total 116,076 square feet. The existing office buildings are approximately 25 feet tall and surrounded by surface parking (refer to Photos 1 and 2). Landscaping, including grass areas, shrubs, and trees, is primarily located along the perimeter of the Area and adjacent to the buildings (refer to Photos 1 and 2). There is an existing soundwall located along the western boundary of Area 1 that separates the area from the adjacent residences (refer to Photo 3).

Area 2

Area 2 of the project site is at the northwestern corner of Tasman Drive and Vista Montaña. Area 2 is approximately nine acres in size and developed with two, one-story office buildings that total 97,000 square feet. The existing office buildings are approximately 15 feet tall and surrounded by surface parking. Landscaping, including grass areas, shrubs, and trees, is located along the perimeter of the Area and adjacent to the building (refer to Photos 5 and 6).

Area 3

Area 3 of the project site is at the southeast corner of North First Street and Vista Montaña. Area 3 is approximately five acres in size and developed with one, two-story office building that is approximately 57,175 square feet in size. The office building is approximately 25 feet tall and surrounded by surface parking. Landscaping, including grass areas, shrubs, and trees, is located along the perimeter of the Area and adjacent to the building (refer to Photo 4).

Area 4

Area 4 of the project site is located at the east corner of North First Street and Headquarters Drive. Area 4 is approximately 27 acres in size and is developed with seven, one to two story industrial office buildings that total approximately 418,707 square feet in size. The industrial office buildings are approximately 35 feet tall and surrounded by surface parking. Landscaping, including grass areas, shrubs, and trees, is located along the perimeter of the Area and buildings (refer to Photos 7 and 8).

4.1.1.2 *Surrounding Area*

The surrounding land uses include undeveloped land⁹ and industrial park uses to the north (refer to Photo 9), industrial park uses to the east (refer to Photo 10), Tasman Drive, light rail, and industrial buildings to the south (refer to Photo 11), and residential uses, including two-story apartments and townhouses, west of the project site (refer to Photos 11-14). The surrounding industrial park office buildings and residential units range from one to three stories in height.

Areas 1 and 2 of the project site are separated by an approximately four-acre parcel (not part of the project site) developed with an industrial office building and surface parking (refer to Photo 14).¹⁰ In addition, Vista Montaña (a two-lane roadway) separates Areas 1 and 3, and North First Street (a six-lane roadway) separates Areas 1 and 4 (refer to Figure 2.0-3).

4.1.1.3 *Scenic Vistas*

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

⁹ Note that there is currently an application on file for a General Plan Amendment for the undeveloped 36.3 acre property at the north corner of North First Street and Headquarters Drive to change the land use designation from *Industrial Park* to *Combined Commercial Industrial* (File No. GP06-04-03).

¹⁰ Note that there is currently an application on file for the development of between 231 and 294 residential apartments on the approximately four-acre industrial park parcel located between project Areas 1 and 3 (File No. 06-116).



Photo 1 - View of Area 1 and North First Street from North First Street looking west.



Photo 2 - View of Area 1 from Renaissance Drive looking north.

PHOTOS 1 AND 2



Photo 3 - View of western boundary of Area 1 from Renaissance Drive looking north.



Photo 4 - View of Vista Montañã and Area 2 from the intersection of Renaissance Drive and Vista Montañã looking northeast.

PHOTOS 3 AND 4



Photo 5 - View of Area 3 from the intersection of Tasman Drive and Vista Montaña looking west.



Photo 6 - View of Area 3 from the intersection of Tasman Drive and Renaissance Drive looking east.

PHOTOS 5 AND 6



Photo 7 - View of Area 4 from the intersection of North First Street and Headquarters Drive looking southeast.



Photo 8 - View of Area 4 from Headquarters Drive looking southeast.

PHOTOS 7 AND 8



Photo 9 - View of North First Street and undeveloped land located to the northeast of Area 1 of the project site from the intersection of North First Street and Vista Montana looking northwest.



Photo 10 - View of office use located on the east side of Vista Montana, to the east of Area 3.

PHOTOS 9 AND 10



Photo 11 - View of Tasman Drive, Area 3 (on the left), and apartment buildings (in the background) from the intersection of Tasman Drive and Renaissance Drive looking northwest.



Photo 12 - View of apartments on the west side of Renaissance Drive, to the southwest of Area 3.

PHOTOS 11 AND 12



Photo 13 - View of adjacent townhouses along Renaissance Drive to the west of Area 1.



Photo 14 - View of office use located between Area 1 and 3.

PHOTOS 13 AND 14

4.1.2 Environmental Checklist and Discussion of Impacts

AESTHETICS						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Increase the amount of shading on private or public open space (e.g., backyards, parks, plazas, and/or school yards)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.1.2.1 Change in Visual Character

The project proposes to demolish and remove the five existing one- to two-story industrial park office buildings and associated parking lots on Areas 1-3 and construct between 866 and 998 residential units and a total of six acres of public parkland. The proposed project would also allow for the intensification of industrial development on Area 4. The proposed project would increase the existing maximum allowable FAR on Area 4 of the project site from 0.4 to approximately 1.1 and could include buildings of up to 150 feet tall.

As discussed in **Section 4.4 Biological Resources**, the project could result in the removal of up to 1,059 trees on-site. The project, however, proposes to replace those removed trees and plant additional trees landscaping, including shrubs, vines, and groundcover.

Area 1

The proposed 389 to 444 apartment units could be located within five buildings that would be up to four stories (up to 65 feet). The buildings would be located on a podium, above one level of at-grade parking (refer to Figure 3.0-2). The open areas located between the buildings would be developed with an approximately 800 square foot private recreational center, patios, and landscaping.

Area 2

The proposed 477 to 554 condominiums could be located within four buildings that would range between four and six stories in height (up to 95 feet), with building height decreasing when approaching the existing residential units northwest of the site (refer to Figure 3.0-2). As shown on the conceptual site plan (refer to Figure 3.0-1), the proposed condominium buildings would be located on a podium, above one to two levels of parking. The open areas between the proposed condominium buildings would be developed with a common recreational center, patios, and landscaping. A one-acre public linear park is proposed at the northern end of this Area. The linear park would consist of passive park uses, such as grass areas, benches, and children play areas.

Area 3

The project proposes to dedicate and improve a public park on this Area. As shown in the conceptual site plan (refer to Figure 3.0-1), the public park could be developed with two soccer fields (with a cricket field overlay), a picnic area, basketball half-courts, a tot lot, grass areas, parking, and landscaping.

Area 4

The project proposes to increase the maximum allowable FAR on Area 4 from 0.4 to approximately 1.1 to allow for up to an additional 870,000 square feet of industrial development. No specific industrial development (e.g., buildings or site improvements) is proposed as part of this project. Future industrial development on Area 4 of the project site could be up to 150 feet in height because the Area is located within 2,000 feet of the Champion Light Rail Station (refer to Figure 3.0-4). Future industrial development will be subject to the City's *Industrial Design Guidelines*.

The certified 2005 NSJ FPEIR analyzed the visual impacts associated with the development of high-density residential and industrial uses on the project site. As discussed in the 2005 NSJ FPEIR, the approved project would result in development of greater mass, density, and height than the existing uses throughout the project area. It was concluded that future development's conformance with the City's *Residential Design Guidelines* and *Industrial Design Guidelines* would avoid significant visual and aesthetic impacts.

The proposed project would not result in any new or more significant visual or aesthetic impacts than were described in the certified 2005 NSJ FPEIR (refer to Section A. Land Use of the 2005 NSJ FPEIR).

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

Mitigation Measures: The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR to be required of future residential development in North San José and proposed by the project:

MM AES – 1.1: Residential development on the project site shall comply with the City of San José *Residential Design Guidelines*, including the following:

- *Chapter 5 – Perimeter Setbacks:* Residential structures of three stories or more are to be set back a minimum of 15 feet from incompatible uses. Residential structures of three stories or more are to be setback a minimum of 25 feet from public open space.
- *Chapter 9 – Landscaped Areas:* Landscaping should be provided in all setback areas between project walls and/or fences and the rights-of-way of public streets and sidewalks. The landscaping should be generous and should include trees and/or shrubs as well as groundcover. Tall shrubs or vines should be planted to help screen walls and fences and provide protection from graffiti.
- *Chapter 11 – Building Design:* This chapter specifies minimum facade articulation, vertical and horizontal roof articulation, the quality of building materials and details, stylistic consistency, and the need for care and attention to detail in design of street facades.
- *Chapter 14 – Solar Access:* Within a project, buildings should not be located in positions that will result in substantial shading of the private open space of adjacent units in the project.
- *Chapter 24 – Podium Cluster Housing:* Units should be stacked and constructed on a podium or deck over a communal parking garage. Private open space in the form of patios, decks, and balconies, as well as common open space should be provided.

MM AES – 1.2:

Industrial development on the project site shall comply with the City of San José *Industrial Design Guidelines*, including the following:

- *Policy 1A1 – Setting, Surrounding Area Character:* New development should complement, but not necessarily mimic, the building forms, architectural styles, and landscape patterns of existing neighboring industrial development.
- *Policy 1A5 – Setting, Surrounding Area Character:* Setbacks for new buildings from public streets should conform to the zoning requirements and should provide a positive image to the existing streetscape. In addition, different setbacks may be encouraged for specific development types.
- *Policy 2B1 – Structures, Building Form and Scale:* Building design should reflect a high level of architectural quality and creativity.
- *Policy 2E1 – Structures, Finish Materials:* Materials and colors should be varied where appropriate to provide architectural interest.
- *Policy 3A1 – Landscaping, General:* Landscaping should be consistent with the City of San José *Landscape and Irrigation Guidelines* and the City’s *Urban Forest Program*.
- *Policy 4C2 – Service Facilities, Loading:* Loading areas and vehicle access door should not be visible from public streets or from neighboring residential uses.
- *Policy 4C3 – Service Facilities, Loading:* Loading areas should be located away from highly visible areas of the site, preferably at the rear of buildings. Vehicle access doors should not face public streets, freeways, or expressways.

- *Policy 4F4 – Service Facilities, Mechanical Equipment:* Mechanical equipment should be located and operated in a manner that is not a nuisance for adjacent properties.
- *Policy 4J3 – Service Facilities, Fences/Screening Devices:* The maximum height for screen walls and fences adjacent to public streets and residential or commercial uses should be seven feet unless additional height is necessary to screen outdoor equipment.

4.1.2.2 *Light and Glare Impacts*

As discussed in the certified 2005 NSJ FPEIR, light in the project area would generally increase throughout the area, including on the site, because the proposed buildings would be taller than the existing buildings, the addition of new streets, and development on then-vacant properties. No stadium lighting is proposed at the public parks.

It was concluded in the certified 2005 NSJ FPEIR that light and glare impacts, including light spillover onto adjacent properties, would be avoided with compliance with the City’s *Outdoor Lighting Policy* (Policy 4-3). The proposed project would not result in any new or more significant light and glare impacts than were described in the certified 2005 NSJ FPEIR.

Impact AES – 2: The project would result in light and glare impacts. **(Significant Impact)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR to be required of future development in North San José and proposed by the project:

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

MM AES – 2.2: Industrial development on the project site shall comply with the City of San José *Industrial Design Guidelines*, including the following:

- *Policy 4G2 – Service Facilities, Lighting:* Light fixtures should not exceed 25 feet in height.

4.1.2.3 *Impacts to Scenic Vistas*

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

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

4.1.2.4 *Shade and Shadow Impacts*

Shade and shadow impacts occur when a structure reduces access to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. During summer, shading may even be desirable. As discussed in the certified 2005 NSJ FPEIR, the City of San José typically identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on private or public open spaces, measured midday on the first day of winter (December 21) and on the vernal and autumnal equinoxes (March/September 21).¹¹

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

Generally, in the winter, when shadows are the longest, the proposed project would result in the shading of the project site itself, minimal shading on the adjacent residential units and private open space west of Area 2, and minimal shading of Rose Orchard Way during the morning hours. Shading of existing industrial properties north of Area 2 and 4, Rose Orchard Way, and North First Street would occur during the afternoon hours. It should be noted that under current conditions, the existing industrial office buildings shade the adjacent residents and their private open space west of the site during the winter morning hours (though to a lesser degree than the proposed project).

During the vernal and autumnal equinoxes, the proposed project would result in minimal shading of the project site itself, North First Street, Headquarters Drive, Rose Orchard Way, and the adjacent property north of Area 2 in the morning and afternoon hours. Minimal shading of the adjacent residents and their private open space west of the project site would occur in the morning hours during the vernal and autumnal equinoxes.

Because the shading of adjacent private open space would be minimal (i.e., only during the winter morning hours), the proposed project would not result in significant shade and shadow impacts. Furthermore, the proposed project would not result in any new or more significant shade and shadow impacts than were described in the certified 2005 NSJ FPEIR.

4.1.2.5 *Solar Access*

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

¹¹ On the first day of winter, the sun is lowest in the sky and shading is greatest. On both the vernal and autumnal equinoxes, the sun is at the same location, over the equator. This threshold evaluates shading from September 21 through March 21.

use photovoltaics or passive solar principles effectively; however, since the 2005 NSJ FPEIR did not assume that residential projects would necessarily use solar energy, this would not be a new or significant impact.

4.1.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José’s adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

Impact AES – 1: The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant visual and aesthetic impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact AES – 2: The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant light and glare impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.2 AGRICULTURAL RESOURCES

4.2.1 Setting

While North San José was cultivated for over a hundred years for a variety of crops, including orchards, field crops, and greenhouse-grown flowers, very little agriculture remains. The project site has been designated for urban uses for over 30 years. It is currently developed and not used for agricultural purposes. The site is not the subject of a Williamson Act contract. There is no property used for agricultural purposes adjacent to the project site.

4.2.2 Environmental Checklist and Discussion of Impacts

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

As discussed above, the project site is not designated as farmland or used for agricultural purposes. For these reasons, the proposed project would not result in any impacts to farmland.

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

4.2.3 Conclusion

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

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 *Background Information*

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

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

4.3.1.2 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses included residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. Sensitive receptors near the project site include the residential uses northwest, west, and southwest of the project site (refer to Figure 2.0-4).

4.3.2 Environmental Checklist and Discussion of Impacts

AIR QUALITY						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4

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

4.3.2.1 Regional and Local Impacts

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

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

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

MM AIR – 1.2: The project, including development on Area 4, shall implement measures identified by BAAQMD to reduce long-term contributions to regional and local emissions, which may include, but are not limited to, the following:

- Providing bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas;
- Providing a satellite telecommute center within or near the development;
- Providing secure and conveniently placed bicycle parking and storage facilities at parks and other facilities;
- Allowing only natural gas fireplaces, pellet stoves, or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-

hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source;

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

4.3.2.2 *Construction-Related Impacts*

Construction activities would temporarily affect local air quality. Construction activities such as demolition, soil remediation (refer to **Section 4.7 Hazards and Hazardous Materials**),¹² earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

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

The 2005 NSJ FPEIR describes the project area as likely including contaminated soils due to the nature of the uses present in the area historically. The mitigation identified in the FPEIR for development on contaminated sites includes conformance with DTSC and/or the Regional Board procedures for cleanup. The mitigation measures specifically identified in the FPEIR for sites such as this specific project site include preparation of a Phase I assessment, preparation of Phase II testing if found to be necessary, and implementation of the recommendations in those reports the reports. Remediation is identified as soils removal, groundwater extraction/treatment, or modification to the proposed project design, as appropriate, depending on the degree and type of contaminations and the requirements of the regulatory agencies.

The soils remediation proposed for this project is within the scope of the overall grading proposed for the project, and is within the parameters identified in the 2005 NSJ FPEIR.

¹² Activities associated with soil remediation will be similar to standard construction practices.

The development of the proposed project would contribute to the significant construction-related, short-term air quality impacts identified in the certified 2005 NSJ FPEIR. Furthermore, the proposed project would not result in any new or more significant construction-related air quality impacts than were described in the certified 2005 NSJ FPEIR (refer to Section C. Air Quality in the 2005 NSJ FPEIR).

Impact AIR – 2: The project (including development on Area 4) would result in short-term, construction-related air quality impacts. **(Significant Impact)**

Mitigation Measure: The following BAAQMD measures are identified as part of the certified 2005 NSJ FPEIR and proposed by the project as mitigation for construction-related (including soil remediation) air quality impacts:¹³

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

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

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

MM AIR – 2.4: Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.

MM AIR – 2.5: Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

MM AIR – 2.6: Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.

MM AIR – 2.7: Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)

MM AIR – 2.8: Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

MM AIR – 2.9: Replant vegetation in disturbed areas as quickly as possible.

4.3.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José's adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

¹³ Mitigation measures for soil remediation air quality impacts are identical to those required and proposed by the project for regular construction impacts.

Impact AIR – 1: The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant regional or local air quality impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact AIR – 2: The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant construction-related air quality impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

The project site is located within a developed area of north San José. The project site is currently developed with 12 existing industrial office buildings, associated surface parking lots, and landscaping including trees, shrubs, and grass areas. Due to the developed nature of the project site and human disturbance, the species diversity at the project site is extremely low. Wildlife species expected to occur on the project site are those adapted to human activity, including mourning doves, rock doves, raccoons, and possums.

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

4.4.1.1 *Special-Status Plants and Animals*

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

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

4.4.1.2 *City of San José Tree Ordinance*

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

A tree removal permit is required from the City for the removal of ordinance-sized trees. Tree surveys of the project site were completed by *Concentric Ecologies* in September 2006 and 2007. The tree surveys are included as Appendix A of this Initial Study. There are a total of 1,118 existing trees on the project site (i.e., all project Areas combined). Of the 1,118 trees, 166 of the trees are ordinance-size. The most common tree species on-site include sycamore (241 trees), purple-leaf plum (157 trees), ash (152 trees), and redwood (139 trees). Table 4.0-1 below summarizes the trees species found on-site.

Most of the trees on-site are in fair to average health (1,016 trees) and are poor candidates for preservation (617 trees).¹⁴ Of the 1,118 trees on-site, only four redwoods are in excellent health and 94 trees (55 redwood, 27 ash, eight pistache, and four eucalyptus trees) are good candidates for preservation. Lists of tree species, size, health, and preservation suitability is included in Appendix A of this Initial Study, as well as tree location maps.

Common Name	Number of Trees
Acacia	18
Ash	152
Bradford Pear	38
Camphor	7
Cherry	22
Crape Myrtle	37
Deodara Cedar	8
Eucalyptus	35
Eugenia	1
Evergreen Pear	8
Fan Palm	5
Hawthorn	7
Kumquat	4
Olive	16
Pear	75
Pine	13
Pistache	26
Podocarpus	19
Poplar	23
Purple-Leaf Plum	157
Redwood	139
Southern Magnolia	4
Sweet Gum	11
Sycamore	241
Tristainia	52
Total	1,118

4.4.1.3 City of San José Heritage Trees

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

¹⁴ Tree preservation is based on several factors including overall tree health, species life span or longevity, structure, and tree response to disturbance (refer to Appendix A).

4.4.2 Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,6
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

The project proposes to demolish the existing structures on Areas 1-3 of the project site and construct between 866 and 998 residential units and six acres of public parkland. The proposed intensification of industrial development on Area 4 of the project could result in the demolition of some or all of the buildings on Area 4. As discussed above, due to the lack of suitable habitat, special-status plant and animal species are not likely to occur on-site. The development of the proposed project, therefore, would not result in impacts to special-status plant or animal species.

The project proposes to preserve existing trees on-site to the maximum extent possible. Based on the conceptual site plan for Areas 1-3 and the required grading (including the soil excavation) (refer to **Sections 4.7 Hazards and Hazardous Materials and 4.8 Hydrology**), it is anticipated that 59 non-ordinance size trees located along the western boundary of Area 1 and Area 2 would be preserved (refer to Appendix A). The proposed project also includes new landscaping and trees for Areas 1-3. Since no specific industrial development (e.g., buildings or site improvements) is proposed for Area 4 as part of this project, the number of trees to be removed/preserved on Area 4 cannot be determined. To be conservative, this Initial Study assumes that future development on Area 4 of the project site could result in the removal of all 609 trees (including 78 ordinance-size trees) on Area 4.

4.4.2.1 Ordinance-Size Trees

As discussed above, the project would preserve 59 non-ordinance size trees. Appendix A includes a graphic and list of the trees to be preserved. The project (including the future intensification of Area 4) would result in the removal of up to 1,059 trees on-site, including 166 ordinance-size trees. Most of the trees to be removed are located around the existing buildings, with some located along the perimeter of the project Areas.

The development of the proposed project (including pre-construction and construction activities), as well as future development of Area 4, would contribute to the significant impact to trees identified in the certified 2005 NSJ FPEIR (refer to Section E. Biological Resources in the 2005 NSJ FPEIR). The proposed project, however, would not result in any new or more significant impacts to trees than were described in the certified 2005 NSJ FPEIR (refer to Section E. Biological Resources in the 2005 NSJ FPEIR).

Impact BIO – 1: The project could result in the removal of up to 1,059 trees, including 166 ordinance-size trees on-site. **(Significant Impact)**

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

Tree Removal

MM BIO – 1.1: The proposed project, including development on Area 4, shall replace trees removed at the following ratios:

Table 4.0-2 Standard Tree Replacement Requirements			
Diameter of Tree to be Removed	Native	Non-Native	Minimum Size of Each Replacement Tree
19 inches or greater	5:1	4:1	24-inch box
12 – 18 inches	3:1	2:1	24-inch box

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

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

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.¹⁵
- A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

Tree Preservation

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

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

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

¹⁵ Contact Todd Capurso, PRNS Landscape Maintenance Manager, at (408) 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.

tree preservation report shall be completed to the satisfaction of the Environmental Principal Planner and the Director of Planning, Building, and Code Enforcement.

- MM BIO – 1.4:** Damage to any tree during construction shall be reported to the City’s Environmental Principal Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the Environmental Principal Planner.
- MM BIO – 1.5:** No construction equipment, vehicles, or materials shall be stored, parked, or standing within the tree dripline.
- MM BIO – 1.6:** Drains shall be installed according to City specifications so as to avoid harm to trees due to excess watering.
- MM BIO – 1.7:** Wires, signs, and other similar items shall not be attached to trees.
- MM BIO – 1.8:** Cutting and filling around the base of trees shall be done only after consultation with the City arborist and then only to the extent authorized by the City arborist.
- MM BIO – 1.9:** No paint thinner, paint, plaster, or other liquid or solid excess or waste construction materials or wastewater shall be dumped at any time.
- MM BIO – 1.10:** Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms.
- MM BIO – 1.11:** Whenever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

4.4.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José’s adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

- Impact BIO – 1:** The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant impacts to biological resources than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.5 CULTURAL RESOURCES

An archaeological literature review was completed by *Holman & Associates, Archaeological Consultants* in January 2006 for the project site. The purpose of the archaeological literature review was to obtain information regarding recorded historic and/or prehistoric archaeological sites in and around the project area, and evidence of previous archaeological field inspections of the area.

A complete copy of this report is on file with the City of San José Planning Division located at 200 East Santa Clara Street, Floor 3, San José, California 95113 and can be viewed during normal business hours.

4.5.1 Setting

4.5.1.1 *Prehistoric Resources*

A prehistoric and historic site record and literature search was completed by the California Historical Resources Information System, Northwest Information Center, Sonoma State University, Rohnert Park (File No. 05-918). Eight cultural resource compliance reports on file with the CHRIS/NWIC include records searches, surveys, and/or archeological monitoring of the project parcels or adjacent areas. Reference material from the Bancroft Library, University of California, Berkeley and Basin Research Associates, San Leandro was also consulted.

No prehistoric or historic era sites have been recorded in or adjacent to the project site areas. A possible prehistoric site was observed in project Areas 1 and 3, but subsequent construction did not result in any unexpected significant prehistoric discoveries. Two sites, however, have been recorded within 0.25 miles along the Guadalupe River.

The Native American Heritage Commission (NAHC) was contacted in regards to resources listed on the Sacred Lands Inventory. The NAHC responded that their record search of the sacred lands file failed to indicate the presence of Native American cultural resources in the immediate project area. No Native American prehistoric sites, villages, trails, traditional or contemporary use areas have been identified in or adjacent to the project site. The lack of Native American resources in the project area could be because the project vicinity may have been unsuitable for prehistoric occupation, or repeated flooding by the Guadalupe River of the area and/or land subsidence may have scoured away (removed) or buried prehistoric and protohistoric¹⁶ archaeological remains.

4.5.1.2 *Historic Resources*

No historic era sites have been recorded in or adjacent to the project site. No known Hispanic Era expeditions, adobe dwellings, or other structures and features have been reported in or adjacent to the project site. In addition, no 1850s-1870s historic era archaeological sites have been identified in or adjacent to the project site in the research completed for this project site.

No City, state, and/or federal historically or architecturally significant structures, landmarks, or points of interest are located at the project site. The buildings on-site were constructed in the 1980s and 1990s and therefore, are less than 45 years old.¹⁷ The buildings are typical in design and architecture of office buildings during that era. The buildings are not significant in the context of

¹⁶ Protohistoric = The study of a culture just before the time of its earliest recorded history.

local or regional history, are not associated with historically important persons, and do not have unique architectural features.

4.5.2 Environmental Checklist and Discussion of Impacts

CULTURAL RESOURCES						
	New Potentially Significant Impact	New Less Significant Than With Mitigation Incorporated	New Less Significant Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7

The project proposes to demolish the existing structures on Areas 1-3 and construct between 866 and 998 residential units and a total of six acres of public parkland. The project also proposes a Site Development Permit and development agreement to allow for the intensification of industrial development on Area 4 of the project site. Future development on Area 4 would result in the development of new industrial buildings, which could require the demolition of some or all of the existing structures in Area 4.

4.5.2.1 Prehistoric Resources

Due to the absence of recorded cultural resources on or near the site and the site’s low potential for containing archaeological resources, the development of this property is not anticipated to impact archaeological resources. However, based on the above thresholds of significance, should any archaeological resource be found during grading operations (including soil remediation activities), their disturbance would be a significant impact.

¹⁷ The buildings on Areas 1-3 were constructed in the mid 1980s. The buildings on Area 4 were constructed in 1983, 1985, and 1999. Source: McFarland, Randy. “RE: date of construction & breakdown of surfaces.” Email from Novellus Real Estate and Security Manager. 5 September 2007.

Standard Measures: The project (including development on Area 4) proposes to implement the following standard measures, if required:

- Should evidence of prehistoric or historic era cultural resources¹⁸ be discovered during pre-construction (including soil remediation) or construction work, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City’s Environmental Principal Planner.
- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American.

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

4.5.2.2 *Historic Resources*

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

¹⁸ Significant prehistoric cultural materials may include: human bone – either isolated or intact burials; habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction); artifacts including chipping stone objects such as projectile points and bifaces, groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones, and shell and bone artifacts including ornaments and beads; various features and samples including hearths (fire-cracked rock, baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities; and isolated artifacts.

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

4.5.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José's adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

The proposed project (including development on Area 4 as described above), with the implementation of the above standard measures, would not result in any new or more significant impacts to cultural resources than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.6 GEOLOGY AND SOILS

4.6.1 Setting

4.6.1.1 *Geological Features*

The project area is located in the Santa Clara Valley, between the base of the western foothills of the Hamilton-Diablo Mountain Range and the northeasterly foothills of the Santa Cruz Mountains, in the Coast Range Geomorphic Province of Central California. Bedrock underlying the area is part of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of the Upper Jurassic to Cretaceous age (70 to 140 million years old). These rocks are part of a northwesterly-trending belt of material that lies along the east side of the San Andreas Fault system, which is located approximately 12 miles southwest of the area. The Franciscan Complex is overlain by alluvium deposits of Holocene age (less than two million years old). This alluvium is comprised primarily of clay, silt, sand, and gravel. Below surface soils, older alluvial soils, extend to depths of greater than 950 feet.

4.6.1.2 *On-Site Geologic Conditions*

Soils

The site soils are described as Quaternary alluvium (Qal), which consists of unconsolidated to weakly consolidated silt, sand, and gravel. The alluvium in this area could be up to 50 meters in thickness.¹⁹ Campbell silty clay (Cc) and willows clay (Wb) are underlain by the alluvium.²⁰

The soils on-site exhibit moderate to high potential for expansion.²¹ Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavements and structures found on shallow foundations. Because the site topography is flat, there is no erosion or landslide hazard.²²

Seismicity

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

The three major fault lines in the region are the San Andreas Fault, the Calaveras Fault, and the 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 16 miles west of the site, the

¹⁹ Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974.

²⁰ County of Santa Clara Department of Public Works. Soil Map Sheet 11. 1964.

²¹ Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974. and County of Santa Clara Department of Public Works. Soil Map Sheet 11. 1964.

²² Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974. and County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 28. 26 February 2002.

Calaveras Fault is approximately nine miles east of the site, and the Hayward Fault is approximately six miles east of the site.

The project site is not located within a fault rupture zone.²³ The project site, however, is located within the Silver Creek Fault zone, which is classified as a potentially active fault zone.²⁴ The Silver Creek fault has not ruptured during Holocene geologic time (within approximately 11,000 years) and, therefore, is not shown on the most recent fault hazard maps issued by the California Division of Mines and Geology, pursuant to the Alquist-Priolo Act. The Silver Creek fault is not considered a significant seismic source for ground shaking on the project site.

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. The project site is located within the hazard zone for liquefaction.²⁵

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. The project site exhibits moderately low potential for lateral spreading.

4.6.2 Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project: 1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8

²³ County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 11. 26 February 2002.

²⁴ Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974.

²⁵ County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 11. 23 September 2002.

GEOLOGY AND SOILS						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8,9
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2

4.6.2.1 Soils

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

The proposed project would not result in any new or more significant soil related impacts than were described in the certified 2005 NSJ FPEIR (refer to Section G. Geology and Soils in the 2005 NSJ FPEIR).

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

Mitigation Measures: The project (including development on Area 4) proposes to implement the following mitigation measures to reduce geologic hazard impacts:

MM GEO – 1.1: Design and construct buildings in accordance with the design-level geotechnical investigation prepared for the project site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.

MM GEO – 1.2: Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

4.6.2.2 *Seismicity and Seismic Hazards*

As previously discussed, the project site is located in a seismically active region, and therefore, strong ground shaking would be expected during the lifetime of the proposed project. Ground shaking could damage buildings and other proposed structures, and threaten the welfare of future residents. In addition, the project site includes potentially liquefiable soil materials. The proposed project would not result in any new or more significant seismic related hazard impacts than were described in the certified 2005 NSJ FPEIR (refer to Section G. Geology and Soils in the 2005 NSJ FPEIR).

Impact GEO – 2: The project would result in seismic-related impacts. **(Significant Impact)**

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

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

4.6.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José’s adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

Impact GEO – 1: The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant geology related impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact GEO – 2: The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant seismic related impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon environmental site assessments and a soil and groundwater quality evaluation completed by *TRC Lowney* in 2006 for Areas 1-3, and environmental site assessments completed by *Secor International Incorporated* in February and March 2003 for Area 4. The purpose of the assessments and evaluation was to identify recognized environmental conditions on the project site related to current and historic use of hazardous substances and petroleum products.²⁶ Copies of these reports (including a summary of the findings) are included as Appendix B of this Initial Study.

In addition, a vicinity hazardous materials users survey was completed by *Belinda P. Blackie* in April 2006. The purpose of this users survey was to identify facilities in the vicinity that store or use substances that could impact future residents on Areas 1 and 2 if an accidental hazardous materials release were to occur. A copy of this report is included as Appendix C of this Initial Study. Based on the users survey, health risk assessments were completed by *Belinda P. Blackie* and *Toxichem* in October 2006. A summary of the risk assessments (including an addendum to the report) is included in Appendix D of this Initial Study.

4.7.1 Setting

4.7.1.1 *Background Information*

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

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 establish remediation requirements for sites where contamination has occurred.

The 2005 NSJ FPEIR identified the regulatory programs, past land uses in the area, and known hazardous materials releases that have effected in the past and continue to affect the entire project area. The FPEIR found that past, present, and likely future uses have resulted in releases of hazardous materials in the area and that soils throughout the project area may contain a variety of chemical compounds associated with fuels, oils, flammable liquids, metals, pesticides, or other hazardous substances. It also found that contaminated soils encountered during site specific development, especially excavating and grading, could result in potential health risks to construction workers and/or the public.

²⁶ The term “recognized environmental conditions” means the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate a significant release or significant threat of a release into the ground, groundwater, or surface water.

Pursuant to the direction and in conformance with the identified mitigation measures identified in the FPEIR, the project prepared a site specific Phase I evaluation, followed by the appropriate Phase II testing consistent with the recommendations of the Phase I report. The information below reflects the assessments and evaluations prepared in conformance with the FPEIR.

4.7.1.2 Site Conditions

Agricultural Use

Based on aerial photographs and topographic maps, the project site was planted with orchards as early as 1939. Prior to 1939, it was likely that the property was either in agricultural use or fallow. A farm house and barn were on or near the southern portion of project Area 2. During the course of agricultural use, pesticides, such as DDT, likely were applied to crops in the normal course of farming operations. Since the project site was used for agricultural purposes for several decades, pesticide contamination may exist in the soil. As discussed in **4.7.1.3 Potential On-Site Sources of Contamination**, the soils on-site were evaluated and organochlorine pesticides, pesticide related metals, and petroleum hydrocarbons were found in elevated concentrations.

By 1974, the orchards were removed and replaced with row crops. By the mid 1980s, the five existing office buildings in Areas 1-3 were constructed. Between 1983 and 1999, the six buildings on Area 4 were constructed.

Industrial Park Use

Area 1

There are two buildings in Area 1. The buildings have previously been occupied by Honeywell for general office use, Bank of America for office and financial service center purposes, Cisco Systems for office purposes and limited electronics repair and testing work, and Vitesse Semiconductor for general office use, as well as limited semiconductor production activities within a clean room.

The northernmost building in this Area (4145 North First Street) is currently occupied by Crossbow Technology mainly for office, warehouse, and electronics testing/assembly activities (refer to Figure 2.0-3). The southern most building in this Area (55 Vista Montaña) was occupied by Novellas Systems for storage of office equipment (refer to Figure 2.0-3), it is now unoccupied.

Area 2

There are two buildings in Area 2. The northernmost building (81 Vista Montaña) was originally occupied by Novellus Systems (refer to Figure 2.0-3). Novellus Systems uses the building for the design and production of equipment used in the manufacturing of semiconductors. The building contains several laboratories, a warehouse area, machine shop, clean rooms, and general office space. This building is currently unoccupied.

The southernmost building (305 Tasman Drive) was previously occupied by Akashic Memories Corporation (refer to Figure 2.0-3). Domain Technologies, which was purchased by Akashic in 1990, also may have occupied the building. Akashic reportedly used the building for the manufacturing of hard disk drives and related office, research and development, and warehouse activities. In 1997, Stormedia, Inc. purchased Akashic and by 1999, the facility was closed. After

renovation work, WebEx Communications occupied the building for general office use until at least 2004. This building is currently unoccupied.

Area 3

The building located in Area 3 (4041 North First Street) was originally occupied by General Electric for office, laboratory, and research and development activities until 1994 (refer to Figure 2.0-3). From 1994 to 1997, Lockheed Martin occupied the building. From 1997 to recently, the building has been occupied by Novellus Systems and used for general office and employee training purposes. The refurbishment of old equipment was also occasionally performed in this building. The building is currently unoccupied.

Area 4

The buildings located in Area 4 (4000 North First Street, 90 Headquarters Drive, 3930, 3940, 3950, 3960, and 3970 North First Street) are currently occupied by Novellus Systems and LTX. Previous tenants include Sony and Telo Electronics (refer to Figure 2.0-3). The buildings on Area 4 have been used for manufacturing, office, warehouse, and equipment testing.

4.7.1.3 Potential On-Site Sources of Contamination

City and County Agencies File Review

Available information at the San José Building Department (SJBD), San José Fire Department (SJFD), and Santa Clara County Environmental Health Department (SCCEHD) was reviewed to obtain information on hazardous materials usage and storage on-site. The findings of the file reviews are included in Appendix B of this Initial Study. The inspection records reviewed did not note any violations or spills of liquid chemicals that would appear likely to impact the site, although, several incidents involving compressed gas releases were noted.

Regulatory Agency Database Report

A database search was undertaken for the purpose of identifying all sites within the project area where there are known or suspected sources of contamination, as well as sites that handle or store hazardous materials. Federal, state, local, historical, and brownfield databases were searched. The databases searched and results are listed in Appendix B of this Initial Study.

Project Area 1 was listed in the Facility and Manifest Data (HAZNET) database. Area 2 was listed in several databases including Waste Discharge System (CA WDS), Emissions Inventory Data (EMI), CHMIRS, HAZNET, Facility Index System/Facility Identification Initiative Program Summary Report (FINDS), Resource Conservation and Recovery Information System (RCRA-SQG/RCRA-LQG). These listings indicate that hazardous wastes were generated and manifested for off-site disposal, that the facility likely has permits for air emissions and waste water discharges, and that a prior release of compressed gases occurred. The CHMIRS database listed a release of 35 gallons of anti-freeze from an emergency generator to the storm drain and a cleaning solvent vapor release.

Project Area 3 was listed in the three databases: California Hazardous Material Incident Report System (CHMIRS), Emergency Response Notification System (ERNS) and San José Hazardous

Materials Facilities (SAN JOSÉ HAZMAT). These listings indicate a release of non-PCB mineral oil from a failed transformer. As of 2003, Area 4 was listed on the Resource Conservation and Recovery Information System (RCRCIS), RCRA-SQG, and HAZNET databases. Buildings located in Area 4 were listed on these databases for generating, transporting, storing, treating, and/or disposing of hazardous wastes. No violations were reported.

Soil Evaluation

Since the project site has historically been used for agricultural purposes, soil borings were drilled and soil samples collected and analyzed to evaluate possible pesticide contamination. Note that arsenic, chromium, and cobalt are metals commonly found naturally in Bay Area soils. The results are summarized below. More detail is provided in Appendix B of this Initial Study.

Areas 1-3

Soil borings were drilled and soil samples were collected on Areas 1-3 (where sensitive land uses are proposed) at depths ranging from the surface to 0.5 feet, two to 2.5 feet, four to 4.5 feet, six to 6.5 feet, and eight to 8.5 feet at an approximate frequency of one boring per acre (refer to Appendix B). The upper soil samples collected from each boring were analyzed for organochlorine pesticides and associated metals (arsenic, lead, and mercury). Soil samples from greater depths were collected and analyzed based upon the results of the initial sampling. In addition, analysis for petroleum hydrocarbons was completed.

Organochlorine Pesticides

Concentrations of organochlorine pesticides (dieldrin, DDD, DDE, and/or DDT) were detected above the respective residential California Human Health Screening Level (CHHSL) and/or Environmental Screening Level (ESL) in soil samples collected from the upper 4.5 feet of soil (refer to Appendices B and C). Organochlorine pesticides either were not detected above the laboratory reporting limits or were well below the respective CHHSLs or ESLs in the soil samples collected from six to 6.5 feet and eight to 8.5 feet. CHHSLs were developed to protect human health and are considered conservative. The presence of a chemical at a concentration above a CHHSL or ESL does not necessarily indicate that adverse impacts to human health are occurring; rather, it indicates that impacts may exist and that additional evaluation may be needed. While the soil samples collected and analyzed have organochlorine pesticide concentrations above their respective CHHSL and/or ESL, the 95 percent Upper Confidence Level (UCL) for the organochlorine pesticides are below the CHHSLs/ESLs, which indicates that their presence does not likely pose a significant risk to human health. The 95 percent UCL indicates that there is a 95 percent probability that the true mean concentration of the organochlorine pesticides on Areas 1-3 will be at or below their respective CHHSLs/ESLs.²⁷

Concentrations of total DDT exceed the total threshold limit concentration (TTLC) in samples analyzed. TTLC is the level above which a soil waste is considered hazardous per Title 22 of the California Code of Regulations. None of the remaining concentrations of organochlorine pesticides exceeded their respective TTLC.

²⁷ The arithmetic mean is a descriptor that provides an inventory amount. In environmental investigation, the sampling program provides information that approximates the true concentrations of chemicals present in site soils. Since 100 percent of the site soils are not tested, descriptive statistics are used to provide estimates of “true site conditions.”

Pesticide-Related Metals

Concentrations of pesticide-related metals (arsenic, lead, and mercury) also exceeded the respective residential CHHSLs or ESLs in several soil samples collected from the upper 4.5 feet of soil on Areas 1-3. Concentrations of lead and mercury were either not detected above the laboratory reporting limits or were well below their respective CHHSLs or ESLs in the soil samples collected from six to 6.5 feet and eight to 8.5 feet.

Concentrations of arsenic in soil samples collected on Areas 1-3 from six to 6.5 feet and eight to 8.5 feet, however, were detected above the respective ESL. Due to naturally occurring arsenic in the Bay Area, arsenic concentrations typically exceed the residential ESL. The typical mean background concentrations of arsenic in Bay Area soils range from approximately five parts per million (ppm) to 20 ppm, with some soils containing 40 ppm plus of arsenic. For this reason, regional background concentrations (up to 20 ppm) previously have been accepted by California regulatory agencies for residential development. Project site-specific background concentrations of arsenic are an average of 20 ppm. None of the concentrations of metals exceeded their respective TTLC.

Table 4.0-3 summarizes the range of concentrations of organochlorine pesticides and pesticide-related metals found on Areas 1-3.

Petroleum Hydrocarbons

Laboratory reports indicate concentrations of petroleum hydrocarbons, including motor oil, ranging from less than 4.0 ppm to 6,290 ppm in project Area 2 at depths of up to six inches (refer to Appendix B). The higher concentrations of petroleum hydrocarbons found exceed the residential ESL of 500 ppm.

California Assessment Manual 17 Metals

Soil samples were also collected from the below-ground vault and former drum and chemical storage areas located in Area 2 and tested for California Assessment Manual (CAM) 17 metals, including arsenic, barium, cadmium, chromium, cobalt, copper, lead, nickel, vanadium, zinc, and mercury. Concentrations of arsenic, chromium, and cobalt were above their respective CHHSL and/or ESL (refer to Appendix B).

Area 4

Limited soil sampling and testing was completed on Area 4. Soil samples were taken from 4000 North First Street at depths of up to five feet below ground surface. The samples were analyzed for pesticides, lead, herbicides, and polychlorinated biphenyls (PCBs). The results of the soil sampling found lead concentrations of between 2.7 and 5.4 ppm (which is below the respective residential CHHSL and ESL of 150 ppm and the TTLC of 1,000), low levels of pesticide 4,4-DDE and herbicide 2,4-DB, and no detection of PCBs. The levels of pesticide and herbicide detected were stated to be consistent with the historic agricultural use on the Area (refer to Appendix B).

Groundwater Quality Evaluation

A water supply well is shown on historic topographic maps in the northeastern portion of Area 1 along North First Street. Although this well may have been destroyed in conjunction with site development activities, its status is not known. Additionally, five groundwater monitoring wells were previously installed on-site: three in Area 2 and two in Area 3. Only three wells, however, were located: two in Area 2 and one in Area 3. Groundwater monitoring wells that were not found may have been covered by pavements, landscaping, vehicles, or equipment at the time of site reconnaissance. Furthermore, their locations may not have been accurately depicted on maps.

Groundwater samples were collected and analyzed from Areas 1-3 for volatile organic contaminants (VOCs), semi-VOCs, CAM metals, and organochlorine pesticides. No groundwater sampling was completed on Area 4. Groundwater at the site is measured to be approximately 11 feet below ground surface in the monitoring wells. In addition, to evaluate groundwater quality at Area 2, groundwater grab samples were collected from three borings. These groundwater samples were analyzed for organochlorine pesticides, VOCs and tentatively identified compounds (TIC), semi-VOCs and TIC, and dissolved CAM 17 metals. The groundwater sample collected near the below-ground vault was also analyzed for methanol.

No VOCs, semi-VOCs or organochlorine pesticides were detected above the laboratory reporting limits in the three groundwater samples collected. Metals detected in the groundwater samples were below drinking water Maximum Contaminant Levels (MCLs) (refer to Appendix B). VOCs with TICs and semi-VOCs with TICs were not detected above the respective laboratory reporting limits in the grab ground water samples from Area 2. Methanol was not detected above the laboratory reporting limit in the grab groundwater sample collected.

Table 4.0-3 Summary of Detected Organochlorine Pesticides and Pesticide-Related Metals in Soil On Project Areas 1-3 (in ppm)								
	Organochlorine Pesticides					Pesticide-Related Metals		
	Dieldrin	DDD	DDE	DDT	Total DDT	Arsenic	Lead	Mercury
Concentration Range (detected from the surface to 8.5 feet below grade)	<0.002 – 0.8	<0.002 – 4.0	<0.002 – 5.2	<0.002 – 1.86	<0.002 – 9.36	<1.7 – 89*	<1.0 – 310	0.12 – 9.3
CHHSL ¹	0.035	2.3	1.6	1.6	1.6	5.5	150	18
ESL ²	0.034	2.3	1.6	1.6	1.6	5.5	150	3.7
TTLC ³	8.0	n/a	n/a	n/a	1.0	500	1,000	20
Notes: * Several of the deeper soil samples contained arsenic at concentrations above the residential ESL of 5.5 ppm. The arsenic levels on-site ranged from less than 1.7 ppm to as high as 89 ppm. Due to the naturally occurring arsenic in the Bay Area, arsenic concentrations typically exceed the residential ESL. Typical mean background concentrations of arsenic in Bay Area soils range from approximately five parts per million (ppm) to 20 ppm, with some soils containing 40 ppm plus of arsenic. For this reason, regional background concentrations (up to 20 ppm) previously have been accepted by California regulatory agencies for residential development.								
¹ CHHSL = California Human Health Screening Level ² ESL = Environmental Screening Level for residential land use ³ TTLC = Total Threshold Limit Concentration								

CAM 17 metals detected in the grab groundwater samples appeared to be within typical background concentrations and, with the exception of antimony in one grab groundwater sample, did not exceed the respective MCLs. Antimony was detected in that particular grab groundwater sample at a concentration of 0.018 ppm, exceeding the MCL of 0.006 ppm but below the California Public Health Goal for Drinking Water of 0.020 ppm (refer to Appendix B). The detection of antimony in groundwater at the site is considered anomalous, and does not appear to be extensive.²⁸

Chemical Storage and Use

Area 1 and 3

No information was found indicating that significant quantities of hazardous materials historically have been used or stored in Areas 1 or 3. Limited amounts of isopropyl alcohol, acetone, and compressed gases appeared to have been used, however, it is not likely that these materials would have significantly impacted soil or groundwater quality at the site.

Area 2

81 Vista Montaña

Large quantities of hazardous materials are used at 81 Vista Montaña to support on-site operations by Novellus Systems. These materials mainly include compressed gases, which are not likely to impact soil or groundwater at the site. The hazardous materials consultant saw no indication of materials used or storage practices that would likely impact soil or groundwater.

305 Tasman Drive

Hazardous materials and waste inventory statements on this property indicate prior use (by Akashic Memories) of various acidic and alkaline materials and cleaners and isopropyl alcohol. Most materials appear to have been stored in relatively small quantities ranging from one to 10 gallons; large amounts (up to 240 gallons) of trichlorotrifluoroethane (Freon) and perfluoro compounds were also noted on-site. Waste materials being generated include isopropanol, Freon, perfluorinated hexane, methanol, methylene chloride, and nickel-, chromium III- and cobalt- containing materials.

Hazardous materials management practices by Akashic Memories were relatively poor. The fire department records indicate several violations including the need for secondary containment on this property. Cleanup of alkaline waste and unspecified spills on flooring and in an underground vault was required. Cleanup of spilled materials observed within secondary containment structures was also required. Records indicate that the facility was deficient in labeling and “seriously deficient” in monitoring and keeping of inspection logs. In addition, many violations were on-going or recurring.

²⁸ Anthropogenic sources of antimony include waste from metal smelting and refining, coal-fired power plants, and refuse incineration. Antimony is used in solder, in the glass industry as a refining agent and colorant, and in fire retardants. A possible source of antimony at the site might be an agricultural incineration pit related to the former agricultural use of the site. However, no other indications of the presence of such a pit were found on-site. Source: Alvarez, Leo. “Re: KL - Vista Montana Initial Study excerpt comments v51_Responses.doc.” Email from TRC Solutions, Director of Environmental Services. 28 August 2007.

Area 4

4000 North First Street

Hazardous materials, including phosphine, hydrofluoric acid, and nitrogen trifluoride are used on 4000 North First Street to support the on-site operations by Novellus Systems. No spills, notices of violation, or enforcement actions have been reported for this property. Sumps were observed on the property and are part of the secondary containment system for hazardous materials on-site and are designed to contain the hazardous materials in the event of a catastrophic release. There are several above ground storage tanks (ASTs) on this property. All ASTs are located in double containment and no evidence of release was noted by the hazardous materials consultant during site reconnaissance.

90 Headquarters Drive, 3930 and 3970 North First Street

These properties are occupied by Novellus Systems and LTX for office, warehouse space, and equipment testing. As of 2003, no hazardous materials or chemical use, generation, or storage occurs on these properties and none was observed by the hazardous materials consultant during site reconnaissance.

3940 North First Street

Novellus Systems occupies this property and uses it for office space and a shipping and receiving warehouse. As of 2003, chemicals received at this property were directly stored in a flammable materials cabinet. The cabinet was empty at the time of site reconnaissance.

3950 North First Street

This property is occupied by Novellus Systems and used for manufacturing. As of 2003, hazardous materials and chemicals used on this property include ammonia, nitrogen trifluoride, and propane.

3960 North First Street

Novellus Systems occupies 3960 North First Street and the building is primarily used for office and warehouse space. As of 2003, the hazardous waste storage area for Novellus is located on the north side of this building. The hazardous waste is stored in 55-gallon drums on this property. The drums are located on a bermed pad equipped with a sump to collect accidental spills. The drums were labeled as regulated waste and included sodium thiosulfate, copper solution, and hydrofluoric rinse water. A flammable materials cabinet was also observed on this property. The cabinet contained assorted aerosol cans of paint, quart-sized containers of compressor oil, and other assorted petroleum products, paints, and adhesives.

Fill

Fill material was encountered during investigations of Areas 1-3 at up to five feet in depth. The source of the fill is unknown, however, no significant debris or readily observable features indicative of significant contamination were observed during drilling and soil sampling activities.

Transformers

Several transformers were observed on Areas 1-3, both inside and outside of the buildings. The transformers appeared to be in good condition and no oil leaks were observed. Based on the age of the transformers, the transformer oil is not likely to contain PCBs; however, the transformers should be appropriately removed prior to building demolition.

Elevators

Hydraulic powered elevators were observed within buildings in Areas 1 and 3. No indications of significant hydraulic fluid leaks were noted in the elevator equipment rooms observed.

4.7.1.4 Potential Off-Site Sources of Contamination

Hazardous Materials User Facilities

Based upon available information, no hazardous material incidents have been reported in the site vicinity that would likely significantly impact the site. As is typical to many commercial/industrial areas, several facilities in the vicinity are hazardous materials users (as well as on-site on Area 4). If accidental releases occur at some of these nearby facilities (including those located on Area 4), contamination could impact the project site, depending on the effectiveness of cleanup efforts.

A vicinity hazardous materials users survey was completed to identify facilities in the vicinity of the project site that use hazardous substances (as well as facilities that emit toxic air pollutants), and to evaluate impacts to the proposed residential development if an accidental release were to occur. A visual survey of the businesses within approximately 0.5 miles of the project site was completed to identify facilities likely to use, handle, and/or store significant quantities of hazardous substances. The addresses were then researched in the City and county regulatory databases.

A total of 41 businesses were identified that a) use/handle/store quantities of hazardous substances had hazardous materials files available at the San José Fire Department (SJFD), Santa Clara Fire Department (SCFD), and/or Santa Clara County Environmental Health Department (SCCEHD) (37 facilities), b) were reported as using/handling/storing quantities of hazardous substances in the regulatory agency database report (three facilities), or c) were observed as having hazardous substances on-site (one facility).

Based on the volume, type, and storage locations of materials reportedly present at these 41 facilities, as well as their distances from the project site and facility Hazardous Materials Business Plans (HMBPs), 33 facilities appear unlikely to pose a significant threat to future residents of the site if a release were to occur.

According to existing regulatory database information, the remaining eight facilities use/handle/store volumes and types of chemicals that, if a release were to occur, could pose a significant threat to future residents at the project site. In addition, the OLS Energy Facility was identified as a possible threat to future residents at the project site. This facility is located approximately 1.6 miles east of the project site. A summary of these nine facilities, their location, and chemicals of concern are provided in Table 4.0-4.

Hazardous Materials/Waste Pipelines

The Kinder Morgan San José Pipeline is a hazardous materials pipeline that transverses property lines in the City of San José. The 10-inch pipeline transports gasoline, jet fuel, and diesel from Concord to the San José terminal located at 2150 Kruse Drive, approximately 2.92 miles southeast of the project site. A detailed map of the San José Pipeline’s pathway was not available for review. Based on available data, however, the pipeline does not appear to be adjacent to the project site.

Facility	Location	Chemical(s) of Concern
Novellus Systems	Project Area 4: 3960 North First Street – approximately 0.10 miles southeast of the site	Solvent (55 gallons of methylene chloride)
Novellus Systems	Project Area 4: 3950 North First Street – approximately 0.15 miles southeast of the site	Ammonia (1,125 ft ³), nitrogen trifluoride (239 ft ³), propane (80 gallons)
Novellus Systems	Project Area 4: 4000 North First Street – approximately 0.04 miles southeast of the site	Phosphine (64 ft ³), hydrofluoric acid (55 gallons), nitrogen trifluoride (239 ft ³)
Maxim Integrated Products	3725 North First Street – approximately 0.38 miles southeast of the site	Chlorine (90 pounds), phosphine (259 ft ³), arsine (2.9 pounds), liquid hydrogen (900 gallons)
Nu-Metal Finishing	2262 Calle de Luna – approximately 0.33 miles southwest of the site	Nitric acid (275 gallons), hydrogen cyanide (110 pounds), arsine (150 ft ³), phosphine (342 ft ³), chlorine (81 ft ³), ammonia (1,135 pounds), liquid hydrogen (1,500 gallons)
JDS Uniphase	80 Rose Orchard Drive – approximately 0.22 miles northeast of the site	Arsine (150 ft ³), phosphine (342 ft ³), chlorine (81 ft ³), ammonia (1,135 pounds), liquid hydrogen (1,500 gallons)
Cypress Semiconductor	3901 North First Street – approximately 0.16 miles southeast of the site	Phosphine (196 ft ³), chlorine (90 pounds), ammonia (272 ft ³), waste acid (525 gallons), nitrogen trifluoride (50 pounds)
SDL, Inc.	90 Rose Orchard Drive – approximately 0.22 miles northeast of the site.	Arsine (230 ft ³), ammonia (100 pounds), waste acid (600 gallons)
OLS Energy Facility	3800 Cisco Way – approximately 1.6 miles east of the site.	Liquefied ammonia gas (58,000 pounds)

4.7.2 Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Create a significant hazard to human beings or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
2) Create a significant hazard to human beings or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14,15, 16,17
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

HAZARDS AND HAZARDOUS MATERIALS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project: 8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The project proposes to demolish and remove the existing buildings on Areas 1-3 and construct between 866 and 998 residential units and a total of six acres of public parkland. The project also proposes a Site Development Permit and development agreement to allow for the increase the maximum FAR on Area 4 to approximately 1.1 to allow for the development of up to 870,000 additional square feet of industrial uses.

4.7.2.1 Potential On-Site Sources of Contamination

Soil Evaluation

The soils on Areas 1-3 have concentrations of organochlorine pesticides, pesticide related metals, and petroleum hydrocarbons that exceed the residential CHHSL, ESL, and/or TTLC. Limited soil sampling completed on Area 4 found elevated levels of the pesticide 4,4-DDE and herbicide 2,4-DB consistent with the historic agricultural uses on the Area. Since no specific industrial development (e.g., buildings or site improvements) is proposed on Area 4 as part of this project, soil testing on Area 4 shall be completed at the time improvements are proposed to accurately characterize conditions at the time of development.

Impact HAZ -1: The on-site soils have elevated concentrations of organochlorine pesticides, pesticide-related metals, and petroleum hydrocarbons. **(Significant Impact)**

Mitigation Measures: The project proposes to implement the following measures to reduce impacts from soil and groundwater contamination to a less than significant level:

MM HAZ – 1.1: Cap the residential areas (Areas 1 and 2) with slab-on-grade garage floor foundations, drive aisle pavements, and imported clean landscaping fill to limit exposure of future residents to impacted soil in Areas 1 and 2.²⁹

²⁹ The project site is subject to tidal flooding (refer to **Section 4.8 Hydrology and Water Quality**). As a result, the proposed project includes raising the existing grade of the residential areas (Areas 1 and 2). The project proposes to excavate approximately two feet of soil across Area 3 (approximately five acres in size) and use the excavated soil to pad up Areas 1 and 2. It is estimated that a total of approximately 2,570 truck trips (over 120 days, which equates to approximately 21 trips a day) will be needed to transport the soil. The slab-on-grade garage floor foundations, drive aisle pavements, and imported clean landscaping fill would be placed on top of the soil excavated from Area 3 and placed on Areas 1 and 2.

- MM HAZ – 1.2:** Remove contaminated material and import clean fill onto Area 3 and the northern portion of Area 2 where the linear park is proposed in order to eliminate exposure of future park users to impacted soil.
- MM HAZ – 1.3:** Appropriately characterize and transport off-site soil removed after excavation of underground utility trenches and preparation of foundations. Utility trenches shall be backfilled with imported uncontaminated soil.
- MM HAZ – 1.4:** Prepare and implement a Removal Action Workplan (RAW), in coordination with the Department of Toxic Substances Control (DTSC).

The RAW shall include an Operations and Maintenance (O&M) Plan that identifies the operation and maintenance activities for the capped areas, including periodic inspections and reports to ensure that the buildings and pavement continue to act as an effective barrier and a land use covenant that will include requirements to handle arsenic-impacted soil that may be disturbed during grading and maintenance operations in conformance with a soil management plan (SMP).

The SMP shall address the handling of impacted soils (including soils with petroleum hydrocarbon contamination) during site remediation and project development, and a health and safety plan (HSP) addressing worker safety, including the rationale for selection of personal protective equipment (PPE) for site workers during site development and post-development construction activities (e.g., underground utility repairs, where workers might expose contaminated materials). The HSP shall include a discussion of health risks associated with the contaminants identified at the site. Furthermore, the RAW shall include a Sampling and Analysis plan with provisions for collecting post-demolition soil samples in previously inaccessible areas to confirm the extent of soil contamination under existing buildings.

- MM HAZ – 1.5 and 2.1:** At the time further Site Development Permits are required for site improvements on Area 4 of the project site, the project proponent shall have a qualified professional (e.g., a California-registered environmental assessor) complete an updated Phase I environmental site assessment of the Area. The study shall identify current and historical land uses or conditions that may have resulted in a release of hazardous materials into the environment, or impact the proposed development of Area 4. The assessment shall be performed in conformance with the standards adopted by the American Society for Testing Materials (ASTM) for Phase I site assessments. The Phase I site assessment shall identify any limitations to development due to the presence of hazardous materials in the vicinity of Area 4, and present recommendations for further investigation of Area 4, if necessary.
- MM HAZ – 1.6 and 2.2:** If the Phase I site assessment for Area 4 indicates that a release of hazardous materials could have affected the Area, the City may require that additional soil and/or groundwater investigation be conducted by a qualified environmental professional to assess the presence and extent of contamination

at the site. Soil and groundwater investigations shall conform to state and local guidelines and regulations.

If results of the subsurface investigation(s) indicate the presence of hazardous materials, site remediation may be required by the applicable state or local regulatory agencies. Depending on the nature of contamination, remediation may consist of soils removal, groundwater extraction/treatment, or modification to site planning and building design to minimize risk of exposure. Specific remedies would depend on the extent and magnitude of contamination and the requirements of the regulatory agencies.

MM HAZ – 1.7 and 2.3: If contamination on Area 4 is identified, the City shall require that construction only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan shall include provisions for monitoring exposure to construction workers and delineate procedures to be undertaken in the event that contamination is identified above action levels and identify emergency procedures and responsible personnel. Construction workers at contaminated sites would need to receive hazardous materials training in accordance with federal and state regulations.

MM HAZ – 1.8 and 2.4: The site operator of Area 4 shall be required to comply with federal, state, and local requirements for managing hazardous materials. Depending on the type and quantity of hazardous materials, these requirements could include the preparation of, implementation of, and training in the plans, programs, and permits such as the California Accidental Release Prevention (CalARP), City of San José Toxic Gas Ordinance, California Fire Code, and BAAQMD Air Toxics program.

Groundwater Quality Evaluation

Based on historical groundwater monitoring data, as well as recently collected data, the groundwater under Areas 1-3 does not appear to be contaminated. The only substance that was detected in groundwater under the site that exceeded a relevant standard was antimony, which was found in one sample. The concentration of antimony in the groundwater sample, while exceeding the MCL of 0.006 ppm, is below the California Public Health Goal for Drinking Water of 0.020 ppm. As discussed above, the detection of antimony is considered anomalous and does not appear to be extensive.³⁰ Therefore, continued groundwater monitoring is not needed. The antimony concentration in the groundwater would not result in significant impacts to future development on the site.

As discussed above, no groundwater sampling was completed for Area 4. For this reason, it is unknown if the groundwater under Area 4 is contaminated. Since no specific industrial development (e.g., buildings or site improvements) is proposed for Area 4 as part of this project, groundwater testing for Area 4 shall be completed at the time improvements are proposed to accurately characterize conditions at the time of development.

³⁰ Alvarez, Leo. “Re: KL - Vista Montana Initial Study excerpt comments v51_Responses.doc.” Email from TRC Solutions, Director of Environmental Services. 28 August 2007.

A detailed search of the project site for groundwater monitoring wells shall be completed prior to site demolition and grading. Wells found will be abandoned, according to Santa Clara Valley Water District guidelines.

Impact HAZ – 2: Groundwater under Area 4 of the project site may be contaminated.
(Significant Impact)

MM HAZ – 2.1 through 2.4: See MM HAZ – 1.5 through 1.8 above.

4.7.2.2 *Potential Off-Site Sources of Contamination*

Based on review of the most recently available hazardous materials inventories, nine facilities were identified for modeling of an accidental catastrophic release of a hazardous substance. To estimate potential risks, conservative worst-case hypothetical chemical releases judged to be representative of operations conducted nearby were used to evaluate potential impacts to the proposed project. Releases were modeled using conservative meteorology (stable conditions) to estimate worst-case concentrations downwind. In general, stable atmospheric conditions represent calm dark days or calm night-time conditions. During stable atmospheric conditions and low wind speed, the vertical and horizontal dispersivity of a release is minimized, resulting in higher predicted downwind concentration or impacts.

A total of 27 possible worst-case release scenarios were modeled for the facilities and chemicals identified in Table 4.0-4. Additional details regarding the methodology for the risk modeling are provided in Appendix D of this Initial Study.

With respect to semiconductor gases, the San José Toxic Gas Ordinance (TGO) (Municipal Code 17.78) regulates semiconductor facilities and other toxic gas users. For semi-conductor facilities, acutely hazardous process materials are housed in secondary containment facilities that typically include ventilated gas cabinet storage of gases, lead detection, and treatment capability for discharged gases. In addition, other standard industry controls include valves equipped with restrictive flow orifices (RFO) for the primary gas containment (e.g., cylinder). The gas cylinders are equipped with RFOs to limit the release of toxic gases in the rare event of an equipment and/or valve failure during processing.

Thresholds

The criteria to determine the levels of chemical concentrations of concern are drawn from the American Industrial Hygiene Association's Emergency Response Guidelines (ERPGs), and the National Institute of Occupational Safety and Health Immediately Dangerous to Life and Health Concentrations (IDLHs). ERPGs and IDLHs are defined in Table 4.0-5. The Bay Area Air Quality Management District (BAAQMD) recommends the use of ERPG exposure level 2 (ERPG-2) as criteria for evaluating significant impacts. In addition, the US EPA generally defines the area of impact in the Risk Management Program (RMP) as the ERPG-2 concentration. In the absence of ERPG guidelines, the US EPA has recommended 1/10 of the IDLH concentrations for planning purposes.

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

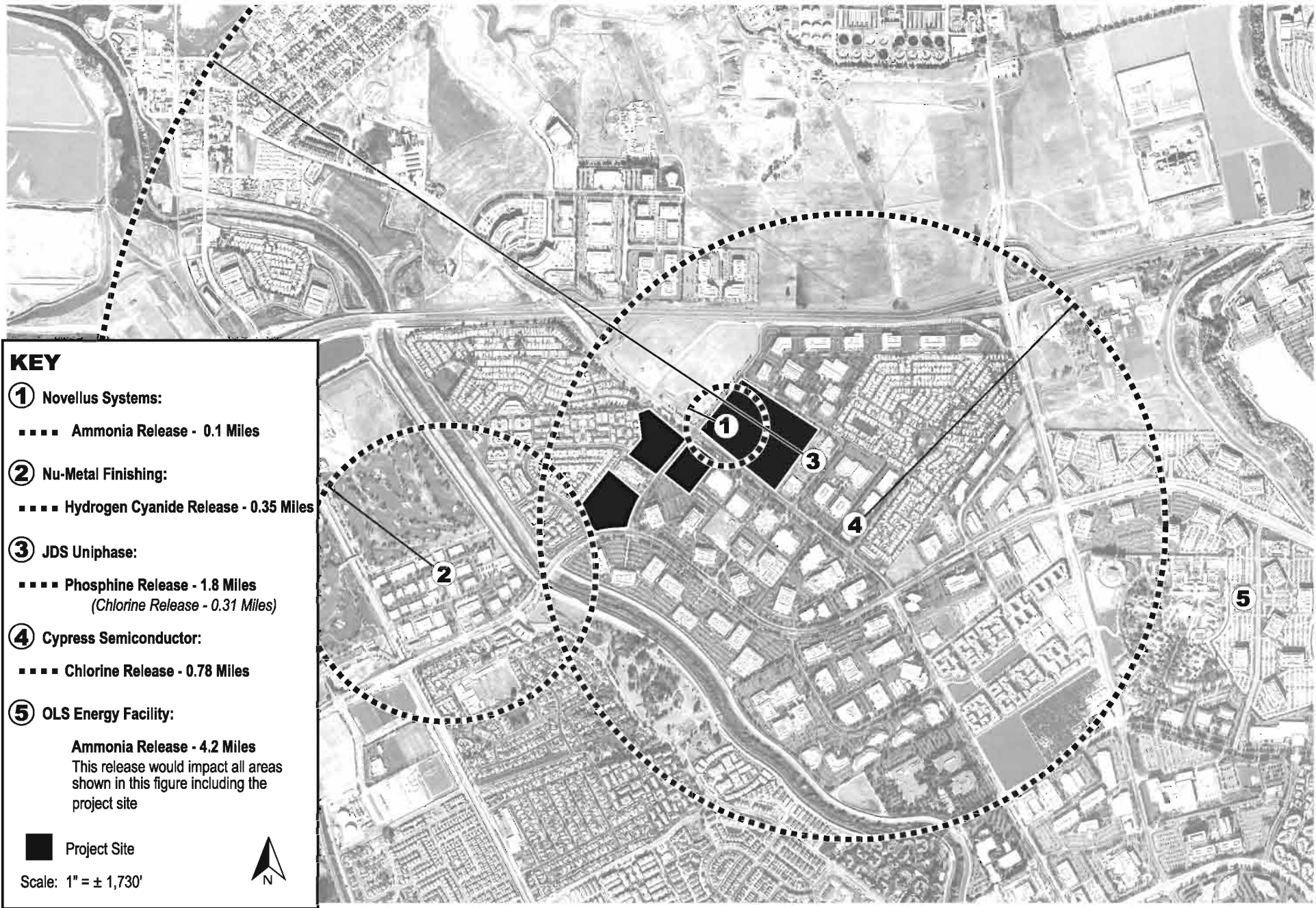
Analysis

In the event of a worst-case release scenario for the facilities and chemicals listed in Table 4.0-4, the chemicals and facilities listed in Table 4.0-6 and shown graphically in Figure 4.0-1 could result in significant impacts to future residents at the project site.

While a worst-case release could have very significant health and safety impacts on the project site, the likelihood of their occurrence is also affected by other circumstances. The analysis in Appendix D found that the probability of this worst-case release is not a reasonable basis for a threshold of significance. Specifically, the report by an industrial hygienist found that, due to mechanical and/or institutional controls the users have in place (e.g., TGO), the release limiting effects of restrictive flow orifices (RFOs),³¹ the likelihood of multiple failures required to result in a significant release event, the likelihood of ideal conditions being present (i.e., favorable winds, failure in emergency response, etc.), the probability of a significant release is highly unlikely (refer to Appendix D). For these reasons, impacts to the proposed project would be less than significant from an accidental chemical release at an off-site source.

³¹ Standard industry controls include valves equipped with RFOs for the primary gas containment (e.g., cylinder). The gas cylinders are equipped with RFOs to limit the release of toxic gases in the rare event of an equipment and/or valve failure during processing.

Table 4.0-6			
Facilities and Chemicals That Could Result in Significant Impacts			
Release Scenario	Predicted Exterior Concentrations (miles)	Predicted Interior Concentration	Emergency Planning Concentrations
		(parts per million)	
<i>Novellus Systems – approximately 0.04 miles southeast of the site</i>			
Ammonia Release			IDLH = 300
RFO/WC	0.015	21	ERPG-2 = 150
EPA/WC	0.1	896	ERPG-3 = 750
<i>Nu-Metal Finishing – approximately 0.33 miles southwest of the site*</i>			
Hydrogen Cyanide			IDLH = 50
EPA/WC	0.35	11	ERPG-2 = 10
			ERPG-3 = 25
<i>JDS Uniphase – approximately 0.22 miles northeast of the site</i>			
Phosphine Release			
RFO/RC	0.08	0.06	IDLH = 50
RFO/WC	0.36	1.3	ERPG-2 = 0.5
EPA/WC	1.8	24.4	ERPG-3 = 5
Chlorine Release			
RFO/WC	0.1	0.74	IDLH = 10
EPA/WC	0.31	5.4	ERPG-2 = 3
			ERPG-3 = 20
<i>Cypress Semiconductor – 0.16 miles southeast of the site</i>			
Chlorine			
RFO/WC	0.1	1.3	IDLH = 10
EPA/WC	0.78	33	ERPG-2 = 3
			ERPG-3 = 20
<i>OLS Energy Facility – 1.6 miles east of the site</i>			
Ammonia Release			
EPA/RC	1.5	1.3	IDLH = 300
EPA/WC	4.2	1,210	ERPG-2 = 150
			ERPG-3 = 750
Notes: RFO/RC= release through RFO during normal atmospheric conditions; RFO/WC= release through RFO during worst-case atmospheric conditions; EPA/RC= US EPA worst-case release during normal atmospheric conditions, loss of container contents over 10-minute period; EPA/WC= US EPA worst-case release during worst-case atmospheric conditions.			
* The hydrogen cyanide release at Nu-Metal Finishing was not remodeled using normal atmospheric conditions since worst-case modeling predicted exterior project impact at just above the ERGP-2 concentration. According to the industrial hygienist, remodeling this release using normal atmospheric conditions would result in less than significant impacts.			



WORST-CASE ACCIDENTAL RELEASE SCENARIO IMPACT AREAS

FIGURE 4.0-1

4.7.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José's adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

Impact HAZ – 1: The proposed project (including development on Area 4 as described above), with the implementation of the mitigation measures identified above, would not result in significant soil impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact HAZ – 2: The proposed project (including development on Area 4 as described above), with the implementation of the mitigation measure identified above, would not result in significant groundwater impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

The 2005 NSJ FPEIR describes the project area as likely including contaminated soils due to the nature of the uses present in the area historically. The mitigation identified in the FPEIR for development on contaminated sites includes conformance with DTSC and/or the Regional Board procedures for cleanup. The mitigation measures specifically identified in the FPEIR for sites such as this specific project site include preparation of a Phase I assessment, preparation of Phase II testing if found to be necessary, and implementation of the recommendations in those reports the reports. Remediation is identified as soils removal, groundwater extraction/treatment, or modification to the proposed project design, as appropriate, depending on the degree and type of contaminations and the requirements of the regulatory agencies.

The soils remediation proposed for this project is consistent with and is within the parameters identified in the 2005 NSJ FPEIR

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Setting

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

4.8.1.1 *Flooding*

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), the project site is located within two different zones, Zone X and AH.³² Flood Zone X are areas outside the one percent annual chance floodplain, areas of one percent annual chance sheet flow flooding where average depths are less than one foot, areas of one percent annual chance stream flooding where the contributing drainage area is less than one square mile, or areas protected from the one percent annual chance flood by levees. Flood Zone AH are areas of one percent annual chance of shallow flooding with a constant water-surface elevation (usually areas of ponding) where depths average between one and three feet.

The project site is also subject to tidal flooding of up to nine feet (NGVD 1929). The project site grade is approximately 3.5 feet (NGVD 1929).

4.8.1.2 *Regulatory Requirements*

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

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs)³³ and Treatment Control Measures (TCMs)³⁴ to the maximum extent practicable. This Policy also establishes specific design standards for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

³² Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel Number 060349008F. 25 October 2006.

³³ 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.

³⁴ Post-Construction Treatment Control Measures are site design measures, landscape characteristics or permanent stormwater pollution prevention devices installed and maintained as part of a new development or redevelopment project to reduce stormwater pollution loading from the site; is installed as part of a new development or redevelopment project; and is maintained in place after construction has been completed. Examples of runoff treatment control measures include filtration and infiltration devices (e.g., vegetative swales/biofilters, insert filters, and oil/water separators) or detention/retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of BMPs.

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

In 2005, the City of San José adopted the *Post-Construction Hydromodification Management* (Policy 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification³⁵ is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks.

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

4.8.2 Environmental Checklist and Discussion of Impacts

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

³⁵ Hydromodification occurs when the total area of impervious surfaces increases resulting in the decrease of rainfall infiltration, which causes more water to run off the surface as overland flow at a faster rate. Storms that previously did not produce runoff from a property under previous conditions can produce erosive flows in creeks. The increase in the volume of runoff and the length of time that erosive flows occur intensifies sediment transport, increasing creek scouring and erosion and causing changes in stream shape and conditions, which can, in turn, impair the beneficial uses of the stream channels.

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

The project proposes demolish and remove the existing structures and surface parking areas on Areas 1-3 and construct between 866 and 998 new residential units and a total of six acres of public parkland. The proposed Site Development Permit and development agreement would allow for the intensification of industrial development on the Area 4 of the project site. The proposed Site Development Permit and development agreement would allow for up to 870,000 square feet of new industrial uses on Area 4 in addition to the existing 418,707 square feet of industrial buildings. Specific development for Area 4 is not proposed as part of this project. For this reason, specific pre- and post-development drainage information (i.e., amount of pervious and impervious surfaces) is not provided for Area 4.

4.8.2.1 *Drainage*

Currently, approximately 83 percent (or 40 acres) of the project site is impervious and approximately 17 percent (or eight acres) of the project site is pervious (refer to Table 4.0-7). The project proposes to demolish and remove the existing buildings and surface parking areas on Areas 1-3 and construct between 866 and 998 new residential units and a total of six-acres of public parkland. The project also proposes a Site Development Permit and development agreement to increase the maximum FAR on Area 4 to approximately 1.1 to allow for the development of an additional 870,000 square feet of industrial uses. No specific development (e.g., buildings or site improvements) for Area 4 is proposed as part of this project.

Areas 1-3

With the development of the residential and park uses on project Areas 1-3, the amount of impervious surfaces would decrease by approximately eight percent (or 1.7 acres) in comparison to existing conditions. The decrease in impervious surfaces would result in the decrease in runoff from Areas 1-3. Since the proposed development on Areas 1-3 would result in a decrease in impervious surfaces and a decrease in surface runoff, it is not anticipated that the runoff from Areas 1-3 would exceed the capacity of the existing drainage facilities.

Area 4

Since no specific industrial development project is proposed on Area 4, changes to the drainage as a result of development on Area 4 cannot be calculated. Without a specific site plan, percentages of post-development pervious and impervious surfaces (e.g., buildings, pavement, and landscaping) can not be determined. However, the Site Development Permit, if approved, shall include conditions of approval that the development project must conform to the relevant stormwater policies in place at the time of subsequent development permit approvals for further industrial development on Area 4.

The proposed project would not result in any new or more significant drainage impacts than were described in the certified 2005 NSJ FPEIR (refer to Section H. Hydrology and Water Quality in the 2005 NSJ FPEIR).

Impact HYD – 1: Future development on Area 4 of the project site could result in an increase in runoff from the Area that could exceed the capacity of the existing storm drain system. **(Significant Impact)**

Table 4.0-7 Summary of Impervious and Pervious Surfaces On-Site						
Site Surface	Existing/Pre-Construction (acres)	%	Project/Post-Construction (acres)	%	Difference (acres)	%
AREA 1 (Condominiums)						
Impervious						
Building Footprint	1.7	23	3.0	42	-1.3	-19
Parking/Driveways	3.9	55	0.6	9	3.3	46
Sidewalks/Patios/Paths	0.1	2	2.8	39	-2.7	-37
<i>Subtotal</i>	<i>5.7</i>	<i>80</i>	<i>6.4</i>	<i>90</i>	<i>-0.7</i>	<i>-10</i>
Pervious						
Landscaping	1.4	20	0.7	10	0.7	10
<i>Subtotal</i>	<i>1.4</i>	<i>20</i>	<i>0.7</i>	<i>10</i>	<i>0.7</i>	<i>10</i>
Total	7.1	100	7.1	100		
AREA 2 (Apartments)						
Impervious						
Building Footprint	3.0	34	3.2	36	-0.2	2
Parking/Driveways	4.1	47	1.1	13	3.0	34
Sidewalks/Patios/Paths	0.1	1	3.3	37	-3.2	-36
<i>Subtotal</i>	<i>7.2</i>	<i>82</i>	<i>7.6</i>	<i>86</i>	<i>-0.4</i>	<i>-4</i>
Pervious						
Landscaping	1.6	18	1.2	14	0.4	4
<i>Subtotal</i>	<i>1.6</i>	<i>18</i>	<i>1.2</i>	<i>14</i>	<i>0.4</i>	<i>4</i>
Total	8.8	100	8.8	100		
AREA 3 (Public Park)						
Impervious						
Building Footprint	1.3	25	0.02	0.4	1.28	24.6
Parking/Driveways	3.0	58	0.7	13	2.3	45
Sidewalks/Patios/Paths	0.1	2	0.9	17	-0.8	-15
<i>Subtotal</i>	<i>4.4</i>	<i>85</i>	<i>1.6</i>	<i>31</i>	<i>2.8</i>	<i>54</i>
Pervious						
Landscaping	0.8	15	3.6	69	-2.8	-54
<i>Subtotal</i>	<i>0.8</i>	<i>15</i>	<i>3.6</i>	<i>69</i>	<i>-2.8</i>	<i>-54</i>
Total	5.2	100	5.2	100		
AREA 4 (Industrial)						
Impervious						
Building Footprint	7.7	29	n/a	n/a	n/a	
Parking/Driveways	12.0	44	n/a	n/a	n/a	
Sidewalks/Patios/Paths	3.0	11	n/a	n/a	n/a	
<i>Subtotal</i>	<i>22.7</i>	<i>84</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	
Pervious						
Landscaping	4.3	16	n/a	n/a	n/a	
<i>Subtotal</i>	<i>4.3</i>	<i>16</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	
Total	27.0	100	27	100		

MM HYD – 1.1: At the time additional Site Development Permits are required for Area 4 (i.e., when site development including buildings and site improvements are proposed), the adequacy of on- and off-site stormwater collection systems shall be evaluated. The project shall be required to fund storm drain system improvements to serve the project, as necessary.

4.8.2.2 Flooding

As discussed above, the project site is located within the 100-year flood hazard zone (Zone AH) and subject to up to nine feet of tidal flooding (NGVD 1929). The City’s *Special Flood Hazard Area Regulations* (Municipal Code Chapter 17.08), specifies that the lowest finished floor of development, including parking garages, for residential construction within Zone AH be elevated to or above the base flood elevation and tidal flooding elevation, which is nine feet (NGVD 1929) at the project site.

The lowest finished floors of the residential buildings are proposed to be at least 10 feet (NGVD 1929), which would be one foot above the maximum tidal flooding elevation. The garages are proposed to have a finished floor of nine feet (NGVD 1929) and therefore, would be consistent with the City’s *Special Flood Hazard Area Regulations*.

The proposed project would not result in any new or more significant flooding impacts than were described in the certified 2005 NSJ FPEIR (refer to Section H. Hydrology and Water Quality in the 2005 NSJ FPEIR).

Impact HYD – 2: The proposed project (including development on Area 4) would develop structures within a 100-year flood zone. **(Significant Impact)**

Mitigation Measures: The project (including development on Area 4) proposes to implement the following mitigation measures:

MM HYD – 2.1: Elevate the finished floor of the residential and industrial buildings and parking garages to at least nine feet (NGVD 1929).

To elevate the grade for flood control on Areas 1 and 2, the project proposes to cut approximately two feet of soil across Area 3 (approximately five acres in size) and use the soil as fill on Areas 1 and 2 of the project site.

MM HYD – 2.2: Obtain an Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, prior to issuance of building permits.

MM HYD – 2.3: Elevate build support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities above the base flood elevation or otherwise protected from flood damage.

4.8.2.3 *Water Quality*

Construction-Related Impacts

Construction of the proposed project (including future construction on Area 4), as well as demolition, grading, and excavation activities, may result in temporary impacts to surface water quality. Demolition of the existing buildings and construction of the proposed project (including future construction on Area 4) would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drain system.

The development of the proposed project (including future construction on Area 4) would contribute to the significant construction-related water quality impacts identified in the certified 2005 NSJ FPEIR. Furthermore, the proposed project (including future construction on Area 4) would not result in any new or more significant construction-related water quality impacts than were described in the certified 2005 NSJ FPEIR (refer to Section H. Hydrology and Water Quality in the 2005 NSJ FPEIR).

Impact HYD – 3: The proposed project (including future construction on Area 4) would result in construction-related water quality impacts. **(Significant Impact)**

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

MM HYD – 3.1: The project, including development on Area 4, shall comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for project with land disturbance of one acre or more, applicants shall be required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:

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

MM HYD – 3.2: Comply with the City’s Grading Ordinance.

MM HYD – 3.3: Comply with City Policies 6-29 and 8-14 at the development permit stage.

Post-Construction Impacts

Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from the proposed project (including development on Area 4) may contain increased oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from landscaped areas.

The amount of pollution carried by runoff from the site would increase accordingly. The project would increase traffic and human activity on and around the project site, generating more pollutants and increasing dust, litter, and other contaminants that would be washed into the storm drain system. The project, therefore, would generate increase in water contaminants that could be carried downstream in stormwater runoff from paved surfaces on the site.

The development of the proposed project (including development on Area 4) would contribute to the significant post-construction related water quality impacts identified in the certified 2005 NSJ FPEIR. The proposed project, however, would not result in any new or more significant post-construction related water quality impacts than were described in the certified 2005 NSJ FPEIR (refer to Section H. Hydrology and Water Quality in the 2005 NSJ FPEIR).

Impact HYD – 4: The proposed project (including development on Area 4) would result in post-construction water quality impacts. **(Significant Impact)**

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

MM HYD – 4.1: The project (including development on Area 4) with the NPDES Municipal Permit by incorporating BMPs to control non-point pollution to the satisfaction of the Director of Planning, Building, and Code Enforcement at the planned development permit stage, which include but are not limited to the following:

- Incorporate bioswales into the project site’s stormwater drainage design.
- Direct roof drains to discharge and drain away from building foundation to an unpaved area wherever possible.
- Install continuous deflective separation (CDS) units to treat stormwater flows. The cleaning and monitoring of the CDS units shall be performed by project contractors during construction and by the HOA there after.

4.8.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José’s adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

- Impact HYD – 1:** Future development on Area 4 of the project site, with the implementation of the above mitigation measure, would not result in any new or more significant runoff impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**
- Impact HYD – 2:** The proposed project (including development on Area 4 as described above), with the implementation of the above measures, would not result in any new or more significant flooding impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**
- Impact HYD – 3:** The proposed project (including development on Area 4 as described above), with the implementation of the above measures, would not result in any new or more significant construction-related water quality impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**
- Impact HYD – 4:** The proposed project (including development on Area 4 as described above), with the implementation of the above measures, would not result in any new or more significant post-construction water quality impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.9 LAND USE

4.9.1 Setting

4.9.1.1 *Existing Land Use*

The approximately 48-acre project site is located on Vista Montaña and North First Street in north San José. The project site consists of 10 parcels and can be divided into four areas: Area 1 (APN 097-52-013) is located at the northwest corner of Renaissance Drive and Vista Montaña, Area 2 (APNs 097-52-028 and 097-52-029) is located at the northwest corner of Tasman Drive and Vista Montaña, Area 3 (APN 097-53-015) is located at the southeast corner of North First Street and Vista Montaña, and Area 4 (APN 097-79-001 to -003, 097-79-009, 097-79-011, and 097-79-012) (refer to Figure 2.0-3).

All four subareas of the project site are developed with a total of 12 industrial office buildings that have a combined area of approximately 270,251 square feet. Currently, the northernmost building on Area 1 and all seven buildings on Area 4 are occupied. The other buildings are currently unoccupied. The occupied buildings are used for office, warehouse, electronics testing/assembly activities, and engineering and manufacturing of semiconductors (refer to **Section 4.7 Hazards and Hazardous Materials**).

4.9.1.2 *Surrounding Land Uses*

The land uses on the project site and in the surrounding area have not changed since the NSJ FPEIR was prepared and certified. The immediate surrounding land uses include undeveloped land to the north of the project site,³⁶ industrial office buildings to the east and south, and residential uses to the west. The undeveloped land is zoned and designated for industrial park uses.

The industrial office buildings to the east and south of the project site are two to four story buildings surrounded by surface parking and landscaping (e.g., grass berms, trees, and shrubs). The offices surrounding the project site are occupied by companies including Cisco Systems, which manufactures and sells networking and communications products, and Cypress Semiconductors, which designs, develops, manufactures, and markets high-performance digital and mixed-signal integrated circuits.

In addition, there is a four-acre parcel located between project Areas 1 and 2 that is developed with an industrial office building, surface parking, and landscaping. It is currently occupied by Supertex, which provides products for use in the telecom/networking, imaging, medical and consumer/industrial/computing markets. This parcel is currently zoned for industrial park uses and has a land use designation of *Industrial Park* with a *Transit/Employment Residential District* (55+ du/ac) overlay (refer to Figure 3.0-4).³⁷

³⁶ Note that there is currently an application on file for a General Plan Amendment for the undeveloped 36.3 acre property at the north corner of North First Street and Headquarters Drive to change the land use designation from *Industrial Park* to *Combined Commercial Industrial* (File No. GP06-04-03).

³⁷ It should be noted that there is currently an application on file for the development of between 231 and 294 residential apartments on this parcel (File No. PDC06-116).

The residential land uses to the west of the project site consist of two-story single-family houses, apartment buildings, and townhouses. Figure 2.0-4, an aerial photograph, shows the project site and surrounding land uses.

4.9.1.3 Land Use Plans

General Plan Land Use Designation

With the certification of the 2005 NSJ FPEIR, the City's General Plan was modified. As a result, the existing *Industrial Park* land use designation for project Areas 1 and 2 was modified to include a *Transit/Employment Residential District* (55+ du/ac) overlay.

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

Areas 3 and 4 of the project site are currently designated as *Industrial Park* and are not included in the *Transit/Employment Residential District* overlay. While the *Industrial Park* designation is an exclusive industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices, the North San José Area Development Policy allows for parks to be located outside of the overlay area, within surrounding *Industrial Park* land use designations.

North San José Area Development Policy

The North San José Area Development Policy (hereinafter referred to as the Policy) provides for the development of up to 32,000 new residential dwelling units within North San José, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 du/ac (up to 200 acres) or 90 du/ac (up to 85 acres). The Policy also allows for a net total of 26.7 million square feet of new industrial development within the Policy Area. Most of the new industrial development (16 million square feet) would be concentrated in the industrial Core Area and the remaining 10.7 million square feet of new industrial development is available for allocation to any property within the Policy Area.

A summary of the provisions of the Policy are listed in Table 4.0-8.

Zoning Designation

The entire project site has a zoning designation of *IP – Industrial Park*. The *IP – Industrial Park* is the most restrictive of the City's industrial zones. It permits light manufacturing, office, research and development, and support commercial uses.

Table 4.0-8 Consistency with North San José Area Development Policy			
Provisions of the Policy	Consistent?		
	Yes	No	N/A
RESIDENTIAL CHECKLIST			
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 units.	X		
Design Criteria			
Project is consistent with relevant policies in the Residential Design Guidelines.	X		

Table 4.0-8 Consistency with North San José Area Development Policy			
Provisions of the Policy	Consistent?		
	Yes	No	N/A
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		
INDUSTRIAL CHECKLIST			
Land Use			
Promote the intensification of driving industrial uses within North San José	X		
Traffic			
New buildings should be located and oriented on the site to promote access to transit facilities. Active use areas and building entrances should be oriented toward the nearest primary street.	X		
Establish pedestrian connections to the nearest transit station should be given priority in the site design.	X		
Project should incorporate new or additional improvements for pedestrian accessibility (e.g., new street-side entrances, pedestrian sidewalk connection oriented toward the nearest transit facility).	X		
All new development within the vicinity of light rail stations (e.g., within 2,000 feet) should in particular provide vibrant, well-designed, pedestrian and bicycle friendly areas onsite.	X		
Project should include clear, safe and comfortable connections to transit and services from the site and building entries. These include pedestrian pathways, landscaping, canopy trees and pedestrian scale lighting.	X		
Project should include adequately sized bicycle facilities.	X		
Allocation Capacity			
Sufficient capacity remains within the relevant Phase to allow for the proposed industrial development.	X		
Design Criteria and Infrastructure Improvements			
Projects should incorporate commercial services onsite or in proximity or include space suitable for future conversion for commercial use.	X		
New industrial development should include site design and green building architectural design treatments that reduce energy use, promote water conservation (e.g., participation in City resource conservation programs), and otherwise reduce environmental impacts.	X		
New development should utilize recycled water to the extent feasible, particularly to irrigate landscape areas. Landscaping materials with low irrigation needs should be used in areas without access to recycled water.	X		

4.9.1.4 *Other*

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

4.9.2 Environmental Checklist and Discussion of Impacts

LAND USE						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same as “Approved Project”	Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,11
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4, 11
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11

4.9.2.1 General Plan and Zoning Conformance

The project proposes to rezone project Areas 1-3 from *IP – Industrial Park* to *A(PD) – Planned Development* to allow for the demolition of the existing office buildings, development of between 866 and 998 new residential units in project Areas 1 and 2, a one-acre linear public park in Area 2, and a five-acre public park in Area 3. Since the project proposes to rezone Areas 1-3 of the project site to reflect the proposed development, it is not consistent with the existing zoning for the site.

The overall density of the residential development portion of the proposed project would be approximately between 55 and 68 du/ac.³⁸ The proposed project, therefore, would be consistent with the existing land use designation of *Industrial Park* with a *Transit/Employment Residential District* overlay for project Areas 1 and 2, which requires a minimum density of 55 dwelling units per acre. In addition, parkland is a use allowed under the existing land use designation. For this reason, the proposed one-acre linear public park in Area 2 is consistent with the existing land use designation.

The project proposes to rezone Area 3 to allow for the development of a public park. As discussed above, while Area 3 is currently designated by the General Plan as *Industrial Park*, the North San José Area Development Policy allows for parks to be located in proximity to properties within the *Transit/Employment Residential District* overlay if the parks promote intensified industrial use. The intent of the Policy is to promote intensification of driving industrial uses within North San José.

The project proposes a Site Development Permit and development agreement to increase the maximum FAR on Area 4 from 0.4 to approximately 1.1 to allow for the development of up to

³⁸ The overall density of the residential development portion of the project site was calculated by dividing the total number of proposed units (between 866 and 998 units) by the acreages of Area 1 and 3 (14.72 acres): 866 units ÷ 14.72 ≈ 55 units per acre and 998 units ÷ 14.72 ≈ 68 units per acre.

870,000 additional square feet of industrial uses on the Area. The additional 870,000 square feet proposed for Area 4 is a combination of existing square footage in the Policy Area and new industrial square footage approved for the Policy Area. Up to 270,251 square feet of existing square footage from Areas 1-3 is proposed to be transferred to Area 4 of the project site.

To achieve the intent of the Policy to promote intensification of driving industrial uses within North San José, this project would not convert existing industrial square footage to a non-industrial use, but would transfer existing industrial square footage allocation for Area 3 to Area 4. The Policy, with this stipulation to allow for parks to be located in proximity to properties within the *Transit/Employment Residential District* overlay if a project were to promote a more intensified industrial use, is consistent with the General Plan. Therefore, a park use in Area 3 with the industrial intensification of Area 4 is allowed by the Policy and is consistent with the General Plan land use designation.

Consistency with the North San José Area Development Policy

Land Use

The proposed project is consistent with the land use provisions in the Policy because it proposed residential development of at least 55 du/ac within an appropriate transit employment overlay area, proposes residential development in proximity to public transit, would not impact a vital or “driving” industrial use,³⁹ would not expose residents to significant hazards from nearby industrial facilities (refer to **Section 4.7 Hazards and Hazardous Materials**), and proposes to comply to the City’s *Parkland Dedication Ordinance* and *Parkland Impact Ordinance* by dedicating and/or paying in-lieu fees (refer to **Sections 4.13 Public Services** and **4.14 Recreation**).

The development of a public park in Area 3 with the industrial intensification of Area 4 is consistent with the overall policies of the General Plan to promote industrial land use within the City, and it is also consistent with the North San José Policy which allows new parkland of at least five acres in size to be located adjacent to the overlay area and promotes intensification of driving industrial uses within the Policy Area.⁴⁰ For these reasons, the proposed project is consistent with the land use provisions of the Policy.

Traffic

The project proposes to include design features (including TDM measures) that encourage bicycle and pedestrian movements (refer to **Section 4.3 Air Quality**) and dedicate public street ROW (refer to **Section 3.2 Project Components**). Future industrial development on Area 4 shall conform to the Policy’s provisions including those regarding building orientation towards transit facilities, improvements for pedestrian accessibility, pedestrian- and bicycle-friendly design, and provision of bicycle facilities. For these reasons, the proposed project is consistent with the traffic provisions of the Policy.

³⁹ Crossbow Technology is the only tenant on-site. Their lease ends in 2010. The development of the proposed project would be phased to allow the continued operation of Crossbow until their lease expires. It is anticipated that Crossbow will relocate. It is currently unknown where they would relocate. Source: Su, Frank. Email from Castle Group. “Re: Emailing: www.xbow.com.” 8 June 2007.

⁴⁰ City of San José. *North San José Area Development Policy Update*. September 2007.

Infrastructure Improvements

The proposed project is consistent with the Policy’s provisions for infrastructure improvements. As discussed in **Section 4.16 Utilities and Service Systems**, the project (including development on Area 4) would connect to existing utility lines in nearby streets and upgrade them if needed. In addition, the project does not preclude the installation of dual plumbing for use of recycled water for landscaping.

Allocation of Capacity

The NSJ Policy provides for the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, and 32,000 new dwelling units in the Rincon area. In regards to allocation capacity, since the approval and certification of the NSJ FPEIR in June 2005, the City Council has approved four projects. The approved projects allow for the development of a total of up to 2,617 residential units and 30,000 square feet of commercial uses (file numbers PDC06-022, PDC05-099, PDC06-085, and PD07-006). The project proposes between 866 and 998 residential units, public parkland, and industrial intensification (up to 870,000 square feet – 599,749 square feet of which is new and 270,251 square feet of which is to be transferred from existing industrial land) on the project site. Sufficient capacity remains to allow for the development of the proposed project.

Design Criteria

As discussed below and in **Section 4.1 Aesthetics**, the proposed project is consistent with the City’s *Residential Design Guidelines* and *Industrial Design Guidelines*. In addition, the project proposes to consider dual plumbing for use of recycled water, use of high efficiency fixtures (e.g., low flush toilets) and use of drought tolerant and native plantings in landscaping to minimize water use (refer to **Section 4.16 Utilities and Service Systems**).

The proposed project is consistent with the North San José Area Development Policy. Table 4.0-8 provides a summary of the project’s consistency with the Policy’s provisions.

4.9.2.2 Land Use Compatibility

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

Residential Development

As discussed in the certified 2005 NSJ FPEIR, developing residential uses near existing industrial uses could result in land use compatibility issues. The residences proposed in Areas 1 and 2 of the project site are buffered from the surrounding industrial uses to the north, east, and south by existing two to four-lane roadways (i.e., North First Street, Vista Montaña, Renaissance Drive, and Tasman Drive). An existing soundwall, approximately six feet tall, separates Areas 1 and 2 from the existing residences to the west.

While Area 1 is buffered from the industrial park uses south of Renaissance Drive by the roadway, Area 2 is located adjacent to the industrial property occupied by Supertex. The proposed residences in Area 2 would be setback from the industrial property by approximately 120 feet. Land uses within the 120 foot setback include stairways, windows, balconies, patios, a new public roadway, parking, and the proposed linear park (refer to Figure 3.0-1). Approximately 40 feet of mature landscaping and trees, and surface parking on the industrial property further separate the Area 2 property boundary from the existing industrial building and its shipping and receiving area (refer to Figure 4.0-2).

The interfaces between the proposed residential and existing industrial uses could trigger complaints and subsequent limitations being placed on industrial businesses in the project area.⁴¹

It was concluded in the certified 2005 NSJ FPEIR that development of residential uses, in conformance with the City's *Residential Design Guidelines*, would limit the likelihood that significant land use compatibility impacts between new residents and surrounding land uses would arise (see also **Section 4.7 Hazards and Hazardous Materials**).

Park Uses

Interface with Proposed Residential Uses

In general, park and residential uses are compatible. San José has parks and housing directly adjacent to each other throughout its residential areas. The normal sounds of people interacting and/or playing in parks are a part of expected activities within residential areas. Design and operational features of parks that can result in land use conflicts with adjacent residential uses include nighttime lighting of playing fields, amplified sound systems (generally baseball or football fields), extended hours of activities allowed by nighttime lighting, localized traffic congestion, parking overflow, operational issues associated with traffic generated by organized sports practices or games, and security or law enforcement issues. Many of these issues are annoyances rather than significant impacts, and most can be reduced or avoided by appropriate design.

The project proposes to improve and dedicate a linear public park in Area 2 that would include only passive uses, such as grass areas, benches, and children play areas. No play fields, stadium lighting, or amplified sound systems are proposed for this park. It is anticipated that the proposed linear park would serve the local residents and will generate little, if any, additional traffic.

Long term plans would include additional park space to be added on its eastern boundary that will expand the linear park. In the near term, this narrow park will have a dead-end street on its northwestern boundary, a new narrow public street with curbside parking on its long southwestern boundary, and Vista Montaña on the southeastern boundary. Its northeastern boundary, however, will be the existing industrial fence and landscaping adjacent to parking and the rear of an industrial building. Because this small passive park will have limited visual oversight, it may be susceptible to vandalism and other inappropriate activities that could create an adverse impact on the new residential development and the existing single family attached housing just to the north.

⁴¹ It should be noted that there is currently an application on file for the development of between 231 and 294 residential apartments on the industrial park parcel located between project Areas 1 and 3 (File No. 06-116).

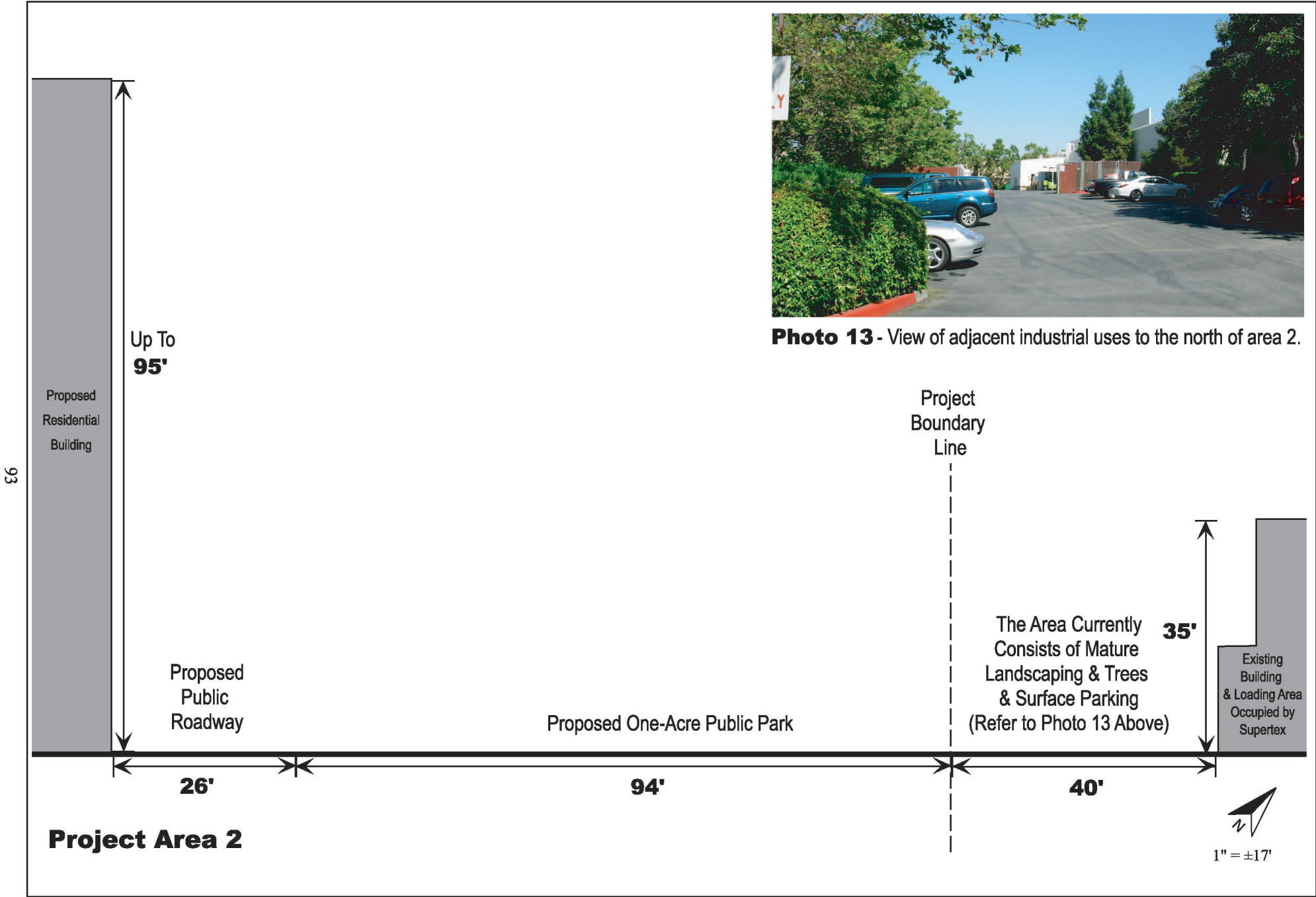


Photo 13 - View of adjacent industrial uses to the north of area 2.

In order to minimize unlawful and inappropriate activities in the linear park, both the interim and final designs will be reviewed by the Police Department and measures to avoid problems will be incorporated into the design. Such measures may include, but would not be limited to, nighttime lighting along the public right-of-way, landscaping and parking plans (as well as location of streets around the park site) to ensure visual access from police patrol cars, and location of residential units fronting onto the park to ensure “eyes on the park.”

The project also proposes to improve and dedicate Area 3 of the project site as a public park. The proposed public park on Area 3 would contain active park uses. As shown on the conceptual site plan (see Figure 3.0-1), the park could be developed with two soccer fields (with a cricket field overlay), a picnic area, basketball half-courts, a tot lot, grass areas, parking, and landscaping. No bleacher seating, stadium seating, or amplified sound systems are presently proposed. In addition, this proposed park would be separated from the nearest proposed residences by Vista Montaña, a two-lane roadway.

The proposed park’s size, location, and types of uses are consistent with the site’s intended use as a local-serving neighborhood park. No spectator seating is proposed. It is intended that users will be drawn from the immediate area, so many will walk or bicycle. It may be utilized by the local workforce for recreation during lunch or after work, and will serve the existing and planned residential population of North San José. The park will not, therefore, attract a substantial number of new users from outside the North San José area.

Because the park will be separated from all existing and future residential development by Vista Montaña, pedestrian traffic crossing the street and walking along the street (both on the sidewalks and to-and-from parked cars) is likely to increase substantially. The City is proposing to allow on-street parking on the west side of Vista Montaña, which will slow vehicular traffic. The project proponent is also proposing a signal at the corner of Vista Montaña and Renaissance Drive.

The proposed location and uses of the two park sites will not result in significant land use impacts as a result of their locations adjacent to existing and proposed residential development, with the inclusion of the avoidance measures described below.

Avoidance Measure: The project proposes to implement the following avoidance measure:

- Install a signal at the intersection of Vista Montaña and Renaissance Drive.

Interface with Existing Industrial Uses

The certified 2005 NSJ FPEIR did not address the interface of future parks and existing industrial uses because it was not anticipated that the parks would be placed on the edge of residential neighborhoods. The NSJ FPEIR also did not evaluate the placement of parks outside of the residential overlay, because that was not part of the project evaluated in the NSJ FPEIR. The policies and land use changes in the NSJ FPEIR specifically identified the location of residential support facilities such as parks, libraries, and schools as being proposed within the residential overlay boundaries.

The linear park proposed in Area 2 of the project site is adjacent to existing industrial uses to the northeast. The proposed park in Area 3 is adjacent to existing industrial uses to the southeast and south (refer to Figure 2.0-3). While the activities proposed in the two parks are unlikely to adversely

impact the nearby industrial businesses, the introduction of sensitive receptors (especially children) outdoors could create compatibility problems. Hazardous materials releases are addressed in **Section 4.7** of this document. Noise is addressed in **Section 4.11**. Peak use periods of the active park would generally occur in the evenings and on weekends or holidays, when many of the businesses are not open, so their truck and traffic movements are less likely to conflict with pedestrian and bicycle traffic associated with the park.

Locating parks within and adjacent to the proposed Residential Overlay area would not increase numbers of the sensitive receptors beyond those that would be otherwise living in the area and would generate fewer off-site impacts (noise, air pollution, traffic, etc.) than would the industrial uses that could occupy the existing building on this property.

The two proposed public parks would not result in significant land use compatibility impacts to or from the nearby existing or proposed residential uses or existing industrial uses.

Avoidance Measure: The following avoidance measure is identified as part of the certified 2005 NSJ FPEIR to be required of future residential development in North San José and is proposed by the project:

- Compliance with the City of San José *Residential Design Guidelines*, including the following:
 - *Chapter 5 – Perimeter Setbacks:* Residential structures of three stories or more are to be set back a minimum of 15 feet from incompatible uses. Residential structures of three stories or more are to be setback a minimum of 25 feet from public open space.
 - *Chapter 9 – Landscaped Areas:* Landscaping should be provided in all setback areas between project walls and/or fences and the rights-of-way of public streets and sidewalks. The landscaping should be generous and should include trees and/or shrubs as well as groundcover. Tall shrubs or vines should be planted to help screen walls and fences and provide protection from graffiti.
 - *Chapter 11 – Building Design:* This chapter specifies minimum facade articulation, vertical and horizontal roof articulation, the quality of building materials and details, stylistic consistency, and the need for care and attention to detail in design of street facades.
 - *Chapter 14 – Solar Access:* Within a project, buildings should not be located in positions that will result in substantial shading of the private open space of adjacent units in the project.
 - *Chapter 24 – Podium Cluster Housing:* Units should be stacked and constructed on a podium or deck over a communal parking garage. Private open space in the form of patios, decks, and balconies, as well as common open space should be provided.

Industrial Uses

The project proposes to intensify the existing industrial uses on Area 4. Future industrial development on Area 4 would not introduce a new land use that is not already existing on-site, is not adjacent to sensitive land uses, would be separated from the proposed park and residential uses by North First Street (which is a six-lane roadway), and would conform with the City's *Industrial Design Guidelines*.

It was concluded in the certified 2005 NSJ FPEIR that intensification of industrial uses, in conformance with the City's *Industrial Design Guidelines*, would limit the likelihood that significant land use compatibility impacts between existing industrial properties and surrounding land uses.

For the reasons discussed above, the future industrial development on Area 4 would not result in new or more significant land use compatibility impacts than identified in the 2005 NSJ FPEIR (refer to Section A. Land Use in the 2005 NSJ FPEIR).

Avoidance Measure: The following avoidance measure is identified as part of the certified 2005 NSJ FPEIR to be required of future industrial development in North San José and is proposed by the project:

- Compliance with the City of San José *Industrial Design Guidelines*, including the following:
 - *Policy IA2 – Setting, Surrounding Area Character:* New development should avoid adverse impacts such as noise, dust, and traffic on nearby properties.
 - *Policy IC1 – Setting, Interfaces:* Activities generating noise, traffic, dust, or odor and activities using hazardous materials should be located adjacent to similar activities on adjacent properties whenever possible.

4.9.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José's adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

The proposed project (including development on Area 4 as described above), with the implementation of the above avoidance measures, would not result in any more significant land use impacts than those addressed in the certified 2005 NSJ FPEIR. While the development of a park outside of the Residential Overlay area (i.e., Area 3) would not result in a significant land use impact, it was not addressed in the 2005 NSJ FPEIR. For this reason, it is a new less than significant impact. **(New Less Than Significant Impact)**

4.10 MINERAL RESOURCES

4.10.1 Setting

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

4.10.2 Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,11

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

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

4.10.3 Conclusion

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

4.11 NOISE

The following discussion is based upon a noise assessment study completed for the project by *Illingworth & Rodkin* in May 2007. A complete copy of this report is included in Appendix E of this Initial Study.

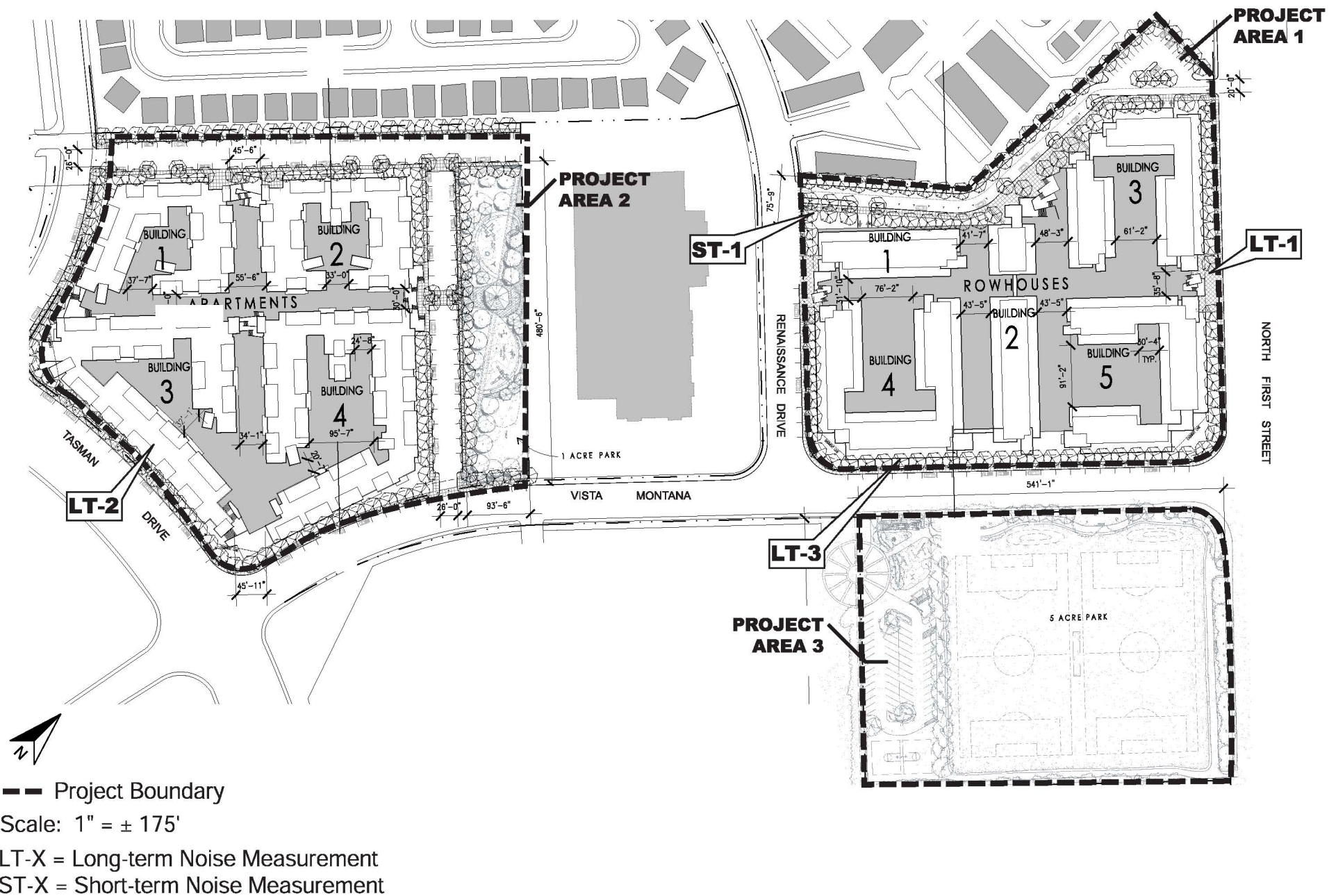
4.11.1 Setting

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

4.11.1.1 *Existing Noise Conditions*

The project site is located in North San José, between Rose Orchard Way and Tasman Drive. Industrial office buildings border the project site to the east and south. Residential land uses border the site to the west (refer to Figure 2.0-4). The ambient noise environment on the project site results primarily from vehicular traffic along local roadways including North First Street, Tasman Drive, Vista Montaña /Headquarters Drive, Renaissance Drive, and Rose Orchard Way.

The daily trends in noise levels along North First Street, Tasman Drive, and Vista Montaña were measured in April 2006. The locations of these measurements were taken at the approximate setbacks of the proposed residential units and are shown on Figure 4.0-3. The DNL noise levels along the major roadways in the project vicinity (i.e., North First Street, Tasman Drive, and Vista Montaña) ranged from 67 to 69 dBA. A short-term noise measurement was also made along Renaissance Drive. The average noise level along Renaissance Drive was 59 dBA L_{eq} . The DNL noise level at the project site, estimated based on the relationship between the long-term and short-term noise data, is 59 dBA.



NOISE MEASUREMENT LOCATIONS

FIGURE 4.0-3

4.11.2 Environmental Checklist and Discussion of Impacts

NOISE						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,12
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,12

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

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

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

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

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

Vibration. The certified 2005 NSJ FPEIR did not address vibration standards or impacts. Neither the City nor state has guidelines to address ground-borne vibration at new developments. The US Department of Transportation has developed vibration impact assessment criteria for evaluating vibration impacts associated with rapid transit project. Human response to ground-borne vibration levels are measured in terms of velocity levels (VdB), where zero VdB equals 1x10⁻⁶ inches per second. The criterion for groundborne vibration impacts is 72 VdB.⁴² Vibration impacts are considered significant if the vibration levels at the project site are 72 VdB or above.

4.11.2.1 *Noise Impacts from the Project*

The project proposes to demolish the existing structures on-site and construct between 866 and 998 residential units on Areas 1 and 2, dedicated and improve a total of six acres of public parkland on Areas 2 and 3, and allow for the future development of up to an additional 870,000 square feet of industrial uses on Area 4.

Residential uses and passive parks generally do not generate substantial noise. The proposed active park on Area 3, however, would have the potential to affect the proposed residents in Area 1 of the project site. Noise generated by the park would vary depending on the day of the week (e.g., weekday versus weekend or school-year versus summer), the time of day, and the popularity of the park. The proposed park in Area 3 could generate a day-night average noise level of approximately 55 dBA DNL at the nearest residential receivers, which would be located in Area 1 of the project site (there are no existing residential uses nearby that would be impacted by the proposed park in Area 3). Noise generated by the proposed park would not be anticipated to adversely affect the proposed residential uses in Area 1. Maximum noise levels would, at times, be audible at the proposed residences in Area 1, but these levels would be similar or lower than maximum noise levels generated by vehicular traffic; therefore, the proposed park would not generate a significant amount of noise.

The project would allow for an additional 870,000 square feet of industrial uses on Area 4. The noise generated from the industrial intensification of Area 4 is not anticipated to be substantially different or higher than the existing noise levels generated by the industrial uses currently operating on Area 4. In addition, no sensitive land uses are adjacent to Area 4 that would be impacted by typical industrial operations.

⁴² US Department of Transportation, Federal Transit Administration. Transit Noise and Vibration Impact Assessment (Chapter 8 Vibration Impact Criteria). April 1995. DOT-T-95-16. Available at: <http://ntl.bts.gov/data/rail05/rail05.html>.

Project-Generated Traffic Impacts

For traffic noise to increase noticeably (i.e., by a minimum of three dB), existing traffic volumes must double. Based on traffic data prepared for the certified 2005 NSJ FPEIR, noise levels at the project site are estimated to increase up to approximately three dBA DNL.

Noise levels along North First Street are expected to increase by approximately three dBA DNL at the project site as a result of future development resulting from the implementation of the Policy, and noise levels along Tasman Drive, Vista Montaña, and Renaissance Drive are anticipated to increase by approximately one dBA DNL. It was concluded in the certified 2005 NSJ FPEIR that traffic generated by the amount of development analyzed in the document would result in significant increase in traffic-generated noise (refer to Section D. Noise in the 2005 NSJ FPEIR).

This was identified as a significant unavoidable impact and the City Council adopted a statement of overriding consideration for the 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. The demolition and infrastructure phases of construction require heavy equipment that generates the highest noise levels. Pile driving is not anticipated, but could occur depending on the final project design.

Typical hourly average construction generated noise levels are about 81 to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction-related noise levels are normally less during building erection, finishing, and landscaping phases. There would be variations in construction noise levels on a day-to-day basis depending on the actual activities occurring at the site. The total construction duration for Areas 1-3 could range from approximately 30 to 48 months. Since no specific industrial development project is proposed at this time, the duration of construction for Area 4 is not known.

Where noise from construction activities exceed 60 dBA L_{eq} and exceeds the ambient noise environment by at least five dBA at noise-sensitive uses in the project vicinity, the impact would be considered significant.

Construction generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and the receptor. Shielding by buildings would provide an additional five to 10 decibels of attenuation at distant receptors. Construction noise levels at distant residential receivers (located approximately 200 feet or more from the center of the site) would generally coincide with existing noise levels generated by transportation noise sources in the area. The construction of the project, therefore, is not anticipated to adversely affect the adjacent office uses or distant residential receivers. Demolition and construction activities on the project site, however, would affect adjacent residences west of the project site based on the above stated threshold of significance.

As mentioned previously, the timing of future industrial development on Area 4 is unknown. The nearest sensitive land uses to Area 4 include the existing residents west of Area 1 and 2 and the proposed residents on Area 1. Area 4 is separated from the residents west of Area 1 and 2 by North First Street (a six-lane roadway). Area 4 is at least approximately 1,000 feet from these existing

residents and therefore, not anticipated to be significantly impacted by future construction-related noise on Area 4. Future construction on Area 4 could result in significant impacts the proposed residential uses on Area 1 if the proposed residential units are constructed and occupied at the time of construction on Area 4.

The proposed project would not result in any new or more significant construction-related impacts than were described in the certified 2005 NSJ FPEIR (refer to Section D. Noise in the 2005 NSJ FPEIR).

Impact NOI – 1: The proposed project (including development on Area 4) would result in a short-term increase in noise levels in the project area during demolition and construction activities. **(Significant Impact)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR and proposed by the project (including the development on Area 4):

MM NOI – 1.1: Limit all construction-related activities to the hours of 7 AM to 7 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

MM NOI – 1.2: Use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices.

MM NOI – 1.3: Equip all internal combustion engines used on the project site with adequate mufflers and ensure all internal combustion engines are in good mechanical condition.

MM NOI – 1.4: Stage construction equipment a minimum of 200 feet from noise sensitive receptors, such as residential uses.

MM NOI – 1.5: Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.

MM NOI – 1.6: Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

The project may be required by the Director of Planning, Building, and Code Enforcement to implement the following mitigation measures if pile driving is used during construction of the building foundations; based on a

supplemental noise report addressing impacts and mitigation provided to the Director of Planning, Building, and Code Enforcement prior to issuance of building permits:

- MM NOI – 1.7:** Use multiple-pile drivers 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.
- MM NOI – 1.8:** Use temporary noise control blanket barriers to shroud pile drivers to shield the adjacent land uses.
- MM NOI – 1.9:** Pre-drill foundation pile holes 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.

Cumulative Construction Noise Impacts

As discussed above, the proposed development on Areas 1-3 would be constructed in approximately 30 to 48 months and the proposed *Vista Montaña Apartments* (File No. PDC06-116), which is located on the south side of Renaissance Drive and adjacent to the Area 2, is estimated to be completed in approximately 18 months. As mentioned previously, a specific development project is not proposed on Area 4 and therefore, the construction duration for Area 4 is unknown. Although each individual project would not be expected to generate a significant temporary noise impact, the proposed project (including development on Area 4) and the *Vista Montaña Apartments* project combined would result in a substantial, cumulative, temporary noise impact.

Noise levels generated by construction of the projects would generate noise levels exceeding 60 dBA L_{eq} and the ambient by five dBA or more at nearby residential receivers. The cumulative duration of noise resulting from construction on the two sites, assuming the implementation of available construction noise control methods, would exceed one construction season at adjacent residential land uses resulting in a significant and unavoidable cumulative construction-related noise impact.

It was concluded in the certified 2005 NSJ FPEIR that the development analyzed in the document would result in a significant, unavoidable cumulative construction-related impact from the construction of multiple projects in proximity to each other (refer to Section D. Noise in the 2005 NSJ FPEIR). The City Council adopted a statement of overriding consideration for the impact.

4.11.2.2 Noise Impact to the Project

Exterior Noise Levels

The future noise environment at the project site would continue to result primarily from vehicular traffic along North First Street, Tasman Drive, Vista Montaña /Headquarters Drive, Renaissance Drive, and Rose Orchard Way. As discussed previously, future noise levels (resulting from the buildout of the development assumed in the certified 2005 NSJ FPEIR) along North First Street are expected to increase by approximately three dBA DNL and noise levels along Tasman Drive, Vista Montaña, and Renaissance Drive are anticipated to increase by approximately one dBA DNL.

Project Areas 1 and 2

Given the anticipated future noise increases, noise levels at the facades of the proposed residential buildings along North First Street would be approximately 71 dBA DNL, 69 dBA DNL at the facades of the proposed residential buildings along Tasman Drive, and 68 dBA DNL at the facades of the proposed residential buildings along Vista Montaña. Exterior noise levels at the proposed residential units with facades to Renaissance Drive would be about 60 dBA DNL.

Based upon the building orientation assumed in the conceptual site plan (refer to Figure 3.0-1), the proposed common outdoor use areas for the proposed project are well shielded from traffic noise by the buildings themselves and the exterior noise levels would be below the City's exterior noise standards of 60 dBA DNL.

Moreover, the proposed project would not expose future residents to noise levels above the City's exterior noise goal or any new or more significant exterior noise levels than were previously described in the certified 2005 NSJ FPEIR (refer to Section D. Noise in the 2005 NSJ FPEIR).

Project Areas 2 and 3

The public park proposed for the northern portion of Area 2 could be exposed to noise levels of up to approximately 68 dBA DNL. The public park proposed for Area 3 could be exposed to noise levels of up to 71 dBA DNL. The estimated noise levels at the proposed public parks would exceed the City's noise goal of 60 dBA DNL or less for park uses; however, the City's General Plan recognizes that the attainment of exterior noise quality levels near major roadways may not be achieved. Typical noise attenuation measures, such as noise barriers and berms, however, are undesirable in parks due to their propensity to encourage loitering and graffiti. Final site design for the proposed park will be completed at the PD Permit stage and park improvements shall be designed to minimize noise impacts where feasible.

Avoidance Measure: The project proposes the following measure to reduce noise impacts at the proposed public parks:

- Design the proposed park to minimize noise impacts to sensitive receptors such as toddlers to the extent feasible.

Project Area 4

The existing industrial uses on Area 4 are exposed to exterior noise levels of up to approximately 71 dBA along North First Street and up to 68 dBA along Headquarters Drive. It is estimated that noise level along Rose Orchard Way is similar (or less) to those along Headquarters Drive. The project proposes a Site Development Permit and development agreement to allow for the industrial intensification of Area 4, however, no specific development is proposed as part of this project for Area 4. For this reason, it is unknown whether outdoor activity areas would be developed on Area 4.

Avoidance Measure: Future development on Area 4 shall implement the following measures to reduce exterior noise levels for outdoor use areas:

- At the time buildings and site improvements are proposed on Area 4 and they include an outdoor use area, a noise analysis shall be completed for Area 4 to evaluate the exterior noise levels at the outdoor use area and ensure that the outdoor activity area is limited to acoustically protected areas.

Interior Noise Levels

Project Areas 1-3

Future noise levels anticipated at the project site (up to 71 dBA DNL) would result in interior noise levels at the proposed residential units above the City and state standard of 45 dBA DNL. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard residential construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces.

Where exterior day-night average noise levels are 65 dBA or less, the interior noise level can typically be maintained below 45 dBA DNL with the incorporation of forced air mechanical ventilation systems in residential units. These systems allow the occupant the option of controlling noise by maintaining the windows shut. Where noise levels exceed 65 dBA DNL, sound-rated building elements may be required to achieve an interior noise level of 45 dBA DNL.

Project Area 4

Future industrial development on Area 4 would also result in interior noise levels at future industrial buildings above the City standard of 45 dBA DNL.⁴³ However, standard industrial construction of industrial office buildings with fixed windows and mechanical ventilation provides approximately 30 dBA of exterior interior noise reduction, which would result in interior noise levels of approximately 41 dBA DNL.⁴⁴

The proposed project would not expose future residents or occupants to any new or more significant interior noise levels than were described in the certified 2005 NSJ FPEIR (refer to Section D. Noise of the 2005 NSJ FPEIR).

Impact NOI – 2: The interior noise level for the proposed residential units and future industrial uses could exceed the City’s and state’s interior noise standard of 45 dB DNL. **(Significant Impact)**

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

MM NOI – 2.1: The project shall complete project-specific acoustical analyses to ensure that a) the design of the proposed residential buildings and units, and industrial buildings (when proposed) and b) the implementation of identified

⁴³ Note that in terms of industrial uses, the City’s interior noise standard of 45 dBA L_{dn} is a function of the use, where offices and meeting spaces are more sensitive than work areas, etc.

⁴⁴ Thill, Michael. “Re: standard industrial construction.” Email from Illingworth & Rodkin, Inc. 7 September 2007.

attenuation measures (if any) will maintain interior noise levels at 45 dBA DNL or lower where applicable. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all residential units with a direct line of sight to roadways.

- Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for residential units adjacent to the intersections of North First Street and Vista Montaña, and Tasman Drive and Vista Montaña. These treatments include, but are not limited to, sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking. The specific determination of what treatments are necessary shall be determined on a unit-by-unit basis.
- Preliminary calculations indicate that the incorporation of a suitable form of mechanical ventilation system and moderate performance sound-rated windows (STC 28-33) would be sufficient to achieve the interior noise level standard at the residential units proposed nearest the intersections of North First Street and Vista Montaña, and Tasman Drive and Vista Montaña (which are the units with the highest projected exterior noise exposure).
- Results of the project-specific acoustical analyses shall be submitted to the City along with the building plans prior to issuance of building permits.

Vibration Impacts

Light-rail (LTR) trains can be a source of groundborne vibration when receivers are located close to the tracks. The nearest proposed residential unit (Area 2) would be located approximately 90 feet from the LTR tracks. The US Department of Transportation has developed vibration impact assessment criteria for evaluating vibration impacts associated with rapid transit project. The criterion for groundborne vibration impacts is 72 VdB for frequent events (more than 70 events per day). Based upon existing data, it is anticipated that the nearest residents would be exposed to vibration levels below 72 VdB. Vibration impacts on project Areas 1, 3, and 4 would be less than those on Area 2 because they are located further away from the LTR. For these reasons, vibration impacts are not anticipated to be significant at the project site.

Aircraft Noise

A review of the 65 CNEL noise contour map established by the Santa Clara County ALUC indicates that the project site is located outside of the future 65 CNEL noise contour. Where noise levels are less than 65 CNEL (i.e., located outside the 65 CNEL noise contour), residential (as well as industrial) land uses are considered compatible with the exterior noise environment. Moreover, the proposed residential and industrial uses are considered a compatible land use with the existing exterior noise environment. The proposed project would not result in any new or more significant impacts from aircraft noise than were described in the certified 2005 NSJ FPEIR (refer to Section D. Noise in the 2005 NSJ FPEIR).

4.11.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José's adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

Impact NOI – 1: The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant short-term construction noise impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

Impact NOI – 2: The proposed project (including development on Area 4 as described above), with the implementation of the above mitigation measures, would not result in any new or more significant interior noise level impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.12 POPULATION AND HOUSING

4.12.1 Setting

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

4.12.2 Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

Project Areas 1 and 2 are designated to allow high density residential development (55+ du/ac). The project proposes to demolish the five existing office buildings on Areas 1-3 and construct between 866 and 998 residential units, which would be at a density of between 55 and 68 du/ac, and a total of six acres of public parkland. Because the proposed residential development would be consistent with the existing land use designation on the site, the proposed housing would be consistent with the City’s General Plan and not induce growth beyond what is anticipated for in the General Plan. The buildout of the development evaluated in the certified 2005 NSJ FPEIR was estimated to create 32,000 new dwelling units in north San José. The proposed project would result in the development of approximately three percent of the approved 32,000 dwelling units.

The project proposes to develop park uses on Area 3, which is currently designated for industrial uses and is developed with one unoccupied industrial building. The project proposes a Site Development Permit and development agreement to allow for the intensification of industrial uses on Area 4. The proposed Site Development Permit and development agreement would increase the existing maximum FAR on Area 4 from 0.4 to approximately 1.1 to allow for the development of up to 870,000 square feet of industrial uses, in addition to the existing 418,707 square feet on Area 4. Of the 870,000 square feet of industrial uses proposed for Area 4, 599,749 square feet is new industrial square footage and the remaining 270,251 square feet is existing industrial square footage on Areas 1-3 to be transferred to Area 4.

Since the proposed project would transfer the existing industrial square footage that would have been lost from the development of the residential and park uses on Areas 1-3 to Area 4 of the project site, the proposed project would not result in the loss of industrial development. The buildout of the development evaluated in the certified 2005 NSJ FPEIR included 26.7 million square feet of new industrial development in north San José. The 599,749 square feet of new industrial development proposed on Area 4 would be consistent with the North San José Area Development Policy and the City's General Plan, and not induce growth beyond what is anticipated for in the General Plan. The proposed project would result in the development of approximately two percent of the approved 26.7 million square feet of industrial development.

The proposed project would not result in any new or more significant population and housing impacts than were described in the certified 2005 NSJ FPEIR (refer to Section A. Land Use in the 2005 NSJ FPEIR).

4.12.3 Conclusion

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

4.13 PUBLIC SERVICES

4.13.1 Setting

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

4.13.2 Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same as “Approved Project”	Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

4.13.2.1 *Fire and Police Service*

The project (including development on Area 4) 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, the buildout of the development analyzed would incrementally increase the need for fire and police protection services, which may create the need for additional staffing or resources, or a new fire station in the project area. The increase in demand for fire and police services is not necessarily an environmental impact. The environmental impact, if it does occur, would generally result from the impacts on the physical environment that result from the physical changes made in order to meet the demand. Future development of new fire facilities in the project area would require supplemental environmental review which could consist of an Addendum or Supplemental EIR to the certified 2005 NSJ FPEIR. It was concluded in the certified 2005 NSJ

FPEIR that the construction of a new fire station in north San José would not have significant adverse environmental impacts (refer to Section III. Public Facilities and Services of the 2005 NSJ FPEIR). 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 or 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 (refer to Section III. Public Facilities and Services of the 2005 NSJ FPEIR).

4.13.2.2 Schools

It was estimated that the buildout of the development assumed in the certified 2005 NSJ FPEIR would result in a total of approximately 1,829 new students, including 1,112 elementary students, 349 middle school students, and 368 high school students. It was concluded in the certified 2005 NSJ FPEIR that the total number of students generated from the development assumed would require the construction of approximately three new elementary schools to accommodate the growth in student population and that the Santa Clara Unified School District (SCUSD) may be able to accommodate the middle and high school students without requiring the construction of new facilities.

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

The proposed project would generate approximately five to six percent of the students anticipated from the buildout of the development assumed in the certified 2005 NSJ FPEIR, therefore, would not result in any new or more significant school impacts than were described in the certified 2005 NSJ FPEIR.⁴⁵ The SCUSD has recently prepared a first draft of a student generation assessment that is intended to provide a projection of the likely near-term and long-term student generation rates for new residential development in North San José within the SCUSD area, including the project site. The assessment will also address likely revenue to the school district associated with developer fees and tax increment increases. The City is working with SCUSD to come to an agreement on the student generation rates and projected revenues. While the outcome of the assessment is pending, it is anticipated that at least one new school will be needed over the timeframe of the Policy. The City is obligated, per the Policy, to plan for a school site (or pursue other strategies) prior to the addition of 50 students. As it will likely be two years or more before any of the new residential units are completed in North San José, the City has adequate time to complete this work in advance of the Policy requirement. The issue of school planning is also being addressed by the recently formed North San José Task Force to support and supplement the North San José Neighborhood Master Plan currently in preparation to address residential development and future community amenities.

⁴⁵ The project site is located within the Santa Clara Unified School District (SCUSD). Based on Santa Clara Unified School District's student generation rates, the proposed project would generate a total of approximately 95 to 110 new students, including 61 to 70 elementary school students, 17 to 20 middle school students, and 17 to 20 high school students. Source: Adams, Rod. Santa Clara Unified School District. "Re: Student Generation Rates." E-mail to David J. Powers and Associates, Inc. 12 July 2004.

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

Standard Measure: The project proposes to implement the following standard measure:

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

4.13.2.3 *Parks*

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO.⁴⁶ Based upon this formula, the proposed project would be required to dedicate between approximately 5.9 to 6.9 acres of parkland.

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

Since the proposed project would result in approximately three percent of the residential development assumed in the 2005 NSJ FPEIR *and* the project includes a total of six acres of public parkland, the proposed project would not result in any new or more significant park impacts than were described in the certified 2005 NSJ FPEIR (refer to Section III. Public Facilities and Services of the 2005 NSJ FPEIR).

Standard Measures: The project proposes to implement the following standard measures:

- The project shall conform to the City's *Park Impact Ordinance* (PIO) and *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 14.25 and 19.38, respectively) by either dedicating land for a neighborhood park and/or paying the associated in-lieu fees

⁴⁶ Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).
Proposed project = (0.003 acres) x (between 866 and 998 units) x (2.29 persons per household) = approximately 5.9 to 6.9 acres.

which are in accord with the North San José Policy. It is at the option of the City to either require land dedication and/or the payment of fees.

4.13.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José's adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

The proposed project (including development on Area 4 as described above), with the implementation of the above measures, would not result in any new or more significant impacts to public services or facilities than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.14 RECREATION

4.14.1 Setting

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

4.14.2 Environmental Checklist and Discussion of Impacts

RECREATION						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

As discussed in **Section 4.13 Public Services**, the City of San José has adopted the PDO and PIO requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO.⁴⁷ Based upon this formula, the proposed project would be required to dedicate between approximately 5.9 to 6.9 acres of parkland, depending on the number of units developed.

As concluded in the certified 2005 NSJ FPEIR, the buildout of the development assumed would not result in significant, adverse environmental park and recreation impacts. Since the project proposes approximately three percent of the residential development assumed in the certified 2005 NSJ FPEIR *and* includes a total of six acres of public parkland, the proposed project would not result in any new or more significant recreation impacts than were described in the certified 2005 NSJ FPEIR (refer to Section III. Public Facilities and Services of the 2005 NSJ FPEIR).

Standard Measure: The project proposes to implement the following standard measures:

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

⁴⁷ Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).
 Proposed project = (0.003 acres) x (between 866 and 998 units) x (2.29 persons per household) = approximately 5.9 to 6.9 acres.

either dedicating land for a neighborhood park and/or paying the associated in-lieu fees which are in accords with the North San José Policy. It is at the option of the City to either require land dedication and/or the payment of fees.

4.14.3 Conclusion

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

4.15 TRANSPORTATION

4.15.1 Setting

The transportation system, including regional and local roadways, bicycle and pedestrian facilities, and transit services (i.e., bus and light rail services) have not changed since the certification of the 2005 NSJ FPEIR.

4.15.2 Environmental Checklist and Discussion of Impacts

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

4.15.2.1 Roadway, Transit, and Pedestrian Facilities

Approval and implementation of the proposed project would result in between 866 and 998 new residential units, a total of six acres of new public parkland, and 870,000 square feet of industrial development (599,749 new square feet and 270,251 square feet transferred from Areas 1-3).

The traffic impacts from the proposed residential development in Areas 1 and 2, linear park in Area 2 (which is located within the overlay area), and industrial intensification for Area 4 has been analyzed and accounted for in the certified 2005 NSJ FPEIR. Although the location of proposed park in Area 3 was not anticipated in the NSJ FPEIR, the use of land in north San José for neighborhood serving parks was anticipated. The proposed five-acre park in Area 3 of the project site is intended to serve the surrounding neighborhood, including the proposed residents. Approximately 70 parking spaces are proposed for park and sport field users. It is possible that the amenities on the park will serve other residents throughout the north San José area in addition to those in the surrounding neighborhood. While it is anticipated the park would generate some traffic, it is unlikely that a substantial number of those trips would be during the AM or PM peak hours. The peak park hour trips (if any) would be negligible compared to the number of peak hour trips assumed in the 2005 NSJ FPEIR.

The proposed project would not result in additional traffic trips beyond what was assumed in the certified 2005 NSJ FPEIR (refer to Section B. Transportation in the 2005 NSJ FPEIR).

In addition, construction vehicles, including construction employee vehicles and trucks carrying construction materials or transporting soil between project areas, would travel to and from the site as a part of site development.⁴⁸ Construction-related truck trips will be spread out over daylight hours. It is estimated that a total of 2,570 truck trips would be needed for transferring on-site soils. It is estimated that the transportation of soils would take a total of 120 days, with approximately 21 truck trips per day. Construction traffic, including truck trips, is estimated to be below the daily or peak hour traffic anticipated from build-out of the proposed project.⁴⁹ Therefore, it is not anticipated that construction-related traffic would adversely impact levels of service at nearby signalized intersections.

For these reasons, the proposed project would not result in additional traffic trips beyond what was assumed in the certified 2005 NSJ FPEIR or any new roadway, transit, or pedestrian impacts of greater severity than were already disclosed in the 2005 NSJ FPEIR (refer to Section B. Transportation in the 2005 NSJ FPEIR).

Impact TRAN – 1: The proposed project would increase traffic in the project area. **(Significant Impact)**

⁴⁸ The number of people needed for soil remediation on-site (refer to **Section 4.7 Hazards and Hazardous Materials**) will not be substantial in comparison to the number of normal construction personnel.

⁴⁹ It is estimated that the project would generate approximately 6,055 average daily trips, with approximately 584 AM peak hour trips and 581 PM peak hour trips. Source: Hexagon Transportation Consultants. Vista Montana Residential Development Traffic Operational Analysis. January 2007.

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

MM TRAN – 1.1: All of the project, including development on Area 4, shall conform to the City’s *North San José Area Development Policy Traffic Impact Fee Ordinance*.⁵⁰

4.15.2.2 *Parking*

Parking for Areas 1 and 2 would be provided in one to two level parking garages located below the residential buildings and landscaped podiums. Additional on-site parking would also be provided at grade along the new streets proposed on-site and along Renaissance Drive, Vista Montaña, and Tasman Drive (refer to Figure 3.0-1). Parking for Area 3, the five-acre public park, would be provided at grade (refer to Figure 3.0-1). Specific industrial development (e.g., buildings or site improvements) for Area 4 is not proposed as part of this project. It is assumed in this Initial Study that future industrial development on Area 4 would provide parking in accordance with the City’s Municipal Code (Chapter 20.90).

Standard Measure: The project proposes to implement the following standard measure:

- The project, including development on Area 4, with the City’s parking requirements (refer to Table 3.0-1 and Municipal Code Chapter 20.90).

4.15.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José’s adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

Impact TRAN – 1: The proposed project (including development on Area 4 as described above), with the implementation of the above measures, would not result in new or more significant impacts to the transportation system than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

⁵⁰ As outlined in the proposed development agreement, the project would not be required to pay traffic impact fees for the 270,251 square feet of existing industrial uses on Areas 1-3 to be transferred to Area 4.

4.16 UTILITIES AND SERVICE SYSTEMS

4.16.1 Setting

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

4.16.2 Environmental Checklist and Discussion of Impacts

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

The project proposes to construct between 866 and 998 residential units, a total of six acres of public parkland, and 870,000 square feet of industrial uses. As concluded in the certified 2005 NSJ FPEIR, full implementation of the project would not result in significant adverse environmental impacts as a result of development exceeding the capacity of the water supply, sanitary sewer/wastewater treatment, or storm drainage systems.

The proposed project would connect to existing utility lines and determine if existing lines would need to be upgraded at the PD Permit stage for Areas 1-3 and when further Site Development Permits are required for site improvements on Area 4. Preliminary analysis indicates that the existing sanitary sewer lines in Renaissance Drive and Vista Montaña will need to be upgraded.⁵¹ The project applicant shall be responsible for utility improvements.

4.16.2.1 Senate Bill 610

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

San José Municipal Water System was notified by the City, in accordance with Water Code Section 10910, of the City’s Notice of Preparation for the certified 2005 NSJ FPEIR “project,” as defined by Water Code Section 10912. It was concluded that full implementation of the development allowed with the certified 2005 NSJ FPEIR would require the expansion of the existing recycled water system and continued implementation of the City’s water conservation programs. At the PD Permit stage for Areas 1-3 and at the building permit stage for Area 4, the City shall require the proposed project to incorporate water conservation programs including, but not limited to, the following where appropriate:

- Dual plumbing for both interior and exterior recycled water use;
- Construction standards that require high-efficiency fixtures (e.g., high-efficiency 1.2 gallons per flush toilets);
- Construction standards that require high-efficiency devices for outdoor water uses (e.g., self-adjusting weather-based irrigation controllers);
- The use of fully advanced treated recycled water for irrigation of large landscaped areas;
- Enforcement of the City’s Model Water Efficient Landscape Ordinance (per AB325 1990); and
- Promotion and use of drought tolerant and native plantings in landscaping.

4.16.3 Conclusion

It was assumed for the purposes of this Initial Study that the industrial development proposed on Area 4 will be consistent with all of the relevant development standards in San José’s adopted *Industrial Design Guidelines*, and will include all of the applicable mitigation measures described in the 2005 NSJ FPEIR. These standards and mitigation measures will be reflected in the Site

⁵¹ It is anticipated that the existing eight-inch sanitary sewer line in Renaissance Drive will need to be upgraded to 10-inches, the existing 10-inch sanitary sewer line in Vista Montaña west of Renaissance Drive will need to be upgraded to 15-inches, and the existing 12-inch sanitary sewer line in Vista Montaña east of Renaissance Drive will need to be upgraded to 18-inches.

Development Permit approved by the Director of Planning, Building and Code Enforcement, and in the Development Agreement approved by the City Council.

The proposed project (including development on Area 4 as described above) would not result in new or more significant impacts to utilities and services systems than those addressed in the certified 2005 NSJ FPEIR, if the project includes water conservation program(s). **(No New Impact)**

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2, p. 20-122
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2, p. 20-122
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2, p. 20-122

The 2005 NSJ FPEIR analyzed the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new dwelling units in the Rincon area. Since the approval and certification of the NSJ FPEIR in June 2005, four projects have been approved. The approved projects allow for the development of a total of up to 2,617 residential units and 30,000 square feet of commercial uses (file numbers PDC06-022, PDC05-099, PDC06-085, and PD07-006).

The project proposes to develop between 866 and 998 residential units, a total of six acres of public parkland, and 870,000 square feet of industrial uses. The proposed development is within the amount of development analyzed in the 2005 NSJ FPEIR, therefore, the project would not result in new or more significant environmental impacts (including cumulative impacts) than those addressed in the certified 2005 NSJ FPEIR with the implementation of the standard, avoidance, and mitigation measures included in the project and described in the specific sections of this Initial Study (refer to **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, on pages 20-122 of this Initial Study).

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

Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. Final Environmental Impact Report, North San José Development Policies Update. 21 June 2006.
3. California Department of Conservation. Santa Clara County Important Farmland 2004. Map.
4. City of San José. Zoning Ordinance. 10 February 2006.
5. Bay Area Air Quality Management District. CEQA Guidelines. December 1999.
6. Concentric Ecologies. Tree Report. September 2006.
7. Basin Research Associates. Archaeological Records and Limited Literature Review. 3 May 2006.
8. Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974.
9. County of Santa Clara. Geologic Hazard Zones. Map 11. 23 September 2002.
10. Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel No. 060349 008F. 16 October 2005.
11. City of San José. San José 2020 General Plan.
12. Illingworth & Rodkin. Vista Montaña Residential Project Environmental Noise Assessment. 17 May 2007.
13. Belinda P. Blackie. Vicinity Hazardous Materials Users Survey Further Evaluation. 15 October 2006.
14. TRC Lowney. Phase I Environmental Site Assessment and Soil and Groundwater Quality Evaluation. 30 March 2006.
15. Secor. Phase I Environmental Site Assessment Update Report for the Property at 4000 North First Street. 4 March 2003.
16. Secor. Phase I Environmental Site Assessment Update Report for the Property at 3930, 3940, 3950, 3960, and 3970 North First Street. 28 February 2003.
17. Secor. Phase I Environmental Site Assessment Update Report for the Property at 90 Headquarters Drive. 3 March 2003.

SECTION 5.0 REFERENCES

- Adams, Rod. Santa Clara Unified School District. "Re: Student Generation Rates." E-mail to David J. Powers and Associates, Inc. 12 July 2004.
- Association of Bay Area Governments. ABAG Geographic Information Systems, Hazard Maps, Tsunami Evacuation Planning Map for San Francisco & San Mateo Counties. ABAG. California Office of
- Basin Research Associates. Archaeological Records and Limited Literature Review. 3 May 2006.
- Bay Area Air Quality Management District. CEQA Guidelines. December 1999.
- Blackie, Belinda P. Vicinity Hazardous Materials Users Survey Further Evaluation. 15 October 2006.
- Blackie, Belinda P. Vicinity Hazardous Materials Users Survey. 19 April 2006.
- California Department of Conservation. Santa Clara County Important Farmland 2004. Map.
- City of San José. North San José Area Development Policy Update. November 2007.
- City of San José Police Department. Crime Statistics. 2004. SJPD. Accessed: 15 February 2006. Available at: http://www.sjpd.org/Crime_stats/crimestats.cfm.
- City of San José, Department of Public Works. Interim Guidelines for Traffic Impact Analysis of Land Developments. June 1994.
- City of San José. Final Environmental Impact Report, North San José Development Policies Update. 21 June 2006.
- City of San José. San José 2020 General Plan.
- City of San José. Zoning Ordinance. 10 February 2006.
- Concentric Ecologies. Tree Report. September 2006.
- Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974.
- County of Santa Clara. Geologic Hazard Zones. Map 11. 23 September 2002.
- County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 28. 26 February 2002.
- County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 11. 26 February 2002.
- Emergency Services. 2005. <http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html>.
- Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel No. 060349 008F. 16 October 2005.

- Hexagon Transportation Consultants. Vista Montana Residential Development Traffic Operational Analysis. January 2007.
- Illingworth & Rodkin. Vista Montaña Residential Project Environmental Noise Assessment. 17 May 2007.
- Institute of Transportation Engineers. Trip Generation. 7th Edition. Volume 2 of 3. 2003.
- Phillips, Gene. San José Police Department. Personal Communication. 6 May 2004.
- Secor. Phase I Environmental Site Assessment Update Report for the Property at 4000 North First Street. 4 March 2003.
- Secor. Phase I Environmental Site Assessment Update Report for the Property at 3930, 3940, 3950, 3960, and 3970 North First Street. 28 February 2003.
- Secor. Phase I Environmental Site Assessment Update Report for the Property at 90 Headquarters Drive. 3 March 2003.
- TRC Lowney. Addendum to Preliminary Soil and Groundwater Quality Evaluation Report. 26 July 2006.
- TRC Lowney. Environmental Summary Revision. 12 October 2006.
- TRC Lowney. Phase I Environmental Site Assessment and Soil and Groundwater Quality Evaluation. 30 March 2006.
- TRC Lowney. Preliminary Soil and Groundwater Quality Evaluation. 8 June 2006.
- US Department of Transportation, Federal Transit Administration. Transit Noise and Vibration Impact Assessment (Chapter 8 Vibration Impact Criteria). April 1995. DOT-T-95-16. Available at: <http://ntl.bts.gov/data/rail05/rail05.html>.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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Akoni Danielson, Principal Planner
Rodrigo Orduña, Project Planner

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Environmental Consultants and Planners
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Kristy Le, Project Manager
Stephanie Francis, Graphic Artist

Basin Research Associates

Archaeological Consultants
Colin I. Busby, Principal

Belinda P. Blackie

Hazardous Materials Consultant
Belinda P. Blackie, Project Manager

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Consulting Arborist
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Illingworth & Rodkin, Inc.

Acoustical Consultants
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