

Addendum

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

WYSE PROPERTY

File No. PDC07-057 and PD07-090

Prepared by the



January 2008

PREFACE

PURPOSE OF AN ADDENDUM

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

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

The purpose of this Addendum is to analyze the impacts of the Wyse Property Project that proposes the construction of between 1,024 and 1,700 multi-family residential units, between 20,000 and 45,000 square feet of commercial uses, and an approximately five-acre public park on an approximately 33-acre site in north San José.

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

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

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

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

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

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| Text | |
| SECTION 1.0 INTRODUCTION AND PURPOSE | 4 |
| SECTION 2.0 PROJECT INFORMATION..... | 5 |
| 2.1 PROJECT TITLE | 5 |
| 2.2 PROJECT LOCATION..... | 5 |
| 2.3 PROPERTY OWNER/PROPONENT | 5 |
| 2.4 LEAD AGENCY CONTACT | 5 |
| 2.5 ASSESSOR’S PARCEL NUMBERS | 5 |
| 2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION | 5 |
| SECTION 3.0 PROJECT DESCRIPTION..... | 9 |
| 3.1 OVERVIEW OF THE PROPOSED PROJECT..... | 9 |
| 3.2 PROJECT COMPONENTS | 12 |
| SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS | 23 |
| 4.1 AESTHETICS | 24 |
| 4.2 AGRICULTURAL RESOURCES | 34 |
| 4.3 AIR QUALITY | 36 |
| 4.4 BIOLOGICAL RESOURCES..... | 41 |
| 4.5 CULTURAL RESOURCES..... | 49 |
| 4.6 GEOLOGY AND SOILS | 54 |
| 4.7 HAZARDS AND HAZARDOUS MATERIALS | 59 |
| 4.8 HYDROLOGY AND WATER QUALITY | 75 |
| 4.9 LAND USE | 82 |
| 4.10 MINERAL RESOURCES..... | 91 |
| 4.11 NOISE | 92 |
| 4.12 POPULATION AND HOUSING | 104 |
| 4.13 PUBLIC SERVICES | 105 |
| 4.14 RECREATION..... | 109 |
| 4.15 TRANSPORTATION | 111 |
| 4.16 UTILITIES AND SERVICE SYSTEMS | 114 |
| 4.17 MANDATORY FINDINGS OF SIGNIFICANCE..... | 116 |
| SECTION 5.0 REFERENCES | 118 |
| SECTION 6.0 LEAD AGENCY AND CONSULTANTS..... | 120 |

TABLE OF CONTENTS

Page

Figures

| | | |
|--------------|--|----|
| Figure 2.0-1 | Regional Map..... | 6 |
| Figure 2.0-2 | Vicinity Map | 7 |
| Figure 2.0-3 | Aerial Photograph and Surrounding Land Uses | 8 |
| Figure 3.0-1 | Existing General Plan Land Use Map..... | 10 |
| Figure 3.0-2 | Conceptual Land Use Plan..... | 11 |
| Figure 3.0-3 | Conceptual Upper Floor Plan..... | 13 |
| Figure 3.0-4 | Conceptual Ground Floor Plan | 14 |
| Figure 3.0-5 | Conceptual Basement Plan | 15 |
| Figure 3.0-6 | Conceptual Cross-Section..... | 16 |
| Figure 3.0-7 | Conceptual Cross-Section..... | 17 |
| Figure 3.0-8 | Conceptual Cross-Section..... | 18 |
| Figure 3.0-9 | Conceptual Cross-Section..... | 19 |
| Figure 4.0-1 | Riparian Delineation | 45 |
| Figure 4.0-2 | Existing Buildings On-Site | 50 |
| Figure 4.0-3 | Worst-Case Accidental Release Scenario Impact Areas..... | 73 |
| Figure 4.0-4 | Conceptual Cross-Section of the Proposed Project and the Adjacent Industrial Use North of the Site..... | 88 |
| Figure 4.0-5 | Noise and Vibration Measurement Locations..... | 93 |

Tables

| | | |
|-------------|--|----|
| Table 3.0-1 | Summary of Project Areas and Acreages | 9 |
| Table 3.0-2 | Minimum Parking Requirements | 21 |
| Table 4.0-1 | City Standard Tree Replacement Requirements | 46 |
| Table 4.0-2 | Summary of Detected Pesticides and Metals..... | 63 |
| Table 4.0-3 | Definitions of Emergency Response Guidelines (ERPGs) and Immediately Dangerous to Life and Health Concentrations (IDLHs)..... | 70 |
| Table 4.0-4 | Facilities and Chemicals That Could Result In Significant Impacts | 70 |
| Table 4.0-5 | Summary of Impervious and Pervious Surfaces On-Site..... | 79 |
| Table 4.0-6 | Consistency with North San José Area Development Policy Residential Checklist .. | 83 |
| Table 4.0-7 | Range of Estimated Construction Noise Levels From Subareas at Existing Residential Uses..... | 96 |

Photos

| | | |
|-------------|---------------------------------|----|
| Photos 1-10 | Views of the project site | 25 |
|-------------|---------------------------------|----|

TABLE OF CONTENTS

Appendices

(see attached CD)

| | |
|------------|---|
| Appendix A | Shade and Shadow Analysis |
| Appendix B | Diesel Particulate Matter Analysis |
| Appendix C | Tree Survey and Trees to be Preserved |
| Appendix D | Riparian Delineation |
| Appendix E | Geotechnical Report |
| Appendix F | Phase I Environmental Site Assessment |
| Appendix G | Soil and Groundwater Sampling Analysis |
| Appendix H | Hazardous Materials Users Vicinity Survey |
| Appendix I | Hazardous Materials Screening Level Risk Appraisals |
| Appendix J | Noise Assessment |

SECTION 1.0 INTRODUCTION AND PURPOSE

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

This Addendum evaluates the potential environmental impacts which might reasonably be anticipated to result from the proposed rezoning of an approximately 33-acre site in north San José from *IP – Industrial Park* to *A(PD) – Planned Development* to allow for the development of between 1,024 and 1,700 multi-family residential units, between 20,000 and 45,000 square feet of commercial uses, and an approximately five-acre public park.

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

Tiering of the Environmental Review

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

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

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

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

1. The new information does not result in the identification of a new significant environmental impact not already addressed in the EIR, and it does not identify a substantial increase in the magnitude of a previously-identified significant environmental impact. Therefore, no additional environmental review is required.
2. The new information does result in identification of a new significant environmental impact not previously disclosed in the EIR and/or it identifies a substantial increase in the magnitude of a previously-identified significant environmental impact. Therefore, preparation of a Supplemental EIR is required.
3. In order to make a determination of whether the existing EIR is adequate or whether preparation of a Supplemental EIR is warranted, further technical studies are required.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Wyse Property

2.2 PROJECT LOCATION

The approximately 33-acre project site is located at the northwest quadrant of North First Street and River Oaks Parkway in north San José. The project site is bounded by North First Street to the northeast, River Oaks Parkway to the southeast, Guadalupe River and trail to the south. Regional and vicinity maps of the project site are shown on Figure 2.0-1 and 2.0-2, respectively.

The surrounding land uses include industrial uses north-northwest of the project site, residential uses north-northeast of the project site, agriculture northeast of the project site, industrial uses southeast of the project site, Guadalupe River and trail south of the project site, and a pump station and detention basin west-southwest of the project site. An aerial photograph showing surroundings is on Figure 2.0-3.

2.3 PROPERTY OWNER/PROPONENT

Thompson | Dorfman Partners, LLC
Keith Bloom
39 Forrest Street, Suite 201
Mill Valley, CA 94941
(415) 331-3004

2.4 LEAD AGENCY CONTACT

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

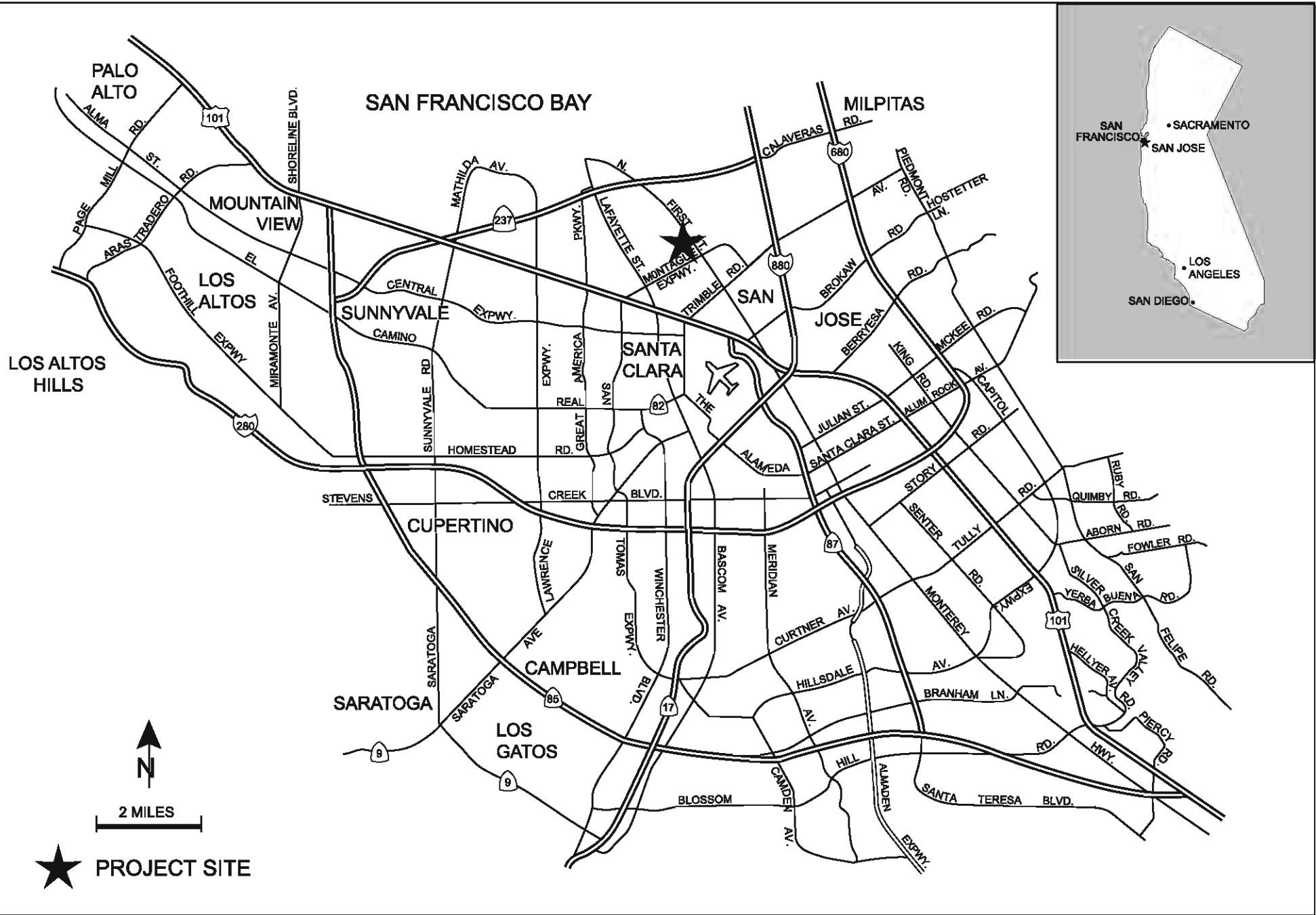
2.5 ASSESSOR'S PARCEL NUMBERS

097-06-039 and 097-06-038

2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

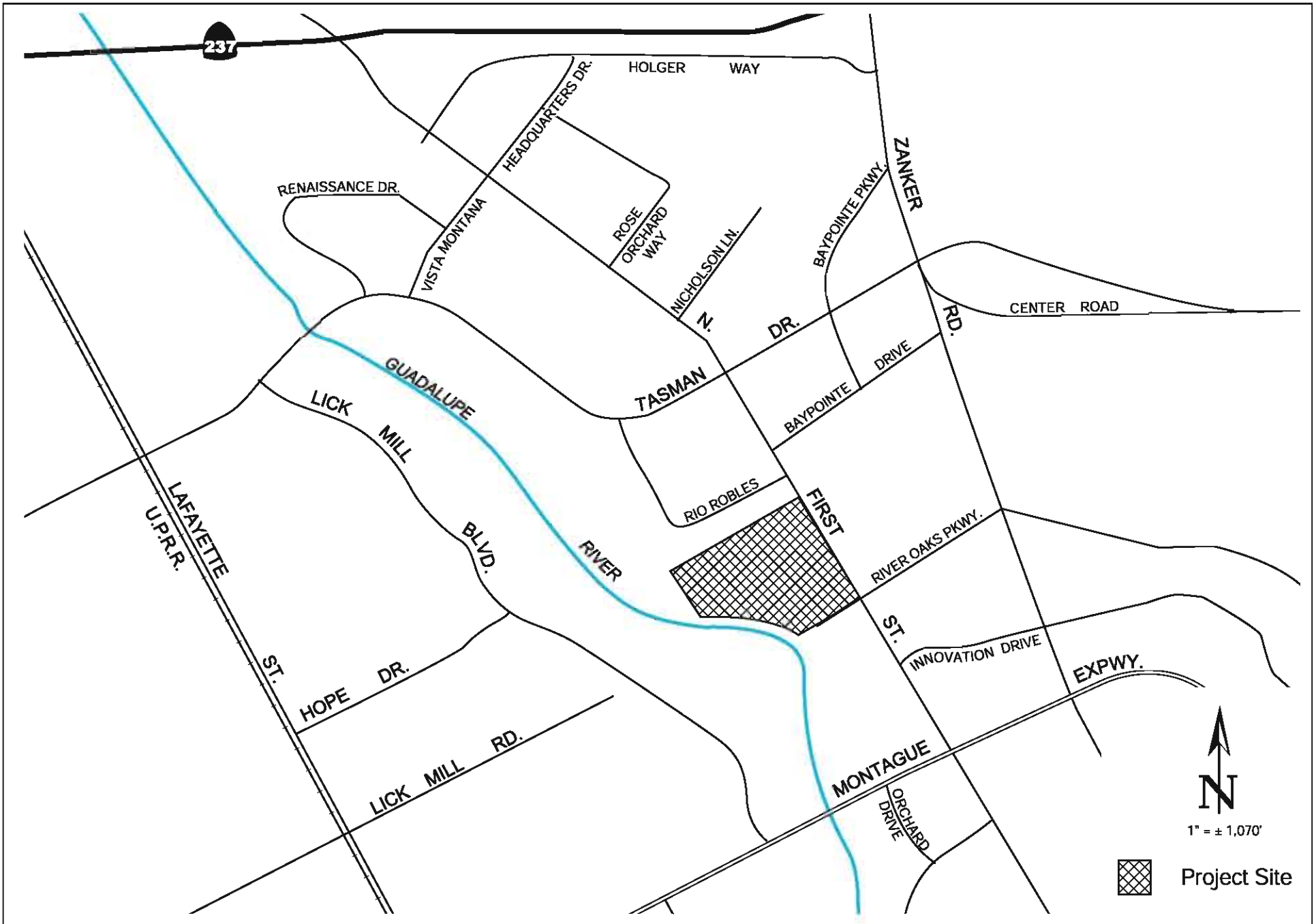
General Plan Land Use Designation: *Industrial Park with a Transit/Employment Residential District [55+ dwelling units per acre (du/ac)] overlay*

Zoning Designation: *IP – Industrial Park*



REGIONAL MAP

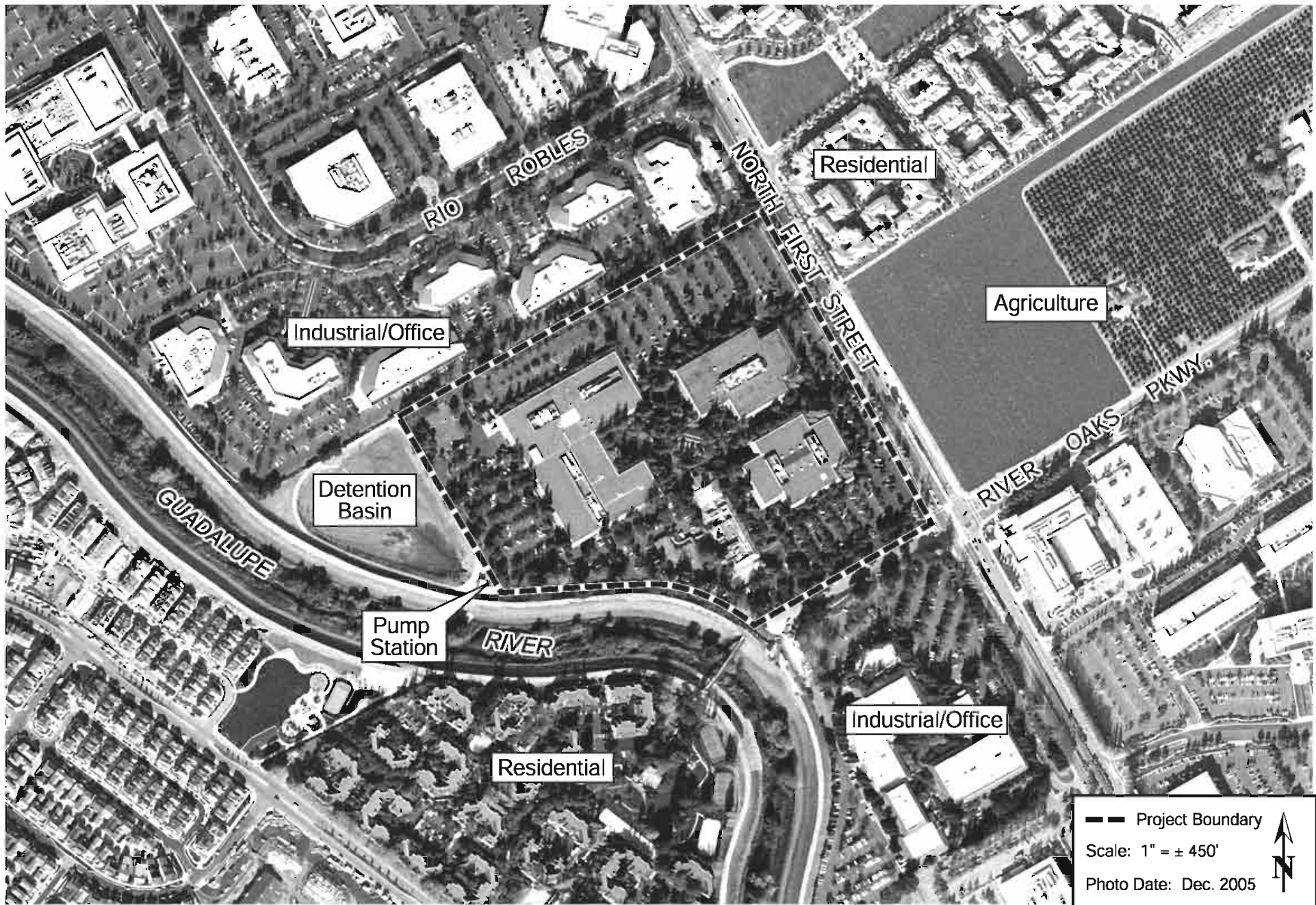
FIGURE 2.0-1



7

VICINITY MAP

FIGURE 2.0-2



AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES

FIGURE 2.0-3

SECTION 3.0 PROJECT DESCRIPTION

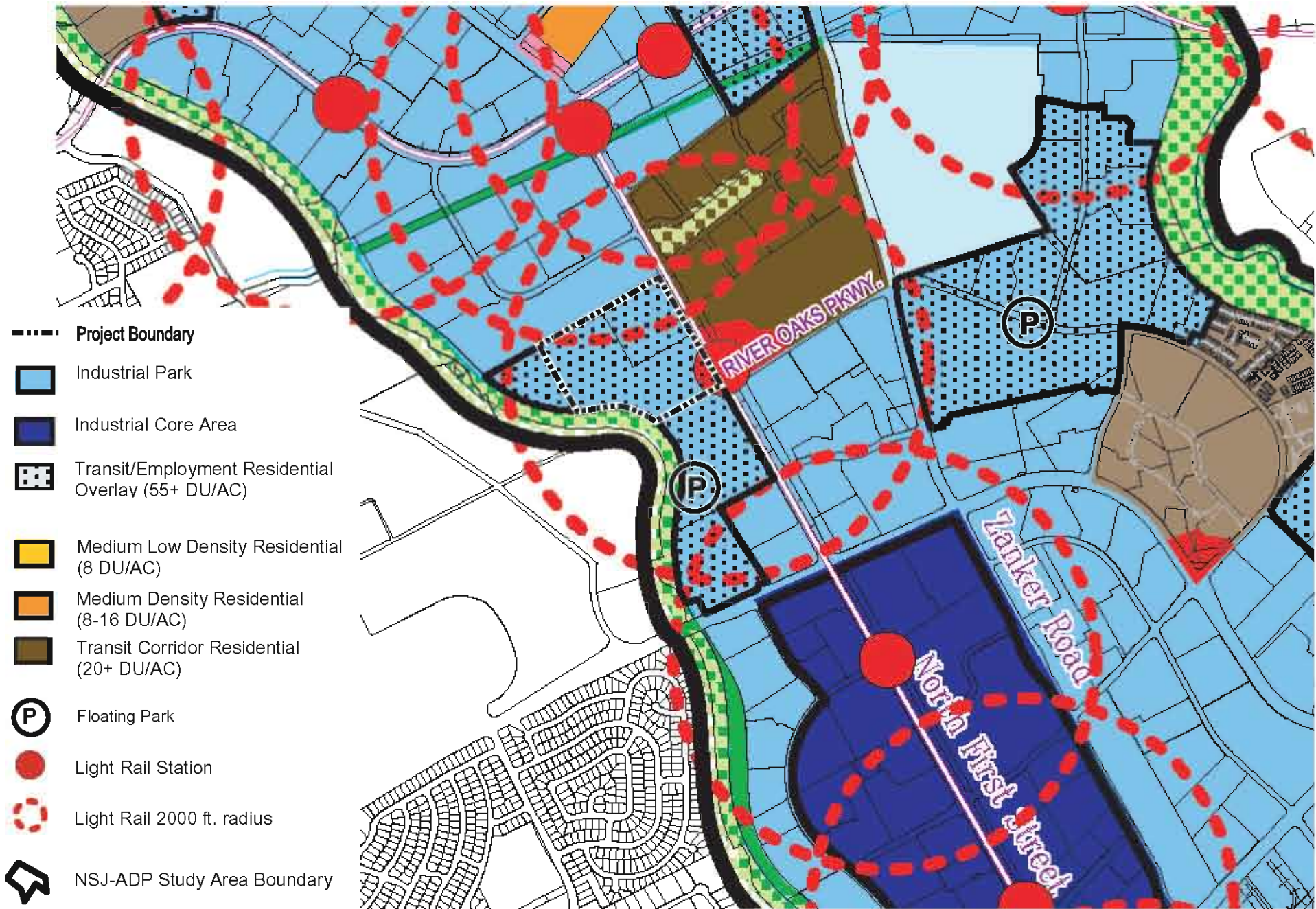
3.1 OVERVIEW OF THE PROPOSED PROJECT

Currently, the approximately 33-acre project site is designated by the General Plan as *Industrial Park* with a *Transit/Employment Residential District* [55+ dwelling units per acre (du/ac)] overlay and zoned *IP – Industrial Park* (refer to Figure 3.0-1). The project proposes to rezone the project site to *A(PD) – Planned Development* to allow for the development of between 1,024 and 1,700 residential units, between 20,000 and 45,000 square feet of commercial uses, and an approximately five-acre public park (refer to Figure 3.0-2).

The project also proposes to dedicate approximately four acres of the project site for public right-of-way (ROW) and construct approximately five acres of private streets throughout the project site. The proposed project would result in excavation up to 10 feet below grade. The project has been designed to balance with no significant soil fill or off-haul required. The project applicant anticipates completing the construction of the project in five phases over six years, starting in 2009.

The main components of the proposed project, including the residential, commercial, and park developments, are described in **Section 3.2 Project Components** and summarized in Table 3.0-1.

| Proposed Use | Description | Acreage |
|--|---|----------------|
| Residential with auxiliary commercial uses | Between 1,024 and 1,700 residential units and between 20,000 and 45,000 square feet of commercial uses | 18.6 |
| Public Open Space | Passive and active park uses such as benches, picnic areas, children's play areas, open grass areas, a soccer field, and a pedestrian/bike trail that would connect to the Guadalupe River Trail system | 5.1 |
| Public Right-of-Way | Dedication of land along North First Street and River Oaks Parkway for sidewalks and sidewalk improvements, and new public streets | 4.4 |
| Private Streets | Construction of private streets throughout the project site to facilitate internal circulation | 4.5 |
| TOTAL AREA | | 32.6 |



EXISTING GENERAL PLAN LAND USE MAP

FIGURE 3.0-1



CONCEPTUAL LAND USE PLAN

FIGURE 3.0-2

3.2 PROJECT COMPONENTS

The project site can be divided into two areas: a residential and commercial development area and a park. The residential and commercial area consists of six subareas divided from each other by private streets. The park is approximately five acres in size and is separated from the new development by a public street. The northern and southern boundaries of the site are also public streets. Figure 3.0-2 shows the project areas, subareas, and acreages. Conceptual site plans and cross-sections of the proposed project are provided as Figures 3.0-3 to 3.0-9. A description of the main project components are provided below.

3.2.1 Residential Development

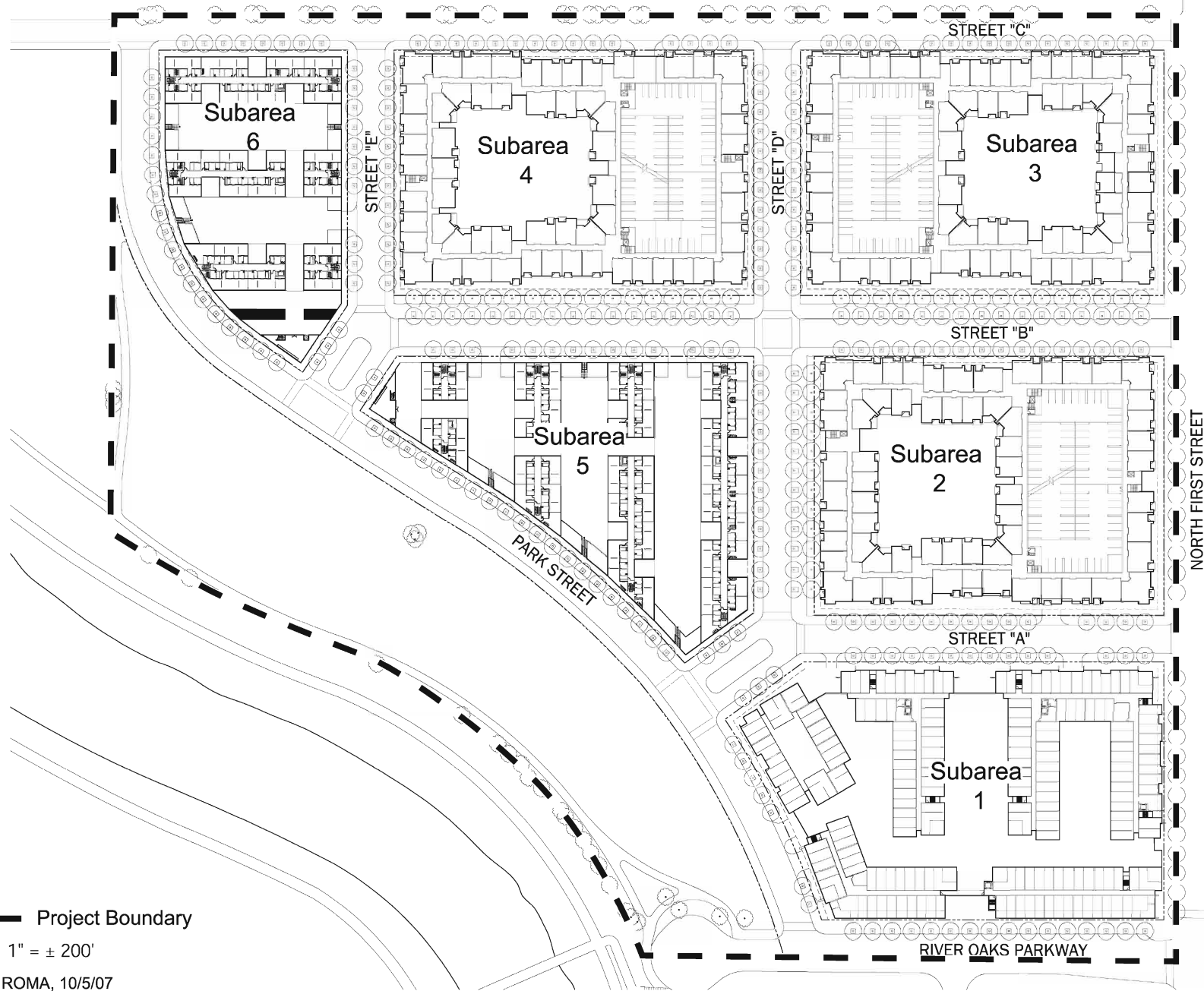
The project proposes to develop between 1,024 and 1,700 residential units on the residential/mixed use area of the project site (refer to Figure 3.0-2). The units will be one-story flats and two-story lofts or townhouses, which could be offered for rent or for sale. As shown on the conceptual site plan, the units could be grouped into several buildings, which would range from four to 15 stories tall (up to 150 feet in height). Parking for the residential uses would be provided in one- to six-level parking garages located at- and below-grade. It is anticipated that the buildings would contain between 106 and 440 units each (refer to table in Figure 3.0-2). The overall density of the proposed residential development would be between 55 and 91 dwelling units per acre.¹

The residential and commercial building proposed for Subarea 1 (at the corner of North First Street and River Oaks Parkway) would be up to 15 stories tall (up to 150 feet in height) and situated around and on top of a four-level podium parking garage located at-grade (refer to Figures 3.0-6 to 3.0-8). As shown on Figure 3.0-4, the proposed commercial uses could be located at-grade, primarily fronting River Oaks Parkway. The proposed commercial uses and some residential units would be situated around the parking garage. In other words, the ground floor of Subarea 1 would consist of commercial and residential uses, and parking. Subsequent floors of residential units would be constructed on top of the ground floor commercial and residential uses and the podium garage. A common courtyard is proposed on top of the podium (refer to Figure 3.0-3).

The proposed residential buildings on Subareas 2-6 would be up to six stories tall (up to 75 feet in height). The proposed residential buildings on Subareas 2-4 would be situated around six-level parking garages located at-grade and around common courtyards located at-grade. For Subarea 5, proposed units would be situated around and on top of a podium parking garage. The parking garage for Subarea 5 would have two levels, with one level below grade and the other at-grade (refer to Figure 3.0-4 and 3.0-5). The proposed residential building on Subarea 6 would be situated around and on top of a podium parking garage located at-grade. The parking garage for Subarea 6 would be one-level.

Common courtyards are proposed on top of the podium parking garages for Subareas 1, 5, and 6. Common courtyards are proposed at-grade for Subareas 2-4. The proposed common courtyards for each subarea would include grass and patio areas, and landscaping (e.g., vines, groundcover, shrubs, and trees). Recreational facilities, such as pools and fitness centers, are proposed.

¹ The overall density of the residential development portion of the project was calculated by dividing the total number of proposed units (1,024 to 1,700 units) by the acreage of the project site proposed for residential uses (18.6 acres).



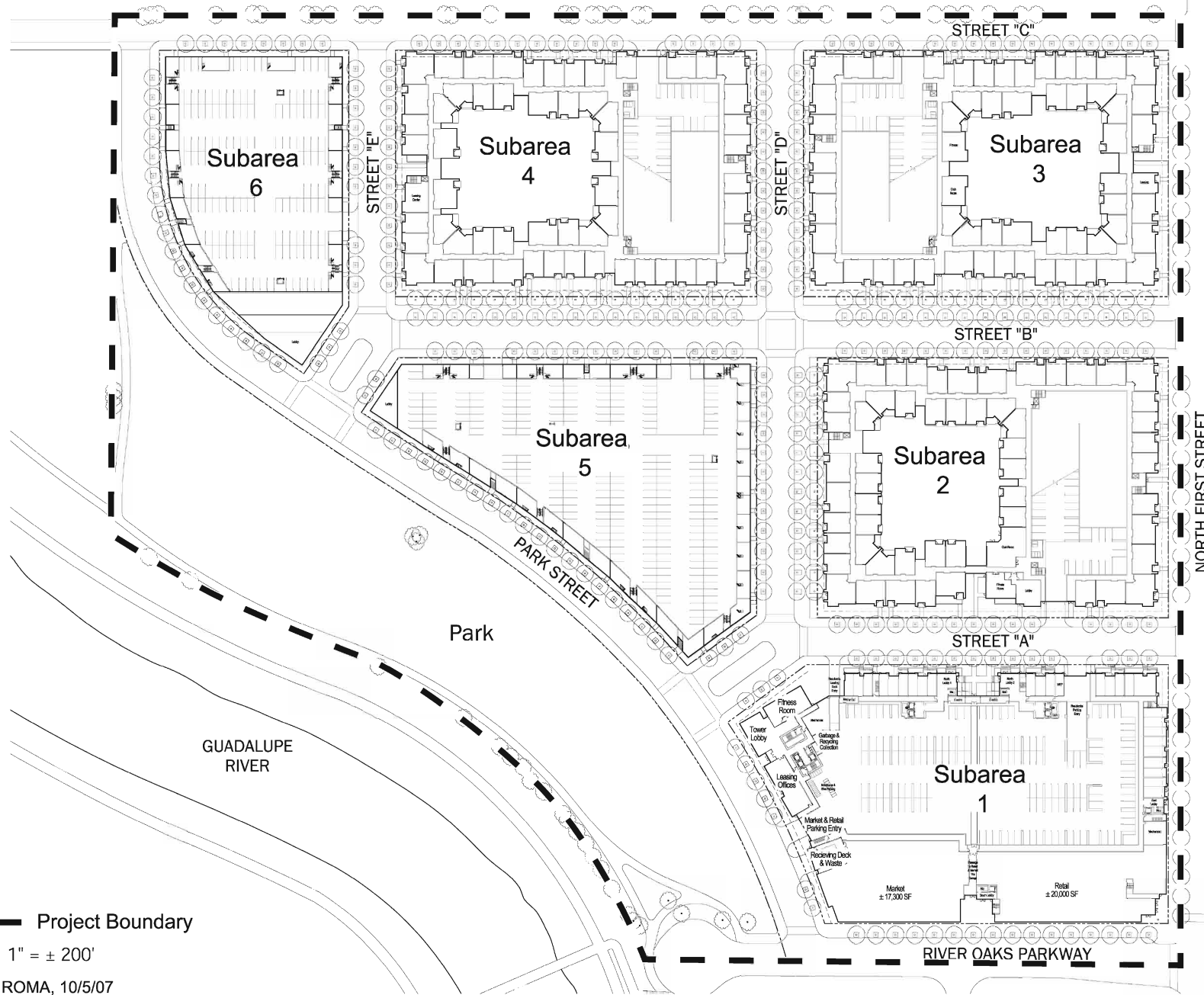
— — Project Boundary

Scale: 1" = ± 200'

Source: ROMA, 10/5/07

CONCEPTUAL UPPER FLOOR PLAN

FIGURE 3.0-3



Project Boundary

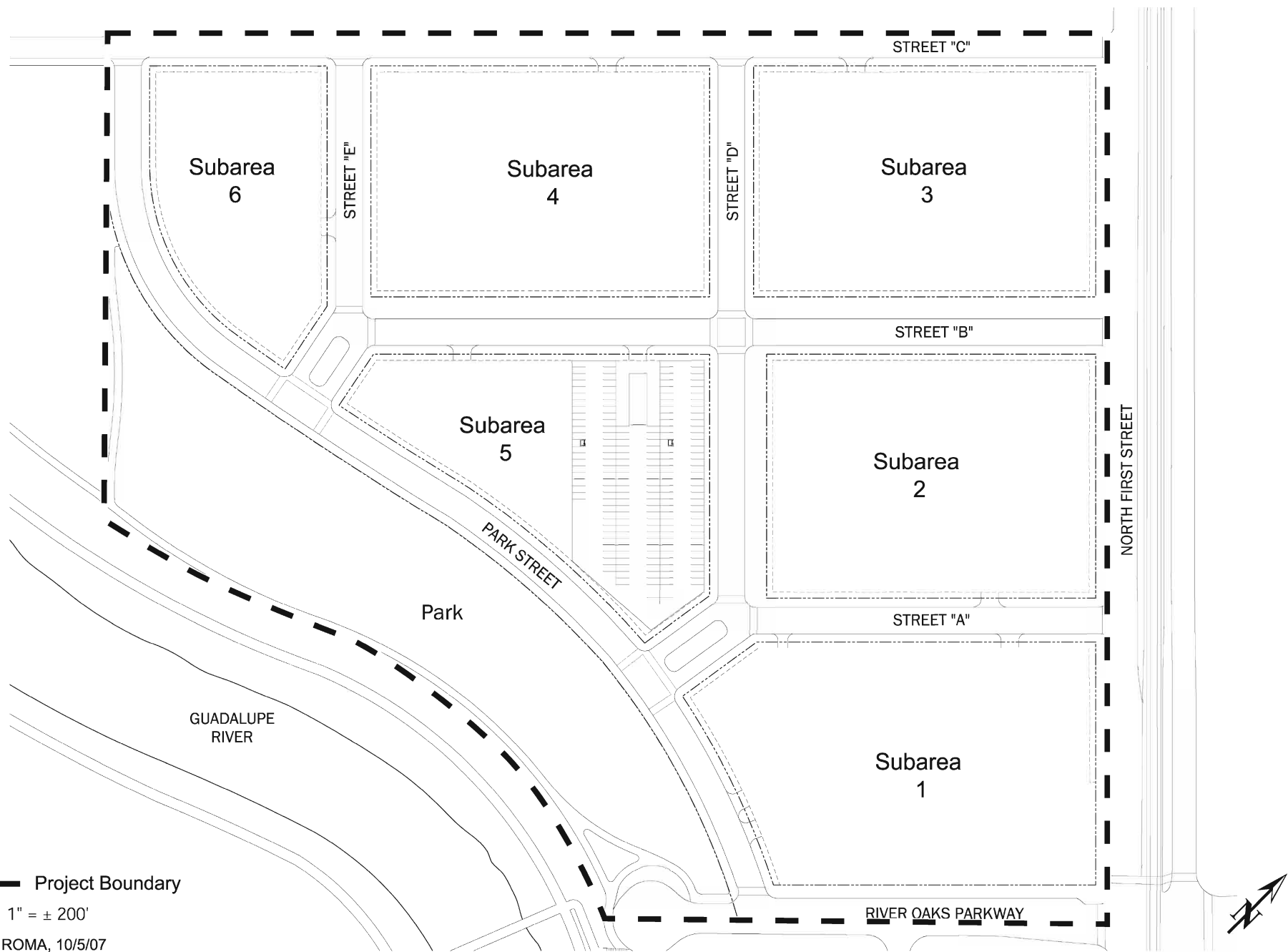
Scale: 1" = ± 200'

Source: ROMA, 10/5/07



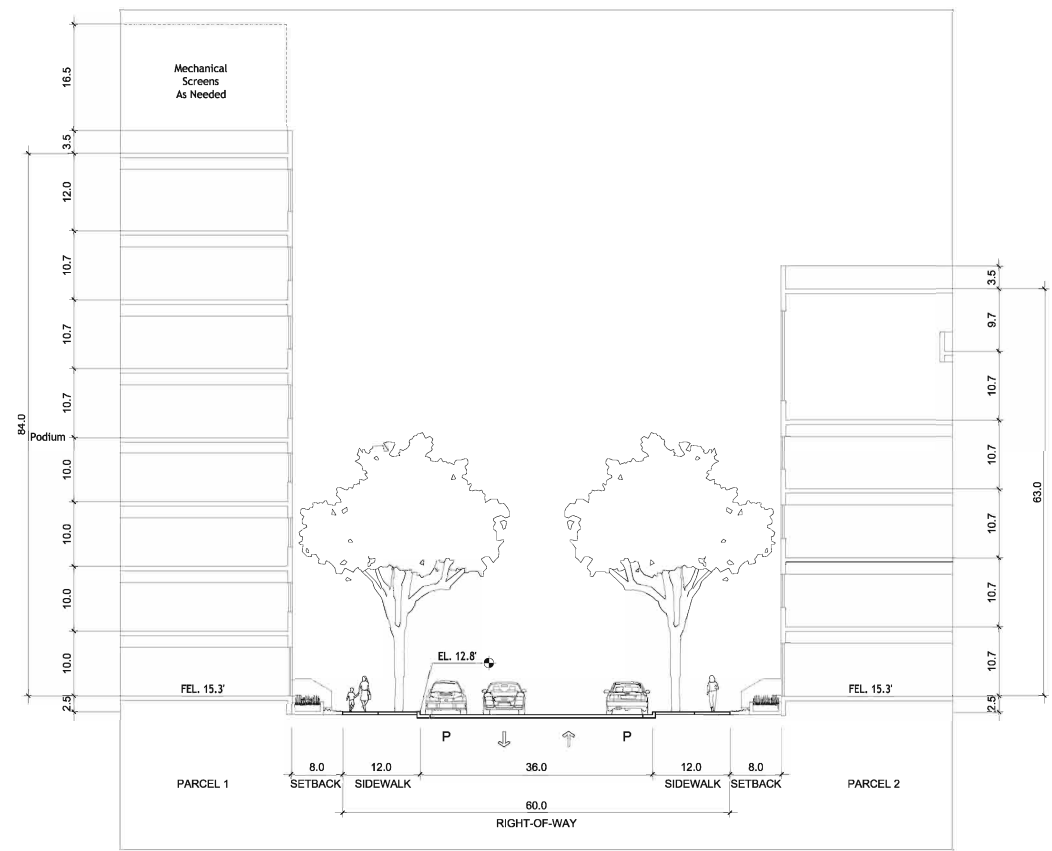
CONCEPTUAL GROUND FLOOR PLAN

FIGURE 3.0-4

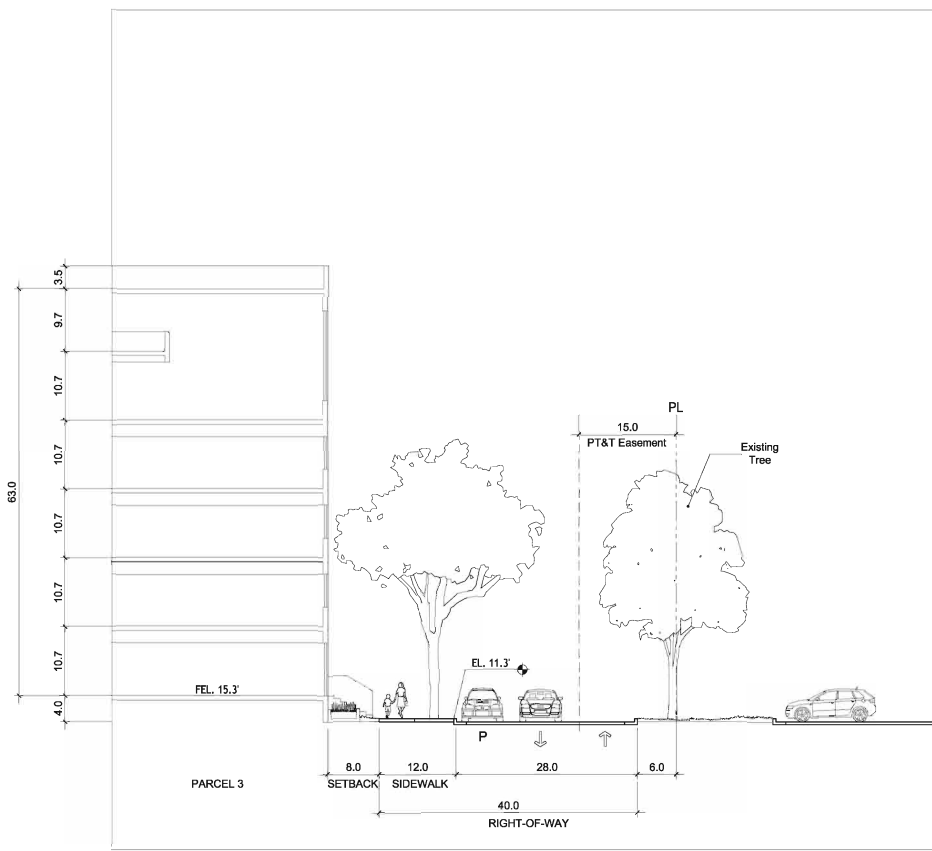


CONCEPTUAL BASEMENT FLOOR PLAN

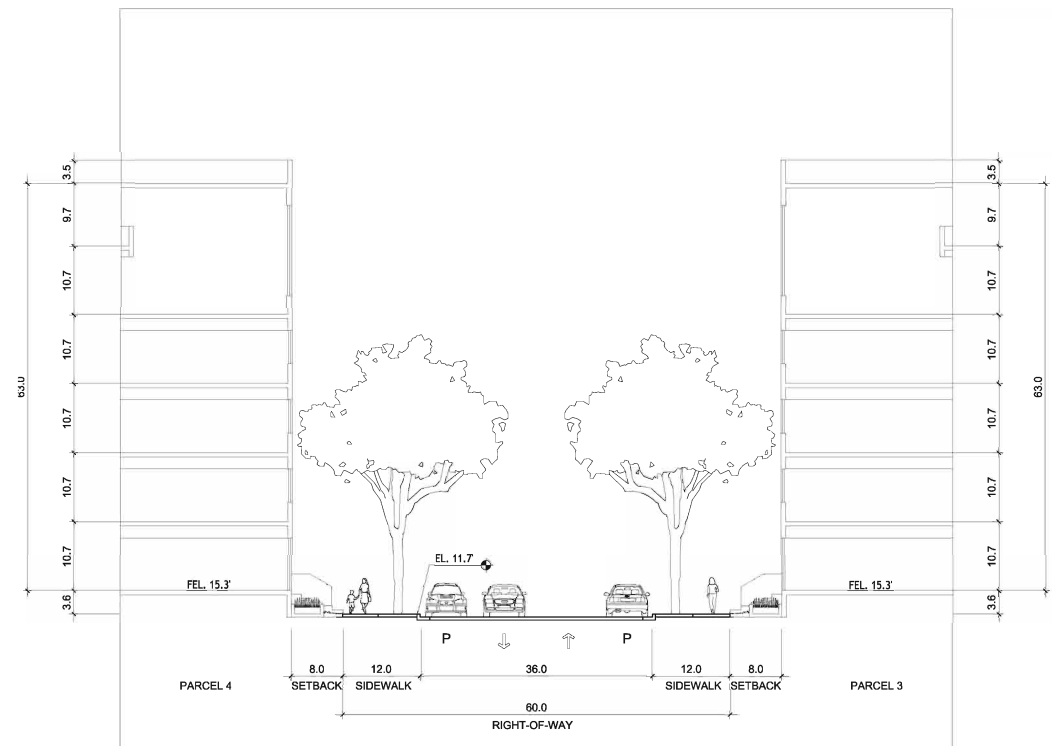
FIGURE 3.0-5



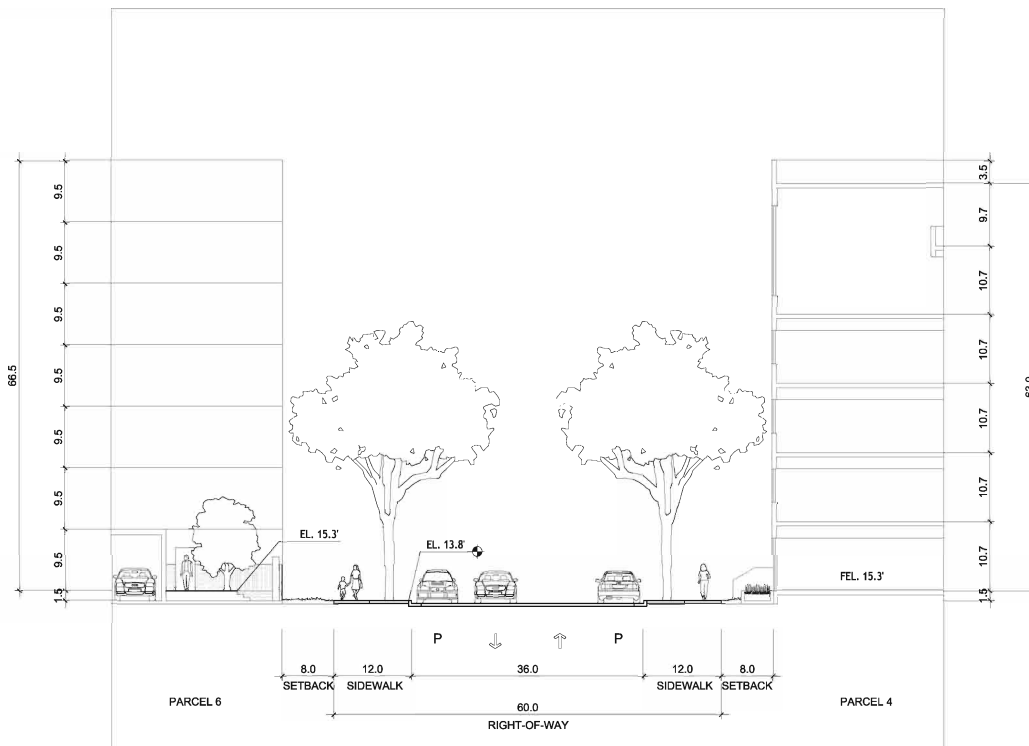
1 - STREET A



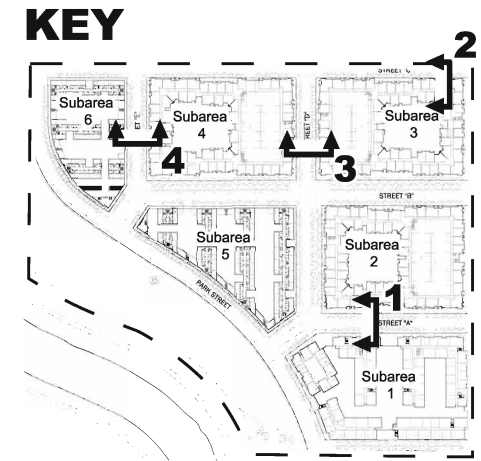
2 - STREET C



3 - STREET D



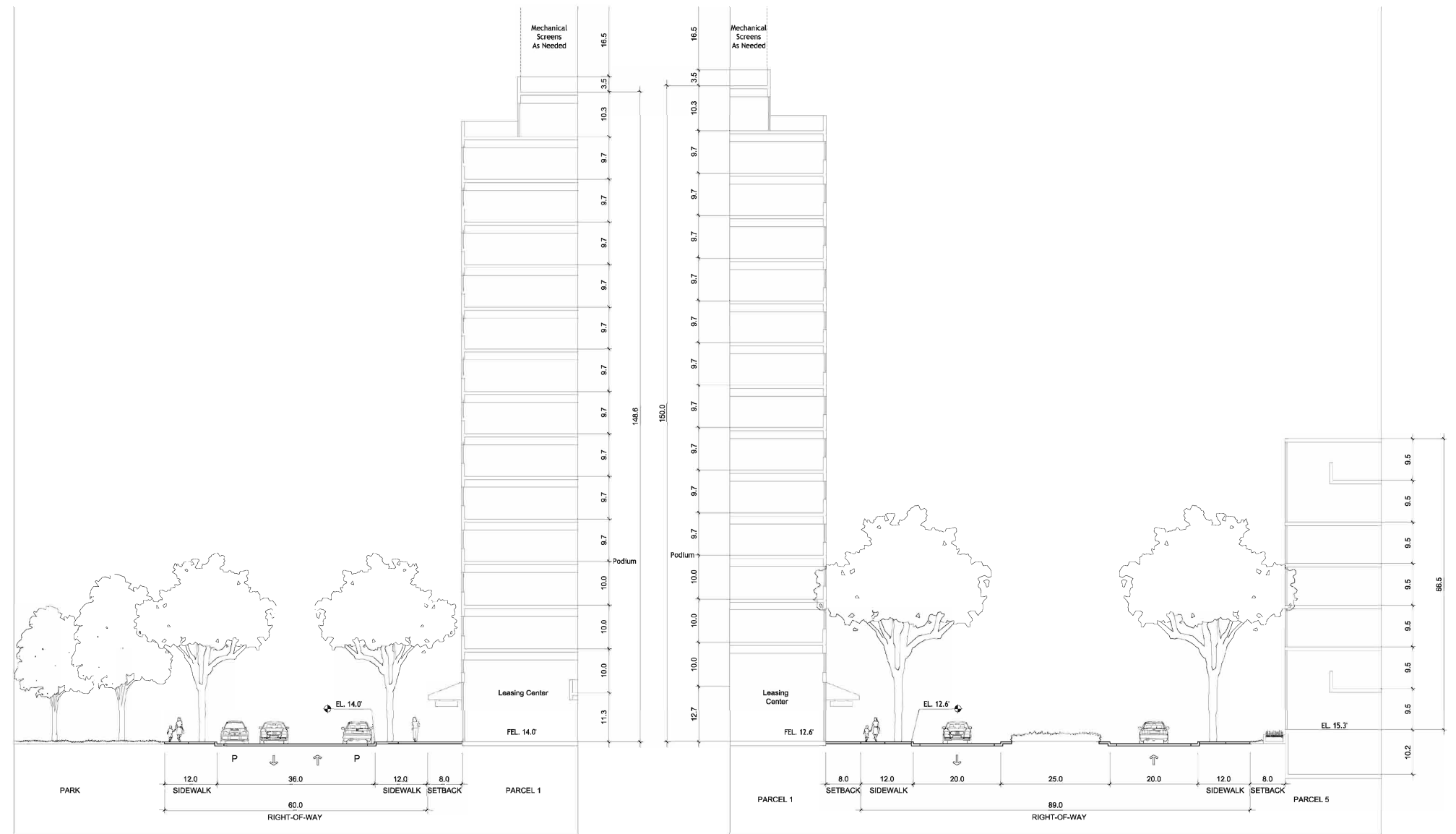
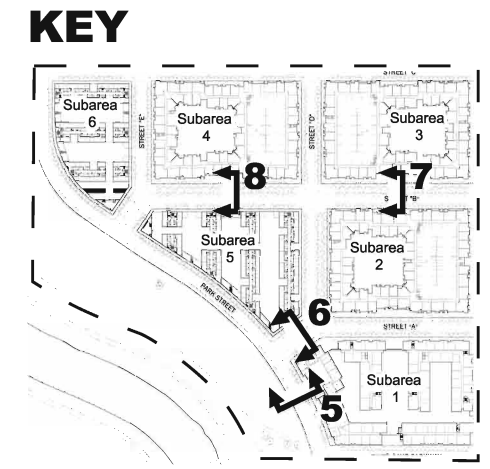
4 - STREET E



Source: ROMA, 10/5/07

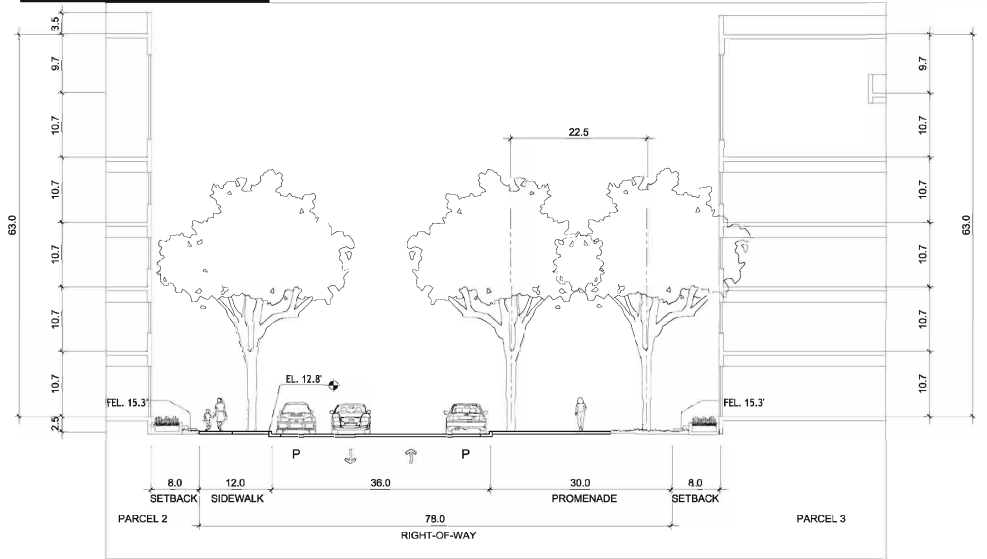
CONCEPTUAL CROSS-SECTION

FIGURE 3.0-6

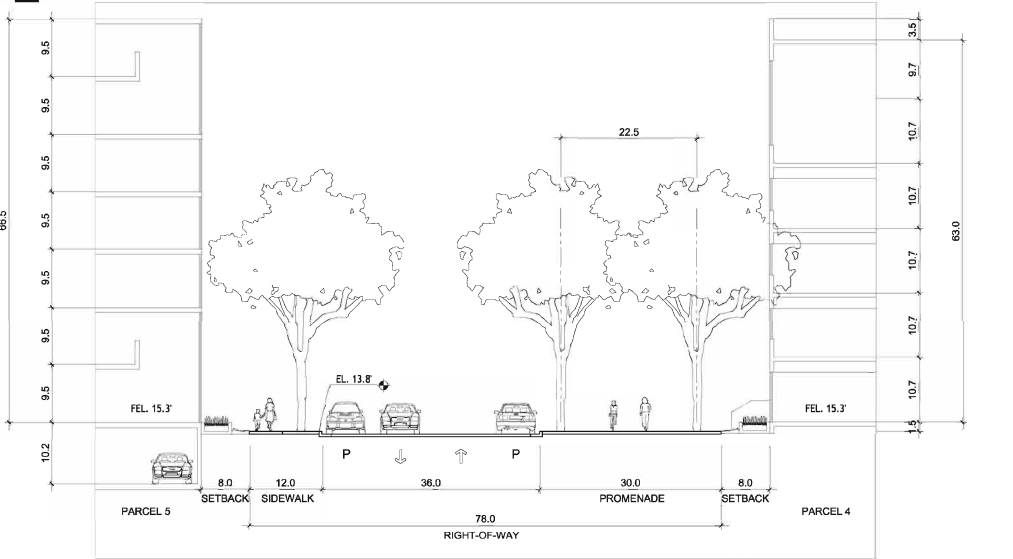


5 - PARK STREET

6



7 - STREET B

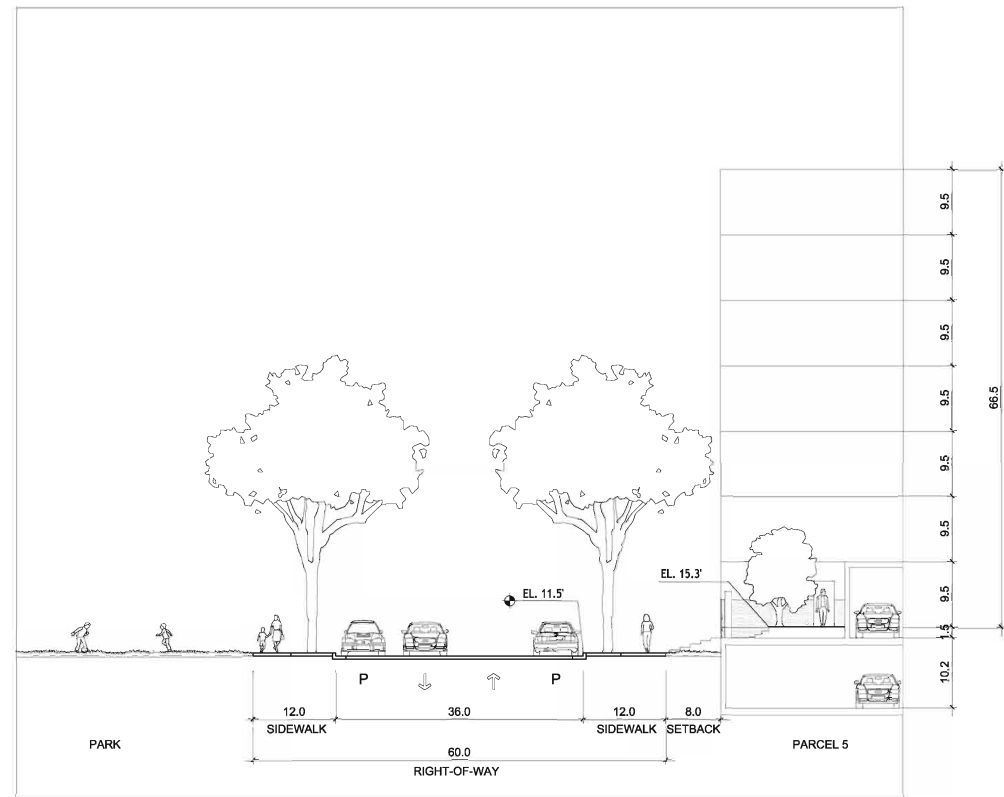


8 - STREET B

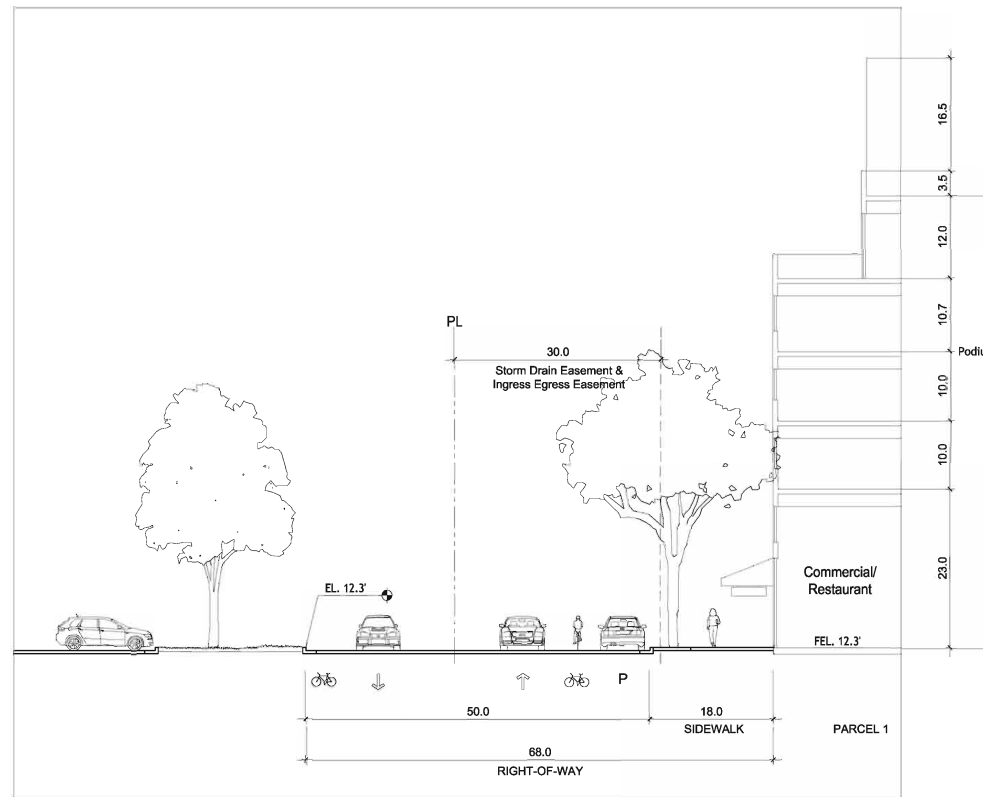
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CONCEPTUAL CROSS-SECTION

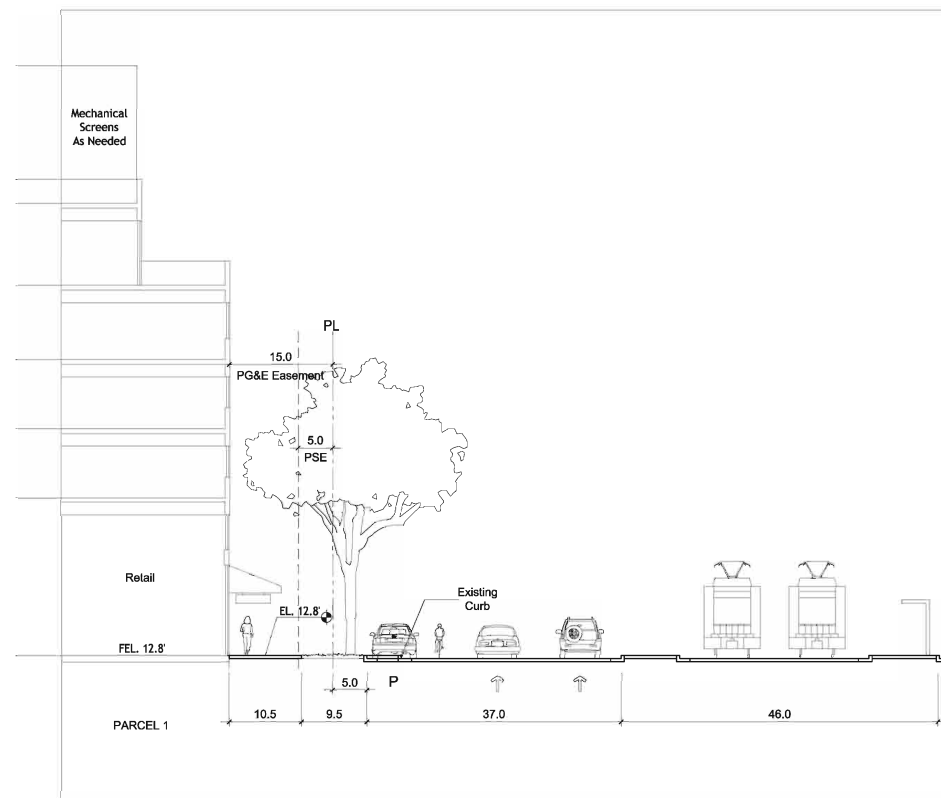
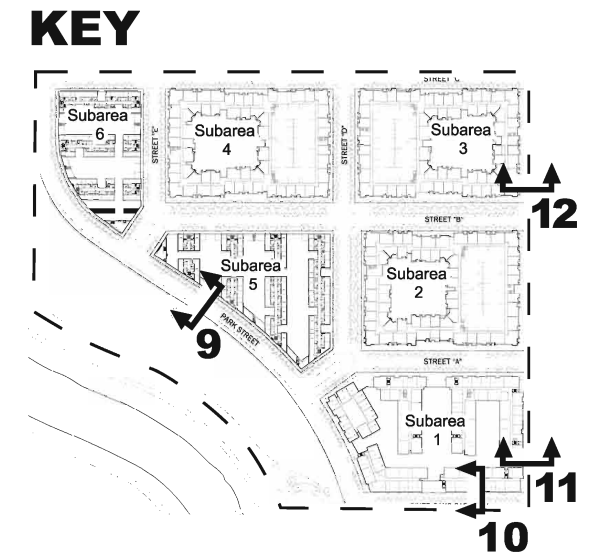
FIGURE 3.0-7



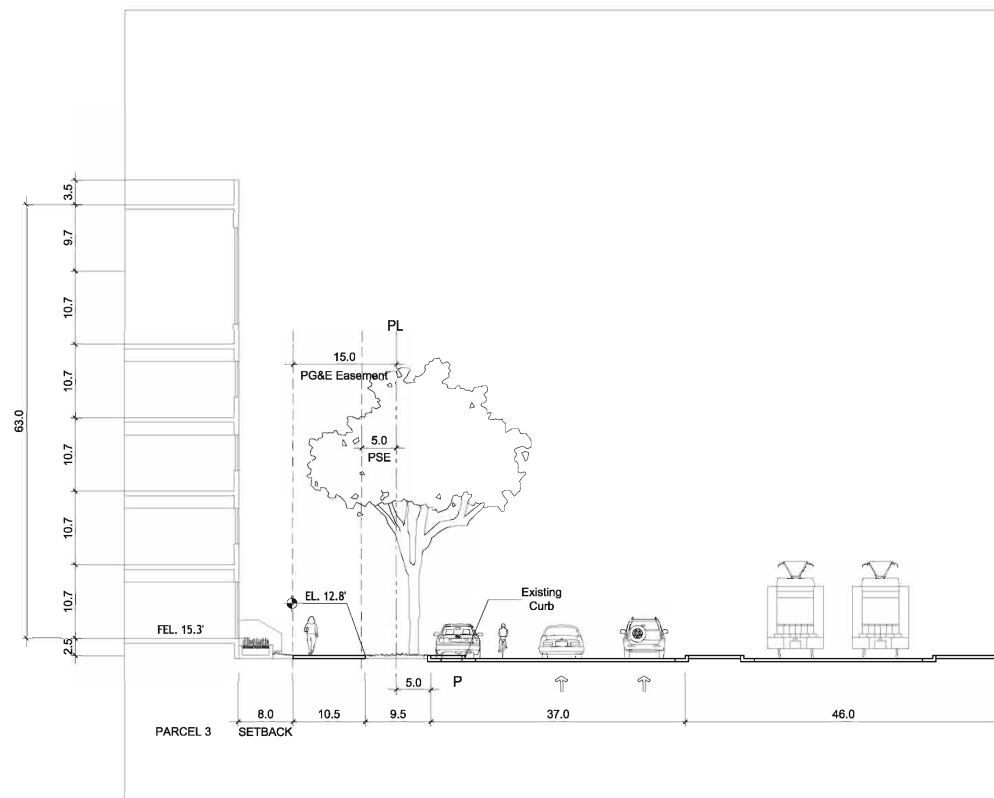
9 - PARK STREET



10 - RIVER OAKS PARKWAY



11 - NORTH FIRST STREET (COMMERCIAL FRONTAGE)

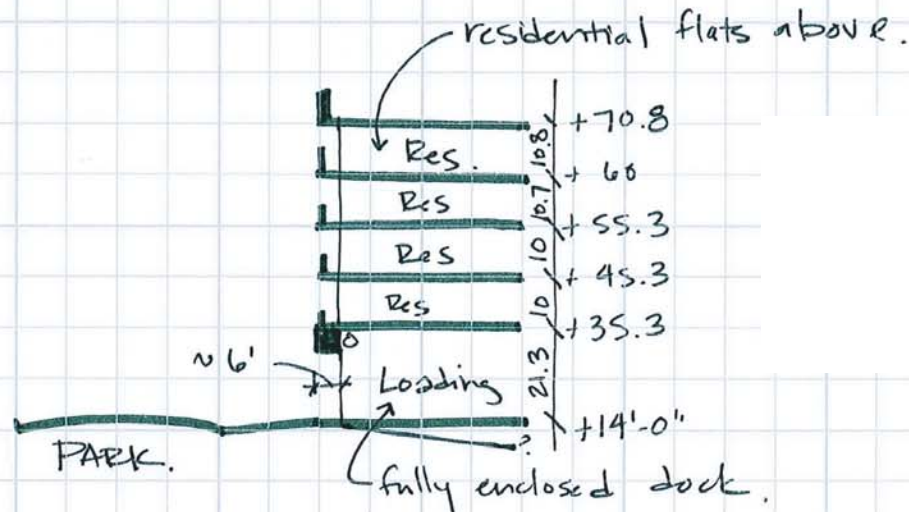


12 - NORTH FIRST STREET (RESIDENTIAL FRONTAGE)

CONCEPTUAL CROSS-SECTION

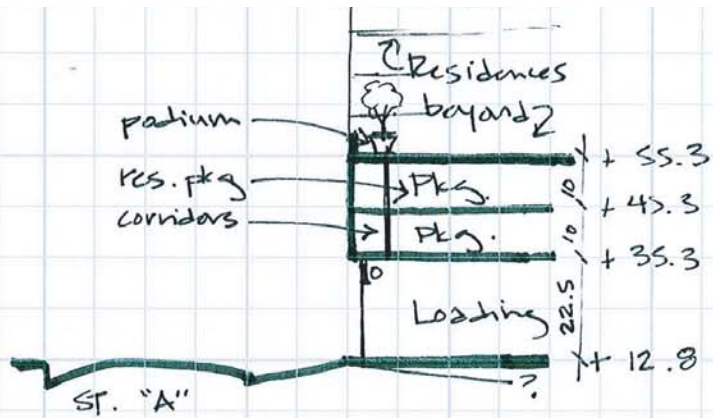
Source: ROMA, 10/5/07

FIGURE 3.0-8



13 - SECTION THROUGH RETAIL LOADING AREA

KEY



14 - SECTION THROUGH RESIDENTIAL LOADING AREA

Source: ROMA, 9/11/07

3.2.2 Commercial Development

The project proposes between 20,000 and 45,000 square feet of commercial uses. Commercial uses on-site would be consistent with the *CP – Commercial Pedestrian* zoning district. This commercial district is intended for uses that support pedestrian oriented retail activity at a scale compatible with surrounding residential neighborhoods. As shown on Figures 3.0-2 and 3.0-4, the commercial uses would be located on the ground floor of the proposed building in Subarea 1. The commercial uses would primarily front River Oaks Parkway and a leasing/sales center for the proposed residential development (which is not included in the 20,000 to 45,000 square feet) would front the proposed Park Street. Parking for the commercial uses would be provided in the podium parking garage proposed for Subarea 1. Additional on-street parking is proposed on River Oaks Parkway and the proposed Park Street.

3.2.3 Public Park

The project proposes to dedicate and improve approximately five acres of the project site for a public park. The park would be located along the southwest boundary of the project site (refer to Figure 3.0-2). The proposed park would be developed with active and passive uses, presently anticipated to include a soccer field, benches, picnic areas, children’s play areas, open grass areas, and a pedestrian/bike trail that ties into the Guadalupe River Trail and River Oaks Parkway systems. On-street parking for the park would be provided on the proposed Park Street. No bleachers, amplified sound system, or lighting for nighttime events are presently proposed.

In the future, it is possible that the proposed park could be expanded to include land southeast of the project site (i.e., the current VTA property) (refer to Figure 3.0-2). Future expansion of the park to the southeast is not analyzed in this Addendum and would require separate environmental review when proposed.

3.2.4 Private Streets

The project proposes to use approximately five acres of the project site for private streets (see Streets A, B, D, and E on Figure 3.0-2). The proposed private streets would provide access to residential buildings, internal circulation for the project, and include on-street parking. All of the private streets would include sidewalks and street trees.

3.2.5 Dedication of Public Right-Of-Way

The project proposes dedication of approximately four acres of the project site for public right-of-way (ROW), including a sidewalk and sidewalk improvements along North First Street and River Oaks Parkway, and two new public streets (Street C and Park Street on Figure 3.0-2). Public street frontages will all have sidewalks and landscape strips with street trees.

3.2.6 Site Access

The project site would be accessible via three driveways on North First Street that lead to proposed public and private streets (Streets C, B, and A) (refer to Figure 3.0-2). The proposed private street network (including Streets B and A) provides access to the proposed subareas. The project site is also accessible via River Oaks Parkway. The proposed Park Street would connect to River Oaks

Parkway and provide access to the proposed public park and to the proposed private street network, sidewalks, and promenades which provide access throughout the site.

3.2.7 Parking

As discussed above, parking for the project would be located in parking garages and on the proposed streets. The parking for the residential and commercial uses in Subarea 1 would be provided in a four-level podium parking garage located at-grade. Parking for the residential uses on Subareas 2-4 would be provided in six-level parking garages located at-grade. Parking for residential uses on Subarea 5 would be provided in a two-level podium parking garage, with one level located below grade and the second level located at-grade. Parking for residential uses on Subarea 6 would be provided in a one-level podium parking garage located at-grade. Additional parking would be provided on-street.

The proposed project would provide a quantity of residential parking in conformance with the City's requirements. The project qualifies for a 10 percent reduction in residential and commercial parking requirements due to the site's proximity to the River Oaks light rail station (refer to Figure 3.0-1 and Table 3.0-2). Parking provided on streets would be in addition to the minimum rates identified in Tables 3.0-2.

| Unit Size | Parking Spaces* | Motorcycle Parking[†] | Bicycle Parking[†] |
|---|------------------------|---------------------------------------|--------------------------------------|
| Studio | 1.26 | One space for every four units | One space for every four units |
| 1 Bedroom | 1.35 | | |
| 2 Bedroom | 1.62 | | |
| 3 Bedroom | 1.80 | | |
| 3 Bedroom+; add per bedroom | 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). In addition, a 10 percent credit was applied because the project is located within walking distance of the River Oaks light rail station (Municipal Code 20.90.220A). † Per Municipal Code 20.90.310 and 20.90.350. | | | |

The Planned Development (PD) Permit (PD07-090) for the project proposes 1,644 residential units (850 one bedroom units, 663 two bedroom units, and 131 three bedroom units). Based on this unit breakdown, the project would be required to provide a total of 2,460 parking spaces for the residential uses per the City's minimum parking requirements. Per the proposed PD Permit (PD07-090), the project proposes to provide 2,665 parking spaces, which meets the City's minimum parking requirements. The project also proposes to meet the City's residential minimum motorcycle and bicycle parking requirements, as outlined in Table 3.0-2.

The project proposes to provide parking for commercial businesses at a rate of one parking space per 244 square feet. Per the proposed PD Permit, an additional 400 on-street parking spaces are proposed on the proposed public and private streets to serve the project. In addition, the project shall provide motorcycle and bicycle parking per the City’s standards (one motorcycle parking space per 20 required automobile parking spaces and one bicycle parking space per 20 required automobile parking spaces).

The park is proposed to serve this development and the surrounding neighborhood. It is anticipated that the on-street parking on the proposed Park Street would be sufficient for park users.²

² Mitchell, Dave. “Re: PDC07-057 and PD07-099 Wyse Site nw/c River Oaks Pl and North First St.” Email from Parks Planning Manager. 4 December 2007.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

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

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

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

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Project Site*

The approximately 33-acre project site is located at the northwest quadrant of North First Street and River Oaks Parkway in north San José. The project site is bounded by North First Street to the northeast, River Oaks Parkway to the southeast, and Guadalupe River and trail to the south and southwest (refer to Figure 2.0-3). The project site and surrounding area are flat, and as a result, the project site is only visible from the immediate area.

The project site currently contains four, one- to two-story buildings (ranging from approximately 21 to 36 feet in height) that total approximately 458,600 square feet, surface parking, trees, and landscaping. The landscaping includes streams, ponds, and fountains. There is also an outside tennis court, basketball court, and small golf practice area.

4.1.1.2 *Surrounding Area*

The surrounding land uses include one to two-story industrial/office buildings to the north-northwest, four-story multi-family residential uses to the north-northeast, agriculture to the northeast, one to three-story industrial/office buildings to the southeast, Guadalupe River and trail to the south, and a pump station and detention basin to the southwest of the project site. The agricultural land across North First Street is zoned Planned Development for high density residential and commercial uses.

Photographs of the project site and surrounding area are shown in Photos 1-8.

4.1.1.3 *Scenic Vistas*

The project site is not located within a scenic viewshed or along a scenic highway. Intermittent views of the foothills are available from the project site looking northeast. The views of the foothills are interrupted by existing buildings and large trees.



Photo 1 – View of project site from North First Street looking southwest.



Photo 2 – View of project site from North First Street looking southwest.



Photo 3 – View of River Oaks Parkway looking southwest towards an access ramp and staircase leading to the Guadalupe River trail and River Oaks pedestrian bridge.



Photo 4 – View of Guadalupe River trail looking northwest.



Photo 5 – View of the project site’s southwestern boundary looking northwest.



Photo 6 – View of pump station adjacent to the southwest of the site looking northwest.



Photo 7 – View of detention basin located southwest of the site looking southwest.



Photo 8 – View of roadway between adjacent industrial site located northwest of the site and project site looking northeast.

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 Impact than “Approved Project” | Information Source(s)/ Discussion Location |
| Would the project: | | | | | | |
| 1) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 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 four existing buildings and associated parking lots on-site and construct between 1,024 and 1,700 residential units, between 20,000 and 45,000 square feet of commercial uses, and an approximately five-acre public park. The project also proposes to construct new public and private roadways on the project site (refer to Figure 3.0-4).

As discussed in **Section 4.4 Biological Resources**, the project could result in the removal of up to 1,046 trees, including 169 ordinance-size trees. However, the project proposes to mitigate the loss of those removed trees by planting additional trees and landscaping (including shrubs, vines, and groundcover) and/or paying in-lieu fees for off-site tree planting in the community (refer to **Section 4.4 Biological Resources**).

Roadway Network

The project proposes a grid-like network of public and private streets, sidewalks, and promenades through the project site to provide for internal circulation. As illustrated in Figures 3.0-6 and 3.0-8, the private streets, sidewalks, and promenades would be landscaped and on-street parking would be provided along the private streets. The proposed streets would have one lane in each direction and on-street parking on both sides. In general, the width of the proposed streets (Streets A-E, and Park Street (including on-street parking on both sides) would be approximately 36 feet. Twelve foot wide sidewalks with landscaping trees are proposed on both sides of the proposed streets. The proposed

sidewalks would be set back from the proposed buildings by eight feet. The set back area would consist of stoops from ground floor units and landscaping (refer to Figures 3.0-6 to 3.0-8).

The project proposes on-street parking along the north side of River Oaks Parkway and an 18-foot wide sidewalk with landscape trees (refer to Figure 3.0-8). Where commercial uses are proposed on North First Street, a 10.5-foot sidewalk and 9.5-foot wide landscaped area (with landscaping trees) is proposed between the proposed building and North First Street. Where residential uses are proposed on North First Street, an eight-foot landscaped set back area, 10.5-foot sidewalk, and 9.5-foot wide landscaped area is proposed between the proposed building and North First Street (refer to Figure 3.0-8).

Residential and Commercial Area

As shown on Figure 3.0-4, Subarea 1 would be developed with a mix of commercial and residential uses, and Subareas 2-6 would be developed solely with residential uses.

The building proposed on Subarea 1 would be up to 15 stories tall (up to 150 feet in height) and located around and on top of podium parking. The parking would be located in a four-level landscaped podium parking garage located at-grade. As shown in Figure 3.0-4, the commercial and some residential uses would be located at-grade, surrounding the podium parking garage. The commercial uses are shown fronting the proposed Park Street and River Oaks Parkway. The fourth floor could be developed with residential uses and a common courtyard, with the subsequent upper floors of the building consisting of residential uses.

The proposed residential buildings on Subareas 2-6 would be up to six stories tall (including mezzanine on the top level) (up to 75 feet in height). As shown on Figures 3.0-3 and 3.0-4, the residential buildings on Subareas 2-4 would be situated around six-level parking garages and common courtyards located at-grade. The proposed residential building in Subarea 5 would be located around and on top of a podium parking garage. The parking garage for Subarea 5 would have two levels, one level below grade and one level at-grade. The proposed building on Subarea 6 would be located around and on top of a podium parking garage. The parking garage for Subarea 6 would be one level, located at-grade.

Common courtyards are proposed on top of the podiums for Subareas 1, 5, and 6. Common courtyards are proposed at-grade for Subareas 2-4. The proposed common courtyards would include grass and patio areas, landscaping (e.g., vines, groundcover, shrubs, and trees), and recreational facilities (e.g., pools and fitness centers).

Public Park Area

The project proposes to dedicate and improve an approximately five-acre public park on the southern boundary of the project site (refer to Figure 3.0-3). The proposed park would consist of active and passive uses. It is presently anticipated that a soccer field, benches, picnic areas, children's play areas, grassy areas, and a pedestrian/bicycle trail that connects to the Guadalupe River Trail system would be developed. The layout, design, and specific uses of the proposed park have not been determined at this time.

The certified 2005 NSJ FPEIR analyzed the visual impacts associated with the development of high-density residential in north San José, including those areas designated for the *Transit Employment*

Residential District Overlay. As discussed in the 2005 NSJ FPEIR, the proposed project would result in development of greater building mass and density than the existing uses on-site, and fewer trees and landscaping. It was concluded in the 2005 NSJ FPEIR that future development's conformance with the City's *Residential Design Guidelines* would avoid significant visual and aesthetic impacts.

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

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

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

MM AES -1.1: 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. Landscaping should be installed in a manner that maximizes views of the park and adjacent trail systems to enhance public safety.
- *Chapter 11 – Building Design:* This chapter specifies minimum facade articulation, vertical and horizontal roof articulation, the quality of building materials and details, stylistic consistency, and the need for care and attention to detail in design of street facades.

4.1.2.2 *Light and Glare Impacts*

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

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

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

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

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

4.1.2.3 *Impacts to Scenic Vistas*

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

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

4.1.2.4 *Shade and Shadow Impacts*

Shade and shadow impacts occur when a structure reduces access to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. During summer, shading may even be desirable. As discussed in the certified 2005 NSJ FPEIR, the City of San José typically identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on private or public open spaces, measured midday on the first day of winter (December 21) and on the vernal and autumnal equinoxes (March/September 21).³ Figures of the shade and shadow impacts of the project are provided in Appendix A of this Addendum.

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

Generally, in the winter, when shadows are the longest, the proposed project would result in the shading of the project itself and the parking area and industrial office buildings adjacent to the northeast of the site during the morning hours. The project would result in the shading of itself (but would not shade the proposed park) and North First Street, and minimal shading of the parking area adjacent to the northeast of the site during the early afternoon hours. During the afternoon hours, the project would shade itself (but would not shade the proposed park), North First Street, and the residential buildings and agricultural property east of the project site. The proposed building on

³ 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.

Subarea 1 (up to 150 feet in height) would create the largest shadow (up to approximately 1,200 feet in length at 4 PM) and would shade North First Street and the agricultural property.

During the vernal and autumnal equinoxes, the proposed project would result in shading of the project itself (but would not shade the proposed park), and minimal shading of the adjacent parking area northeast of the site and North First Street during the morning hours. In the afternoon hours, the proposed project would result in shading of the project itself (but would not shade the proposed park), North First Street, and the agricultural property east of the site.

The project would result in shading of private open space (i.e., the agricultural property east of the site). The shading of the agricultural property would only occur in the winter during the afternoon (i.e., between 1 PM and 4 PM). The shading of agricultural property could reduce its productivity and accelerate the property's already planned conversion to non-agricultural use. This impact is discussed in more detail in **Section 4.2 Agricultural Resources**. In 1998, the City of San José City Council identified overriding considerations which warranted the approval of a mixed use project on the agricultural property east of the site despite its loss as farmland. For this reason, the shade and shadow impacts on this property are considered less than significant.

Furthermore, the project design would not introduce any inconsistencies with City policies about sun and shade and 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 use photovoltaics or passive solar principles effectively; however, since the 2005 NSJ FPEIR did not assume that residential projects would necessarily use solar energy, this would not be a new or significant impact.

4.1.3 Conclusion

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

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

4.2 AGRICULTURAL RESOURCES

4.2.1 Setting

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

The property located northeast of the project site (at the northeast corner of North First Street and River Oaks Parkway), while zoned and designated in the General Plan for residential uses, is designated as *Prime Farmland* in the Santa Clara County Important Farmlands Map 2004. *Prime Farmland* is classified as land with the best combination of physical and chemical characteristics able to sustain long-term projection of agricultural crops. This 34.7-acre property is the only remaining prime farmland in North San José and is currently developed with an orchard and other agricultural crops.

As part of an EIR completed for development of that property in 1998 (City of San José, Moitozo Ranch Residential Project Environmental Impact Report, 1998), the San José City Council identified overriding considerations which warranted the approval of a mixed use project on the site despite its impact to farmland.

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 in the City's General Plan, nor is it used for agricultural purposes. However, the proposed project would result in shading of the existing farmland to the northeast of the site. The project would shade the farmland the most during the afternoon hours in the winter (see **Section 4.1 Aesthetics** and Appendix A for more detail). The shading of this farmland would reduce the property's solar access and lower the temperature, which could lower crop production on the site. As discussed above, this farmland is designated and zoned for urban development. The development of the site for housing and commercial uses was part of the background assumptions in the 2005 NSJ FPEIR.

While the proposed project would result in shade and shadow impacts on the farmland northeast of the site in the winter during the afternoon, the farmland has existing entitlements that would allow for its future development with residential and commercial uses. The project's shading of the farmland could accelerate the planned conversion and development of this farmland. This loss of agricultural land is not a new impact and the San José City Council has identified overriding considerations for this impact.

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

4.2.3 Conclusion

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

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 *Background Information*

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

The *Bay Area 2005 Ozone Strategy* is based upon Projections 2002, prepared by the Association of Bay Area Governments (ABAG), which was based upon the City's General Plan at that time. The 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 population assumptions in the *Bay Area 2005 Ozone Strategy*.

4.3.1.2 *Diesel Particulate Matter*

The project site is adjacent to the City of San José River Oaks Storm Pump Station. A diesel-powered generator is part of the pump station and it provides electrical power during power outages. The generator is housed inside the pump building.

Particulate matter from diesel engine exhaust is considered a toxic air contaminant that causes carcinogenic health effects. The generator at the adjacent pump station operates intermittently, usually associated with routine testing. The generator is tested monthly.

4.3.1.3 *Sensitive Receptors*

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

4.3.2 Environmental Checklist and Discussion of Impacts

| AIR QUALITY | | | | | | |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|--|
| | New Potentially Significant Impact | 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"/> | 1,2,5 |
| 2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,5,6 |
| 3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,5 |
| 4) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,5,6 |
| 5) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |

4.3.2.1 Impacts from the Project

Regional and Local Air Quality Impacts

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

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

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

MM AIR – 1.1: The project 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 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;
- Providing direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development; and
- 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.

Construction-Related Impacts

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

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

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

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

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

- MM AIR – 2.1:** Water all active construction areas at least twice daily.
- MM AIR – 2.2:** Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- MM AIR – 2.3:** Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- MM AIR – 2.4:** Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- MM AIR – 2.5:** Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- MM AIR – 2.6:** Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- MM AIR – 2.7:** Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- MM AIR – 2.8:** Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- MM AIR – 2.9:** Replant vegetation in disturbed areas as quickly as possible.

4.3.2.2 *Impacts to the Project*

Diesel Particulate Matter

A diesel particulate matter air quality analysis was completed by *Illingworth & Rodkin* in October 2007. A copy of this report is included in Appendix B of this Addendum. The purpose of the analysis was to evaluate health effects to future residences resulting from long-term exposure to diesel particulate matter from the operation of the adjacent diesel generator. The health impacts associated with the diesel particulate exhaust are expressed in terms of increased risk of contracting cancer by individuals who live or work near the existing diesel generator.

According to the Bay Area Air Quality Management District, a project would have a less than significant impact if the resultant incremental cancer risk is less than 10 excess cases per million for a 70-year exposure. Dispersion modeling was completed to evaluate the incremental cancer risk resulting from operation of the diesel generator on future residents. Details regarding the modeling and assumptions used in the model are provided in Appendix B.

Results of the modeling show that the generator would result in a worst-case health risk at the closest proposed residence of less than one excess case in a million of contracting cancer over the course of a 70-year lifetime exposure. For this reason, the operation of the diesel generator adjacent to the project site would not result in significant air quality impacts.

4.3.3 **Conclusion**

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

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

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

The project site is located within a developed area. The property is developed with four existing industrial office buildings, associated surface parking lots, and landscaping including trees, shrubs, and grass areas. The project site is generally level, however, there is a steep bank, approximately 20 feet high southwest of the site that separates the project site from the Guadalupe River and trail. A detention basin is adjacent to the southwest of the site.

Due to the developed nature of the project site and past human disturbance, the species diversity at the project site is extremely low. Wildlife species expected to occur in the area are those adapted to human activity, including mourning doves, rock doves, raccoons, and opossums. Because of the proximity of the Guadalupe River, an increased variety of bird species are likely to forage on the property.

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 *City of San José Riparian Corridor Policy*

The City of San José's Riparian Corridor Policy Study design guidelines state development adjacent to riparian habitats generally should be set back 100 feet from the outside edge of the riparian habitat (or top of bank, whichever is greater) to reduce anticipated impacts to riparian biotic communities and hydrologic regimes.

Riparian habitat adjacent to the Guadalupe River is separated from the project site boundary by an approximately 20-foot high berm and a Santa Clara Valley Water District service road.

The edge of the riparian corridor was determined to be the westernmost edge of the service road (and in several areas the dripline of riparian trees that extend beyond the edge of the service road). As long as development is set back 100 feet from the above referenced riparian delineation, the proposed project would be in compliance with the City's Riparian Corridor Policy.

4.4.1.2 *Special-Status Plants and Animals*

Special-status plants and animals 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.

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

4.4.1.3 *City of San José Tree Ordinance*

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

A tree survey of the project site was completed by *John Steinbach III – Certified Arborist* in June 2007. There are a total of 1,110 existing trees on the project site. Of the trees on-site, 233 are ordinance-size. The tree survey is included as Appendix C of this Addendum. The primary tree species on-site include redwoods (180 trees), evergreen pear (157 trees), and acacia (117 trees). Most of the trees on-site are in average (466 trees) or fair (362 trees) health. The existing water features on the site including the waterfalls and ponds help several of the tree species thrive even though they are out of their native range.

The trees on-site were rated for their preservation suitability based on overall tree health, species life span, structure, and tree response to disturbance. Of the trees on-site, 114 trees were identified as good preservation candidates, 343 trees were identified as moderate preservation candidates, and 653 trees were identified as poor preservation candidates. The largest tree that is identified as a good preservation candidate is a 30-inch in diameter redwood (tree number 433) located in the center of the site. Tree 433 is in good health. The largest tree on-site is a 35-inch in diameter eucalyptus (tree number 1,045), which is located on the west-southwest boundary of the site. This eucalyptus is in average health and has poor suitability for preservation. This tree is infected with tortoise beetles and its health is declining as a result. It is expected that this tree will die in the next several years. Additional detail about the trees on-site is provided in Appendix C of this Addendum.

4.4.1.4 *City of San José Heritage Trees*

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

4.4.2 Environmental Checklist and Discussion of Impacts

| BIOLOGICAL RESOURCES | | | | | | |
|--|------------------------------------|---|------------------------------|-------------------------------------|-------------------------------------|--|
| | 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"/> | 1,2,7 |
| 3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,4,8 |
| 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 and remove the existing structures and surface parking on-site and construct between 1,024 and 1,700 new residential units, between 20,000 and 45,000 square feet of commercial uses, and an approximately five-acre public park. The proposed project also includes constructing roadways through the project site and planting new landscaping and trees (refer to Figure 3.0-4).

4.4.2.1 *City of San José Riparian Corridor Policy*

A riparian delineation was completed for the project by *Live Oak Associates* in September 2007. A copy of this report is provided in Appendix D of this Addendum. The edge of the riparian corridor was determined to be the westernmost edge of the service road (and in several areas the dripline of riparian trees that extend beyond the edge of the service road). As long as development is set back 100 feet from the above referenced riparian delineation, the proposed project would be in compliance with the City's Riparian Corridor Policy.

Based on the conceptual site plan provided by the project applicant, the project site's property line is a minimum of 100 feet from the edge of the riparian corridor associated with Guadalupe River (refer to Figure 4.0-1). No development is proposed within 100 feet of the riparian corridor. For this reason, the project is consistent with the City's Riparian Corridor Policy. The proposed project would not result in significant impacts to the riparian corridor of the Guadalupe River.

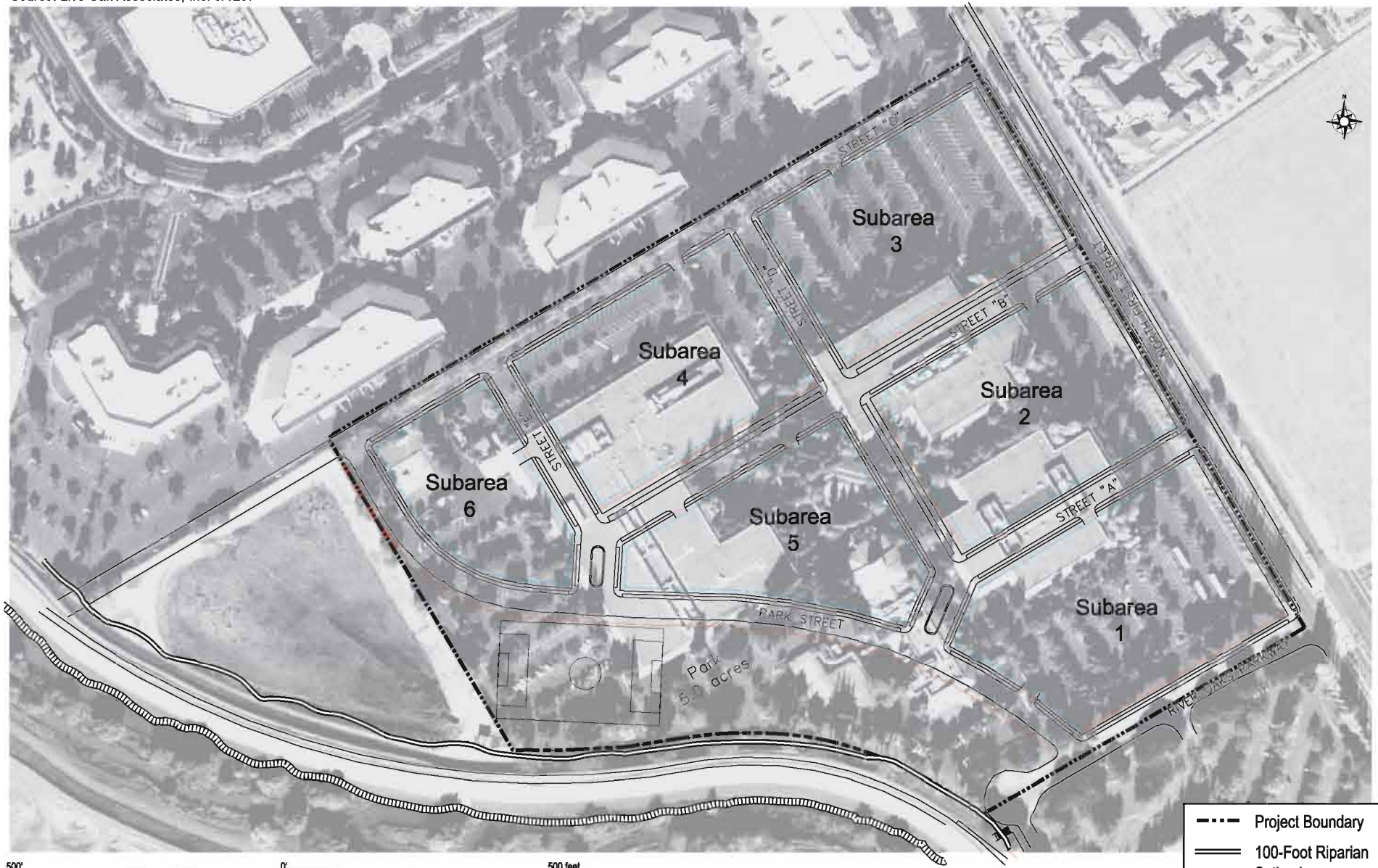
4.4.2.2 *Special-Status Plants and Animals*

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

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

- Pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities.

The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any



Notes: Edge of riparian was determined as the southern edge of SCVWD service road or the dripline of riparian trees. Dark tree shadows should not be construed as tree dripline. Riparian line was determined in the field 9-7-07.

- Project Boundary
- ===== 100-Foot Riparian Setback
- ||||| Edge of Riparian

RIPARIAN DELINEATION

FIGURE 4.0-1

designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

4.4.2.2 Ordinance-Size Trees

Per the proposed PD Permit (PD07-090), of the 1,110 existing trees on-site (of which 233 are ordinance-size), the project applicant proposes preserving 64 ordinance size trees. Therefore, the proposed project would result in the removal of to 1,046 trees, including 169 ordinance-size trees. Most of the trees to be preserved are located along the northern and southwestern boundary of the project site. The trees proposed to be preserved include four cedar trees of average and good health, three redwood trees of good health, and 58 eucalyptus trees that range from average to poor health. The trees to be preserved are shown and listed in Appendix C of this Addendum.

Most of trees to be removed are located in the center of the site and would be impacted by the construction of the proposed project. The project proposes to replace those removed trees and plant additional trees and landscaping, including shrubs, vines, and groundcover.

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

Impact BIO – 1: The proposed project would result in the removal of 1,046 trees, including 169 ordinance-size trees. **(Significant Impact)**

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

Tree Removal

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

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

- MM BIO – 1.2:** In the event that the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, prior to removal of the subject trees:
- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include neighborhood streets, local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.⁴
 - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to removal of the subject trees.

Tree Preservation

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

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

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

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

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

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

⁴ Contact Todd Capurso, PRNS Landscape Maintenance Manager, at (408) 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.

- MM BIO – 1.7:** Wires, signs, and other similar items shall not be attached to trees.
- MM BIO – 1.8:** Cutting and filling around the base of trees shall be done only after consultation with the City arborist and then only to the extent authorized by the City arborist.
- MM BIO – 1.9:** No paint thinner, paint, plaster, or other liquid or solid excess or waste construction materials or wastewater shall be dumped at any time.
- MM BIO – 1.10:** Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms.
- MM BIO – 1.11:** Whenever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

4.4.3 **Conclusion**

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

4.5 CULTURAL RESOURCES

An archaeological evaluation report was completed for the project site by *Basin Research Associates* in July 2007. The purpose of the report was to identify cultural properties including prehistoric and historic archaeological sites, historic features and standing structures which may be eligible for inclusion on the California Register or Historical Resources (CRHR) in or adjacent to the project. A copy of this report is on file with the City of San José Planning Division located at 200 East Santa Clara Street, Tower 3, San José, California 95113 and can be viewed during normal business hours.

4.5.1 Setting

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 (CHRIS/NWIC File No. 06-1926 dated July 5, 2007). Reference material from the Bancroft Library, University of California, Berkeley, and other reference materials and inventories were consulted. Thirty-one cultural resource compliance reports on file with the CHRIS/NWIC include records, searches, surveys, and/or archaeological monitoring of the project site and/or adjacent areas.

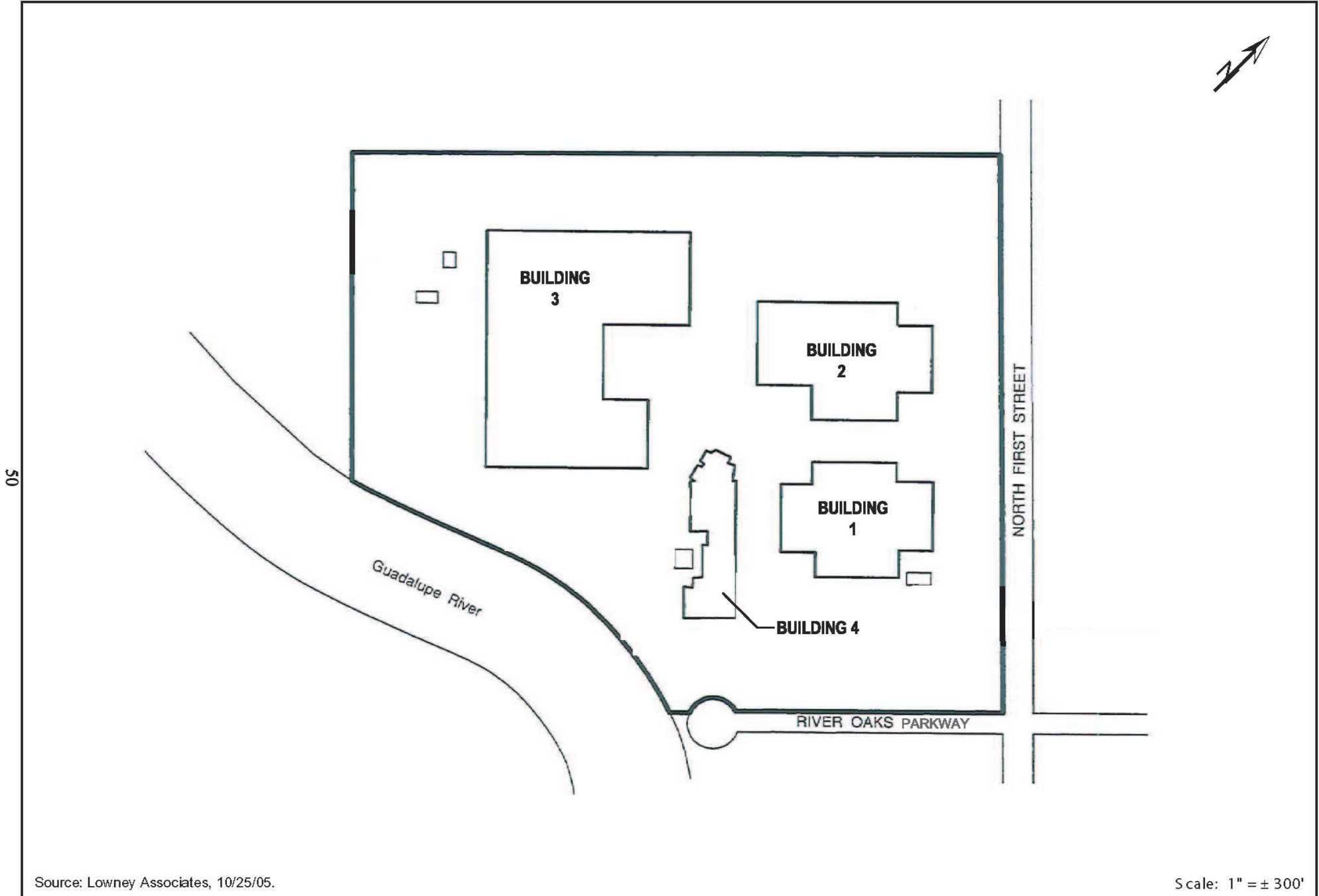
4.5.1.1 *Prehistoric Resources*

As discussed in the NSJ FPEIR, one prehistoric site (CA-SCI-418) has been recorded that includes the northeast corner of the project site and is also under North First Street. CA-SCI-418 was determined eligible for inclusion on the National Register of Historic Places in 1982. As a result, it is automatically listed on the California Register of Historic Resources. This prehistoric site has yielded Native American burials, culturally affected sediments, and a variety of artifacts and ecofacts during various archaeological testing, salvaging, and monitoring programs. Five of the 10 known burials from CA-SCI-418 were located within the project site. As discussed in the NSJ FPEIR, formal notification and maps were often not completed in the 1970s to 1980s after a reburial; therefore, the specific disposition of the remains is not known (e.g., location of the reburial on the property).

Four sites have been recorded within 0.25 miles of the project site, all located on the west side of the Guadalupe River. No Native American prehistoric villages, trails, traditional or contemporary use areas have been identified in or adjacent to the project site.

4.5.1.2 *Historic Resources*

No known Hispanic era expeditions, adobe dwellings, or other structures or features have been reported in or adjacent to the project site. No American historic era sites have been recorded in or identified in or adjacent to the project site. No City, state, and/or federal historically or architecturally significant structures, landmarks, or points of interest are located at the project site. There are four existing buildings on-site, Buildings 1-4 (refer to Figure 4.0-2).



Source: Lowney Associates, 10/25/05.

Scale: 1" = ± 300'

EXISTING BUILDINGS ON-SITE

FIGURE 4.0-2

The largest building, Building 3, located at the northwest corner of the site, was constructed in 1985. The other buildings, Buildings 1, 2, and 4, were all constructed in 1981.⁵ The buildings are typical in design and architecture of industrial office buildings during that era. The buildings are not significant in the context of local or regional history, are not associated with historically important persons, and do not have unique architectural features.

4.5.2 Environmental Checklist and Discussion of Impacts

| CULTURAL RESOURCES | | | | | | |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|--|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as “Approved Project” | Less Impact than “Approved Project” | Information Source(s)/ Discussion Location |
| Would the project: | | | | | | |
| 1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9 |
| 2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9 |
| 3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9 |
| 4) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9 |

The project proposes to demolish and remove the existing buildings and surface parking lots on-site, construct six building and public and private streets, and install new utility lines in the streets. A new public park is also proposed. The project would require excavation of approximately 10 feet below grade for the construction of a below ground parking garage on Subarea 5 (refer to Figure 3.0-5). Grading on the remainder of the project site will be limited to redistributing the excavated soil on the site. The project has been designed to balance with no significant soil fill or off-haul required.

4.5.2.1 Prehistoric Resources

As discussed previously (and in the NSJ FPEIR), the project site includes a portion of CA-SCI-418, a prehistoric archaeological site. Ten known Native American burials have been recorded in this site (five of which were located within the project site). However, the disposition of the remains is not known. The prehistoric archaeological site has been determined eligible for inclusion on the National Register of Historic Places and, as a result, would automatically be listed on the California Register of Historical Resources.

⁵ Chang, Lumin. “Re: Initial Study.” Email from Wyse Technology President. 17 September 2007.

As discussed in the NSJ FPEIR, redevelopment of the project site has the potential for exposing buried prehistoric cultural resources, even though the subsurface sediments may have been disturbed to some depth by the construction of the current industrial office buildings, landscaping, and parking. Disturbance of buried prehistoric archaeological resources would be a significant impact.

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

Impact CUL – 1: The development of the proposed project could impact unknown archaeological resources. **(Significant Impact)**

Mitigation Measure: As a condition of approval, the project shall implement the following mitigation measure to reduce impacts to prehistoric cultural resources to a less than significant level:

MM CUL – 1.1: A qualified professional archaeologist shall monitor all ground disturbing construction within and adjacent to the mapped boundary of CA-SCI-418. The qualified professional archaeologist in charge shall have the flexibility to vary the monitoring intensity, depending on what is being viewed and the depth of the excavation.

- If any significant cultural resources⁶ are exposed or discovered during preparation or subsurface construction activities, operations shall be stopped within a radius of 50 feet of the find. The Director of Planning, Building, and Code Enforcement shall be notified and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.
- 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

⁶ 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.

Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American.

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

- If the Director of Planning, Building, and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.
- A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

4.5.2.2 *Historic Resources*

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

4.5.3 Conclusion

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

4.6 GEOLOGY AND SOILS

The following discussion is based on a geotechnical investigation completed by *TRC* in September 2007 for the project site. A copy of this report is included as Appendix E of this Addendum.

4.6.1 Setting

4.6.1.1 *Geological Features*

The project area is located in the Santa Clara Valley, between the base of the western foothills of the Hamilton-Diablo Mountain Range and the northeasterly foothills of the Santa Cruz Mountains, in the Coast Range Geomorphic Province of Central California. Bedrock underlying the area is part of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of the Upper Jurassic to Cretaceous age (70 to 140 million years old). These rocks are part of a northwesterly-trending belt of material that lies along the east side of the San Andreas Fault system, which is located approximately 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 and Groundwater

Soils on-site include undocumented fill to depths ranging from 2.5 to 7.5 feet, consisting of interbedded layers of very stiff to hard sandy silty clay, silty clay with sand, lean clay to lean clay with sand, very soft sandy silt, and medium dense clayey sand. Below the fill, interbedded alluvium layers consisting of medium stiff to hard fat (high plasticity) clay to fat clay with sand, soft to very soft stiff lean clay to sandy lean clay, medium dense to very dense clayey sand, medium dense to very dense silty sand, and loose to very dense poorly graded sand to poorly graded sand with clay and silt up to 50 feet (which is the maximum depth explored).

The near surface soils on-site have a low to very high expansion potential. 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.⁷

Groundwater at the project site was encountered at depths ranging from nine to 19.5 feet below ground. Groundwater in the project area has been measured as high as five feet below ground. Fluctuations in the level of groundwater may occur due to variations in rainfall, underground drainage patterns, and other factors.

⁷ Cooper-Clark and Associates. Geotechnical Investigation, City of San José Sphere of Influence. Technical Report and Maps. 1974. and County of Santa Clara. Santa Clara County Geologic Hazard Zones. Map 11. 23 September 2002.

Seismicity

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

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

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

Liquefaction

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

The project site is located adjacent to the Guadalupe River and within a liquefaction hazard zone; however, no liquefiable soil layers were encountered at soil borings nearest the channel levee.

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 potential for lateral spreading at the site is moderate based on the site's proximity to the Guadalupe River, type of on-site soils, and potential for liquefaction.

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"/> | 2,10 |
| b) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,10 |
| c) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,10 |
| d) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,10 |
| 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"/> | 2,10 |
| 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"/> | 2,10 |
| 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"/> | 2,10 |
| 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 *On-Site Soils*

The soils on-site have a low to very high expansive potential and therefore, soils may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could potentially damage the future development on the site, which would represent a significant impact unless avoided by incorporating appropriate engineering into grading and foundation design. 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.

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: As conditions of approval, the project shall 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*

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

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

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

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

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

4.6.2.3 *Guadalupe River*

The Guadalupe River is adjacent to the south of the project site. An approximately 15 foot high levee and berm is present along the east side of the Guadalupe River. The levee has been engineered for flood control.

Based on the subsurface conditions on-site, there is a potential for liquefaction and associated lateral spreading to occur below the levees. There is a possibility, although remote that some movement or possibly breaching of the levee could occur if a significant earthquake occurred. Flooding of the site could occur. Flooding on-site is discussed in **Section 4.8 Hydrology and Water Quality**.

4.6.3 Conclusion

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

Impact GEO – 2: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant geological impacts relating to seismic and seismic-related hazards than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon an environmental site assessment completed by *Lowney Associates* in October 2005 and soil and groundwater quality evaluation completed by *TRC* in September 2007. The purpose of the assessment and evaluation was to identify recognized environmental conditions on the project site related to current and historic use of hazardous substances and petroleum products.⁸ Copies of these reports are included as Appendices F and G of this Addendum.

In addition, a vicinity hazardous materials users survey was completed by *Belinda Blackie, P.E., R.E.A.* in June 2007. The purpose of this survey was to identify facilities in the vicinity that could impact the project site if an accidental hazardous materials release were to occur. A copy of this report is included as Appendix H of this Addendum. In addition, a screening level chemical risk appraisal of selected hazardous materials inventories was completed by *ToxiChem* in September 2007 for identified facilities that may impact the project site. The modeling report is included as Appendix I of this Addendum.

4.7.1 Setting

4.7.1.1 *Background Information*

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

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

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. Two small buildings were present on the southeastern corner of the project site. By 1956, the two small buildings were removed.

⁸ 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.

Industrial Use

In 1981, Buildings 1, 2, and 4 were constructed on-site. By 1982, the orchards on-site were no longer present. In 1985, Building 3 was constructed (refer to Figure 4.0-2). Current site tenants are Wyse Technology and AT&T. AT&T occupies Buildings 1 and 2 and Wyse Technology occupies Building 3. In general, the buildings are used for office space. The fourth building consists of a recreation center and cafeteria that is used by both companies. More detail about each building is provided in Appendix F of this Addendum.

4.7.1.3 Potential On-Site Sources of Contamination

Database and File Review

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 included in Appendix F of this EIR. The project site was listed on several databases for the release of an unidentified compound in 1991 and generation of small quantities of hazardous materials.

City and County Agencies File Review

Available information at the San José Building Division (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 E of this Addendum. The files on the site included building permits, hazardous materials business plan certifications, and reports of hazardous materials use, storage, and handling. No violations were noted.

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

On-Site Observations

Below is a brief summary of the on-site buildings. More detail is provided in Appendix F of this Addendum.

Building 1

One hydraulic elevator services this two-story office building. A lightly-stained area was observed on the concrete floor adjacent to and beneath the elevator unit. There were also several dry-type transformers present on the first floor electrical room. No significant staining of the floor was observed. A battery farm was located in another room on the first floor and had approximately 190 lead acid batteries secured to metal shelving units elevated off the floor. Minor staining of the floor

was observed. Heating, ventilation, and air conditioning (HVAC) equipment was also present within the battery farm room.

An emergency generator (that is currently fenced in) is located east of this building. The associated above ground storage tank (AST) was approximately 1,000 gallons.

Building 2

The electrical room in this building is similar to the electrical room in Building 1, with dry-type transformers. A former shipping and receiving area at the rear of the building has a radio frequency test chamber. Four loading docks were present in the former shipping and receiving area, with two appearing to have hydraulic lifts.

A storage shed southeast of this building contained paints, sealers, stains, and spray paint cans.

Building 3

One computer room with an elevated floor was observed on the first floor of this building, and one small lab used for de-bugging electrical components was observed on the second floor. The lab had hoods connected to a small, central vacuum unit located adjacent to the work benches.

Building 4

The northernmost portion of Building 4 is used as a recreational center and the southernmost portion of the building is used as a cafeteria. Several chillers, a natural gas-fired boiler on concrete slabs, and an unused emergency fire water pump is located between the recreational center and cafeteria. The water pump is diesel-powered and connected to an AST.

An electrical room with a concrete floor was observed adjacent to the recreational center. Several dry-type transformers were observed. No significant staining of the floor within the electrical room was observed. Outside the cafeteria portion of the building is a concrete patio where two 55-gallon drums of waste grease are stored. An air conditioning unit was also observed on the patio. Adjacent to the southwest wall of this building is a cooling tower and a few compressors. Some staining of the concrete floor around the compressors was observed.

To the south of the building is a pool and jacuzzi. Chemicals for maintenance of the pool and jacuzzi were observed stored in a wood-walled room beneath the overhang of the building roof. Two 55-gallon plastic drums of chlorine are stored within a secondary containment tub. Seven one-gallon plastic bottles and two one-gallon bottles of acid (Sani-Chlor and muriatic acid, respectively) were observed in the storage area. The bottles of Sani-Chlor were stored in a plastic tub and the bottles of muriatic acid were stored on a shelf on the wall.

Soil Quality

Aerial photographs from 1939 through 1965 showed a waterway, possibly a creek, running generally north to south near the center of the site. Fill material was likely used to fill the creek in the late 1960s or 1970s. The source and quality of fill soil are unknown.

The project site has historically been used for agricultural purposes; soil borings were drilled and soil samples collected and analyzed to evaluate the fill and possible pesticide and total metal concentrations. The locations of the soil samples taken on-site are included in Appendix G of this Addendum.

Thresholds

The analytical results of the soil samples were compared to the residential Environmental Screening Levels (ESLs) and California Human Health Screening Levels (CHHSLs) published by the San Francisco Bay Regional Water Quality Control Board (RWQCB) and the California Environmental Protection Agency (CalEPA), respectively. The ESLs and CHHSLs were developed to protect human health and are considered conservative. The presence of a chemical at a concentration above an ESL or CHHSL does not necessarily indicate that adverse impacts to human health are occurring; exceeding an ESL or CHHSL indicates that the potential for impacts may exist and that additional evaluation may be needed.

Analytical Results

The analytical results of soil samples collected from the site are detailed in Appendix G of this Addendum. A summary of the detected pesticides and metals are provided in Table 4.0-2.

Concentrations of dieldrin [up to 0.3 parts per million (ppm)] were detected on-site above its respective ESL of 0.002 ppm and CHHSL of 0.035 ppm. In addition, total DDT was detected at concentrations ranging from 1.3 to 1.6 ppm on-site, which is considered hazardous per Title 22 of the California Code of Regulations because the concentrations exceed the total threshold limit concentration (TTLC) of one ppm for total DDT. Other organochlorine pesticides including DDD, DDE, and DDT were detected at levels below their respective residential ESLs and/or CHHSLs.

The results of the soil analyses indicate elevated levels of arsenic (up to 52 ppm), lead (up to 170 ppm), and mercury (up to eight ppm). For comparison, the residential ESLs and CHHSLs for arsenic, lead, and mercury are 5.5 ppm, 150 ppm, and 3.7 ppm, respectively. Due to the naturally occurring arsenic in the Bay Area, arsenic concentrations typically exceed its ESL. The typical mean background concentration of arsenic in Bay Area soils is 20 ppm. For this reason, regional background concentrations (up to 20 ppm) previously have been accepted by California regulatory agencies for residential development.

Soil Vapor Quality

Soil vapor samples were collected and analyzed for VOCs, including benzene, toluene, ethyl benzene, xylenes, and acetone. The concentrations of VOCs in the soil vapor samples were below their respective residential ESLs. Details regarding soil vapor collection and analyses are included in Appendix G of this Addendum.

| | Pesticides and Volatile Organic Compounds (in ppm) | | | | | | Metals (in ppm) | | | | |
|---|---|----------------------|----------------------|----------------------|-----------------|---------------------|------------------------|----------------------|-------------|---------------|----------------|
| | 4,4'- DDD | 4,4'- DDE | 4,4'- DDT | Total DDT | Dieldrin | 1,1- DCE | Arsenic | Chromium | Lead | Nickel | Mercury |
| Concentration Range | <0.02 – 0.7 | <0.02 – 0.6 | <0.02 – 0.06 | <0.2 – 1.6 | <0.02 – 0.2 | <0.01 – 0.06 | 4 – 52 | 53 | 6 – 170 | 86 | <0.1 – 8 |
| Residential ESL¹ | 2.3 | 1.6 | 1.6 | n/a | 0.002 | 0.19 | 5.5 | 58 | 150 | 150 | 3.7 |
| Residential CHHSL² | 2.3 | 1.6 | 1.6 | n/a | 0.035 | n/a | 5.5* | 100,000 [†] | 150 | 1,600 | 18 |
| Notes: ¹ ESL = Environmental Screening Level ² CHHSL = California Human Health Screening Level * As assumed background level of 5.5 ppm was substituted for toxicity-based goals. Typical mean background concentrations of arsenic in Bay Area soils range from approximately five to 20 ppm. [†] Residential CHHSL value for Chromium III. | | | | | | | | | | | |

Water Quality

There are four groundwater monitoring wells on-site. Groundwater samples were collected from the groundwater monitoring wells and evaluated for possible contaminants from the historic agricultural use. No concentrations of VOCs were detected in the groundwater samples above their respective laboratory reporting limits. Details regarding the location of the groundwater wells, samples collected, and analytical results are included in Appendix G of this Addendum.

Chemical Storage and Use

Current chemical storage and use at the site by Wyse Technology includes small quantities of solder, flux, and general maintenance materials (e.g., gasoline, paints, stains, sealants, etc.), as well as Freon in the chillers and chlorine and muriatic acid in the pool and jacuzzi. Historically, Wyse Technology appeared to use similar materials, including chlorine, assorted Freon compounds, compressed gases (e.g., nitrogen, helium, carbon dioxide, oxygen, and acetylene), alcohol/solder flux, gasoline, and calcium hypochlorite.

Significant volumes of hazardous materials were not observed in the areas of the site occupied by AT&T, with the exception of approximately 190 lead acid batteries stored on metal shelving units. One approximately 1,000-gallon diesel AST is present on-site, adjacent to the emergency generator located east of Building 1.

General housekeeping of chemical storage areas appeared orderly with no readily observable evidence of significant spills or leaks. As discussed above, minor staining was observed.

Elevators/Hydraulic Lifts

Buildings 1 and 3 have elevators that use hydraulic fluid. Four loading docks were observed at Building 2, two appearing to have hydraulic lifts. Hydraulic oil may contain polychlorinated biphenyls (PCBs). No indication of leakage was observed in the area of elevator operation equipment for Building 3. Light staining beneath and adjacent to the elevator operation equipment for Building 1 was observed.

Hoods and Ducting

The existing interior exhaust hoods, ductwork, and fans associated with the lab located in Building 3 can contain old deposits of corrosive residues from the exhaust system.

4.7.1.4 *Potential Off-Site Sources of Contamination*

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

Chemicals that are acutely toxic exist in a form that allows off-site transport after release (gas/vapor), and are used/stored in sufficient quantities, which mean they are potential chemicals of concern (COCs). A screening level chemical risk appraisal was completed to evaluate the risks posed to the

proposed project from select catastrophic chemical releases at nearby facilities. A copy of this report is included in Appendix H of this Addendum.

Facilities and Chemicals of Concern

Based on: 1) a visual survey of the businesses within approximately 0.5 miles of the project site, 2) toxic gas facilities within a mile of the site, 3) consultation with the San José Fire Department, 4) chemical inventories of those facilities on file at the San José Fire Department, and 5) recent user surveys and risk assessments completed for nearby properties (i.e., Hyundai Project – PDC05-099, Sony Project – PDC06-038 and PD07-006, and Vista Montaña Park Project – PDC07-055, PDC07-054, and H07-035), 14 facilities were identified that could, in the event of release, produce significant concentrations of hazardous materials at some distance from the source. These facilities include KLA-Tencor, Agnews Department of Development Services, Maxim Integrated Products, Cypress Semiconductors, Novellus Systems, Neophotonics, Thermo Electron Corporation, JDS Uniphase, SDL, Silicon Genesis (SIGEN), OLS Energy Agnews (Calpine), Honeywell, Watkins Johnson, and Silicon Microstructures. The location and chemicals of concern at these facilities are summarized in Appendix G of this Addendum. The primary chemicals of concern include semiconductor gases, concentrated acid solutions, and process gases (such as ammonia) located at a power plant.

Regulatory Controls

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

The net result of regulatory control programs and institutional controls is reduced likelihood of chemical releases and reduced likelihood of off-site migration of hazardous materials in the event of a release. These regulatory control programs and institutional controls are assumed in screening level risk evaluations below.

With respect to the category called semiconductor gases (e.g., chlorine, phosphine, arsine, and germane), 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 cabinet storage of gases, leak detection, and treatment capability for discharged gases. In addition, other standard industry controls include valves equipped with restricted flow orifices (RFOs) for primary gas containment (e.g., cylinders). 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. Additional detail regarding RFOs and release rates are included in Appendix I of this Addendum.

4.7.2 Environmental Checklist and Discussion of Impacts

| HAZARDS AND HAZARDOUS MATERIALS | | | | | | |
|--|------------------------------------|--|-------------------------------------|-------------------------------------|-------------------------------------|--|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as “Approved Project” | Less Impact than “Approved Project” | Information Source(s)/ Discussion Location |
| Would the project: | | | | | | |
| 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 2) Create a significant hazard to human beings or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11,12, 13,14 |
| 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,13 |
| 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,13 |
| 6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2 |
| 7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |

| HAZARDS AND HAZARDOUS MATERIALS | | | | | | |
|--|------------------------------------|---|------------------------------|-------------------------------------|-------------------------------------|--|
| | New Potentially Significant Impact | New Than Significant With Mitigation Incorporated | Less Than Significant Impact | Same Impact as “Approved Project” | Less Impact than “Approved Project” | Information Source(s)/ Discussion Location |
| Would the project: 8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |

4.7.2.1 Possible On-Site Sources of Impact

Soil Quality

As discussed above, the soils on-site have concentrations of dieldrin, arsenic, lead, and mercury above their respective ESLs and/or CHHSLs. Total DDT was also detected in on-site soils above its TTLC.

Impact HAZ – 1: The on-site soils have elevated concentrations of dieldrin, arsenic, lead, mercury, and total DDT. **(Significant Impact)**

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

MM HAZ – 1.1: Prior to building permit issuance, the project applicant shall have a qualified hazardous materials consultant complete analysis to determine the vertical and horizontal extent of soil contaminated with organochlorine pesticides and the associated metals (i.e., dieldrin, arsenic, lead, and mercury).

Once the depth of impact is defined, impacted soil that contains residual contaminants above residential ESL, CHHSL, and/or TTLC concentrations will either be:

1) Removed from the site and taken to an appropriate disposal facility, consistent with local and state regulations. Confirmation soil sampling shall be completed from the bottom and sidewalls of excavations to ensure that all soils containing pesticides and metals in excess of their respective ESLs and/or CHHSLs, and total DDT in excess of the TTLC have been removed.

OR

2) Capped with building foundations (concrete slabs), street and parking lot pavements, and/or clean landscaping fill to limit exposure of future residents and park users.

Soil Vapor Quality

Soil vapor samples were collected and analyzed for VOCs. The detected VOC concentrations in the soil vapor samples did not exceed their respective residential ESL; and therefore, would not have a significant impact on the project.

Groundwater Quality

There are four groundwater monitoring wells on-site. No contaminated groundwater was detected.

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

- All wells shall be sealed/destroyed in accordance with Santa Clara Valley Water District standards and in accordance with well destruction permits issued for the site.

Elevators/Hydraulic Lifts

Hydraulic fluid is used on the elevators and hydraulic lifts on-site. Light staining was observed beneath and adjacent to the elevator operating equipment for Building 1. Hydraulic oil may contain PCBs. Hydraulic fluid is typically not highly toxic or mobile in the environment, soil and/or groundwater quality can be impacted.

Impact HAZ – 2: Hydraulic oil is used on site and possible leaks could impact soil and/or groundwater quality on-site. **(Significant Impact)**

Mitigation Measures: As conditions of approval, the project shall implement the following mitigation measures:

MM HAZ – 2.1: During removal of the elevators and hydraulic lifts, a qualified environmental professional shall be present to observe for soil staining. If soil staining is noted during demolition, limited sampling, testing, and associated soil off-haul may be necessary.

MM HAZ – 2.2: Remove and appropriately dispose of the hydraulic elevator units and lifts.

Hoods and Ducting

The exhaust hoods, ductwork, and fans in the lab located in Building 3 of the project site have corrosive residues.

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

- The project shall remove the exhaust hoods, ducts, and fans prior to each project subarea's redevelopment.

4.7.2.2 Possible Off-Site Sources of Impact

Methodology

As discussed above, 14 facilities were identified in the vicinity of the project site whose storage or use of hazardous materials could have impacts on the project site in the event of an accidental chemical release. In accordance with the City of San José Fire Department's *Draft Guidelines for Preparation of Risk Assessments*, the identified facilities were modeled under USEPA worst-case release assumptions.

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

The chemicals of concern listed in Table 4.0-4 and modeled for Agnews Department of Development Services, Maxim Integrated Products, Cypress Semiconductor, Novellus Systems, Neophotonics, JDS Uniphase, SDL, OLS Energy Agnews, and Silicon Microstructures are representative of the chemicals used at each facility and were selected to minimize the likelihood that the chemicals and release scenarios modeled would result in risk underestimation. All releases were modeled using USEPA worst-case assumptions.

Based on review of the type, quantities stored, and nature of the chemicals of concern at the facilities, the industrial hygienist determined that worst-case releases from KLA-Tencor, Thermo Electron Corporation, Honeywell, and Watkins Johnson would not significantly impact the project site. For this reason, KLA-Tencor, Thermo Electron Corporation, Honeywell, and Watkins Johnson were not modeled. Additional details regarding the methodology for the risk modeling are provided in Appendix I of this Addendum.

Thresholds

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

| 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

Results of Worst-Case Release Scenarios

In the event of a worst-case release scenario for the facilities and chemicals listed in Table 4.0-3, a release from Maxim Integrated Products, Cypress Semiconductor, Neophotonics, JDS Uniphase, SDL, SIGEN, and/or OLS Energy Agnews could significantly impact the project site. The extents of the impacts from these facilities are shown in Figure 4.0-3.

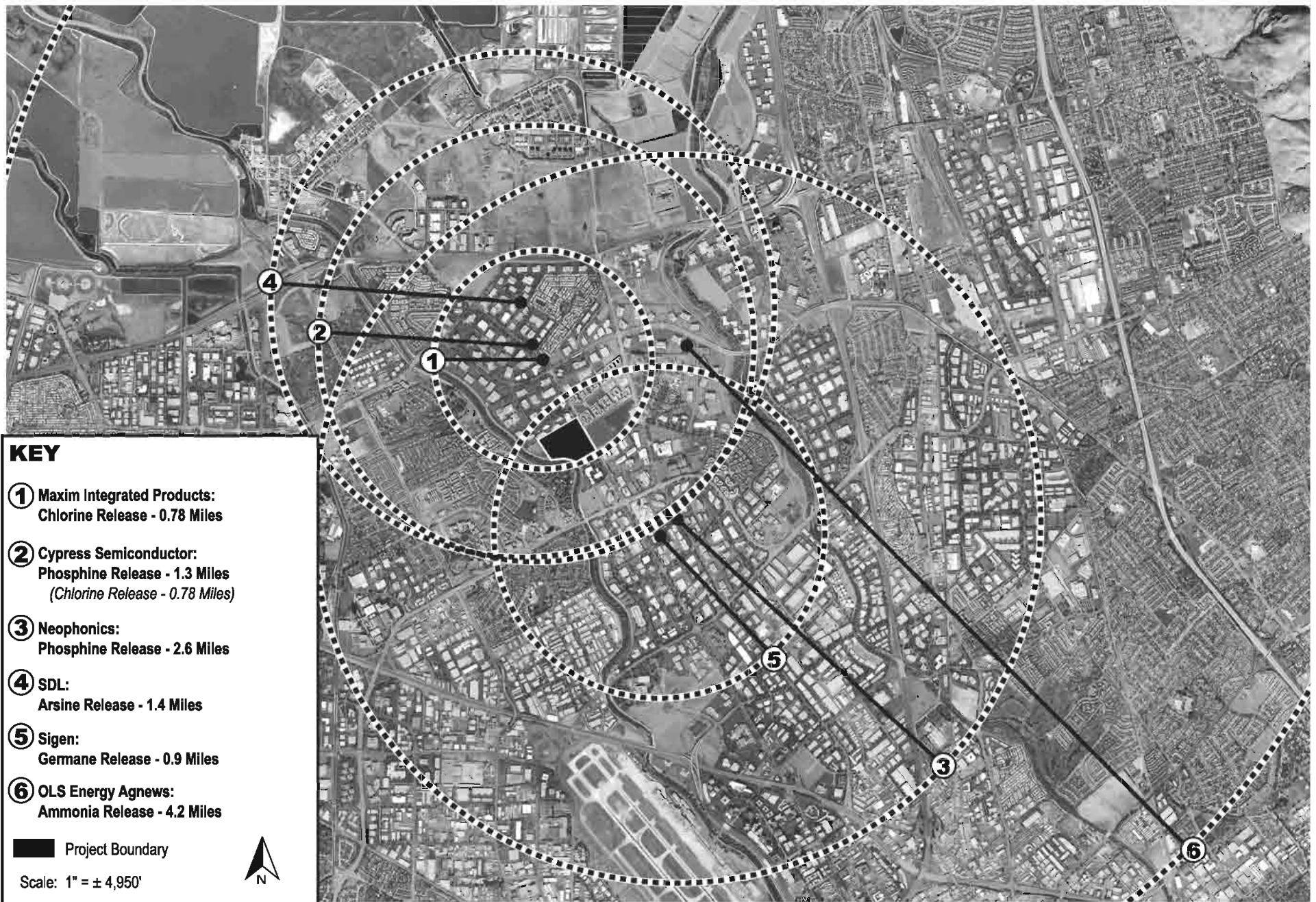
| Release Scenario | Predicted Exterior Concentrations (miles) | Predicted Exterior Concentration | Emergency Planning Concentrations |
|---|---|----------------------------------|--|
| | | (parts per million) | |
| <i>Agnews Development Services – 3500 Zanker Road, approximately 0.4 miles northeast of the project site</i> | | | |
| Gasoline Release | <0.03 | 2.6 | IDLH = 500 ERPG-2 = 300 ERPG-3 = 1,000 |
| <i>Maxim Integrated Products – 3725 North First Street, approximately 0.5 miles north/northwest of the project site</i> | | | |
| Chlorine Release | | | IDLH = 10 ERPG-2 = 3 ERPG-3 = 20 |
| RFO/WC | 0.1 | 0.162 | |
| EPA/WC | 0.78 | 6.4 | |

| Table 4.0-4 Facilities and Chemicals That Could Result In Significant Impacts | | | |
|---|--|---|--|
| Release Scenario | Predicted Exterior Concentrations (miles) | Predicted Exterior Concentration | Emergency Planning Concentrations |
| | | (parts per million) | |
| <i>Cypress Semiconductor</i> – 3901 North First Street, approximately 0.54 miles north/northwest of the project site | | | |
| Phosphine Release | | | IDLH = 50 |
| RFO/WC | 0.364 | 0.238 | ERPG-2 = 0.5 |
| EPA/WC | 1.3 | 2.73 | ERPG-3 = 5 |
| Chlorine Release | | | IDLH = 10 |
| RFO/WC | 0.1 | 0.14 | ERPG-2 = 3 |
| EPA/WC | 0.78 | 5.7 | ERPG-3 = 20 |
| Acid Waste Release | | | IDLH = 50 |
| EPA/WC | 0.49 | 17.1 | ERPG-2 = 20 ERPG-3 = 150 |
| <i>Novellus Systems Building 4000</i> – 4000 North First Street, approximately 0.58 miles north/northwest of the project site | | | |
| Ammonia Release | | | IDLH = 300 |
| RFO/WC | 0.015 | 0.15 | ERPG-2 = 150 |
| EPA/WC | 0.1 | 6.6 | ERPG-3 = 750 |
| <i>Neophonics</i> – 2911 Zanker Road, approximately 0.58 miles southeast of the project site | | | |
| Phosphine Release* | | | IDLH = 50 |
| RFO/WC | 0.183 | 0.06 | ERPG-2 = 0.5 |
| EPA/WC | 1.4 | 2.6 | ERPG-3 = 5 |
| Ammonia Release | | | IDLH = 300 |
| EPA/WC | 0.1 | 6.8 | ERPG-2 = 150 ERPG-3 = 750 |
| <i>JDS Uniphase</i> – 80 Rose Orchard Way, approximately 0.7 miles north/northwest of the project site | | | |
| Arsine Release | | | IDLH = 3 |
| RFO/WC | 0.4 | 0.18 | ERPG-2 = 0.5 |
| EPA/WC | 1.1 | 1.2 | ERPG-3 = 1.5 |
| Phosphine Release* | | | IDLH = 50 |
| RFO/WC | 0.36 | 0.15 | ERPG-2 = 0.5 |
| EPA/WC | 1.8 | 2.9 | ERPG-3 = 5 |
| <i>SDL</i> – 90 Rose Orchard Way, approximately 0.7 miles north/northwest of the project site | | | |
| Arsine Release | | | IDLH = 3 |
| RFO/WC | 0.4 | 0.18 | ERPG-2 = 0.5 |
| EPA/WC | 1.4 | 1.81 | ERPG-3 = 1.5 |

| Table 4.0-4 Facilities and Chemicals That Could Result In Significant Impacts | | | |
|---|--|---|--|
| Release Scenario | Predicted Exterior Concentrations (miles) | Predicted Exterior Concentration | Emergency Planning Concentrations |
| | | (parts per million) | |
| <i>SIGEN</i> – 51 Daggett Drive, approximately 0.71 miles southeast of the project site | | | |
| Germane Release* | | | 1/10 IDLH = 0.6 |
| RFO/WC | 0.07 | 0.008 | ERPG-2 = n/a |
| EPA/WC | 0.9 | 0.88 | ERPG-3 = n/a |
| Diborane Release* | | | IDLH = 15 |
| EPA/WC | 0.49 | 0.54 | ERPG-2 = 1 ERPG-3 = 3 |
| <i>OLS Energy Agnews (Calpine)</i> – 3800 Cisco Way, approximately 0.85 miles northeast of the project site | | | |
| Ammonia Release | | | |
| Alternative/RC | 0.35 | 28.4 | |
| Alternative/WC | 1.2 | 288 | IDLH = 300 |
| EPA/RC | 1.5 | 399 | ERPG-2 = 150 |
| EPA/WC | 4.2 | 4,030 | ERPG-3 = 750 |
| <i>Silicon Microstructures</i> – 1701 McCarthy Boulevard, approximately 1.26 miles east/northeast from the project site | | | |
| Chlorine Release | | | IDLH = 10 |
| EPA/WC | 0.83 | 1.4 | ERPG-2 = 3 ERPG-3 = 20 |
| Notes: Bold text indicates a significant impact RFO/WC = release through restricted flow orifice (RFO) during worst-case atmospheric conditions EPA/RC = USEPA worst-case release during normal atmospheric conditions EPA/WC = USEPA worst-case conditions during worst-case atmospheric conditions * = due to the reactivity of phosphine, germane, and diborane, it is unlikely that a release of these chemicals would reach the project site intact. | | | |

Results of Alternative Release Scenarios

For Maxim Integrated Products, Cypress Semiconductor, Novellus Systems, Neophotonics, JDS Uniphase, SDL, SIGEN, where the worst-case release modeling indicated significant impacts, additional modeling was completed assuming a release through RFOs. As shown in Table 4.0-4, accidental chemical releases through RFOs at these facilities would result in less than significant impacts at the project site.



WORST-CASE ACCIDENTAL RELEASE SCENARIO IMPACT AREAS

FIGURE 4.0-3

The OLS Energy Agnews facility is a Calpine Energy facility. As required by the USEPA and Cal/EPA of Calpine facilities, the operators of the OLS Energy Agnews completed a screening level evaluation of potential impacts to the region surrounding the energy plant as part of their compliance obligations under USEPA Risk Management Planning (RMP) and California Accidental Release Prevention (CalARP). The evaluation includes worst-case and alternative release scenarios. As shown in Table 4.0-4, the OLS Energy Agnews facility was modeled under a worst-case release during stable atmospheric conditions, worst-case release during normal atmospheric conditions, alternative release during stable atmospheric conditions, and alternative release during normal atmospheric conditions. The worst-case release scenarios assumed the entire contents of the ammonia tank are released over a 10 minute period. The alternative release scenario assumed that a release occurs during the loading/unloading of ammonia from the tank. This release assumed a 10 minute release of 4,137 pounds of ammonia. The alternative release scenarios are generally considered more realistic. The operators of the OLS Energy Agnews facility, through engineering judgment and the facility's specific hazards and operability study, determined that the alternative release scenarios are more likely than the worst-case release scenarios. Under the alternative release scenario during normal atmospheric conditions, the OLS Energy Agnews facility would not have a significant impact 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 I 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 RFOs,⁹ 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 worst case release is highly unlikely (refer to Appendix I). For these reasons, impacts to the proposed project would be less than significant from an accidental chemical release at an off-site source.

4.7.3 Conclusion

Impact HAZ – 1: The proposed project, with the implementation of the above mitigation measures, would not result in significant impacts from existing soil contamination. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact HAZ – 2: The proposed project, with the implementation of the above mitigation measures would not result in significant soil and/or groundwater impacts from hydraulic oil used on site. **(Less Than Significant Impact with Mitigation Incorporated)**

⁹ 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.

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 North San José Floodplain Management Study reflecting the completion of flood control projects for Coyote Creek and Lower Guadalupe River, the City's update of its *Post-Construction Urban Runoff Management* (Policy 6-29), and the City's adoption of the *Post-Construction Hydromodification Management* (Policy 8-14).

4.8.1.1 *Flooding*

The North San José Floodplain Management Study was updated in June 2006. Existing flood conditions in north San José have been changed by completion of flood control projects for Coyote Creek and Lower Guadalupe River. The flood control projects have increased the stream channel flood capacity and reduced the potential for overflows from the stream channels into the North San José area. With the flood control projects, the flood potential has been reduced to residual shallow flooding primarily due to storm drain excess flows which exceed the capacity of the storm drain systems during a 100-year storm. The project site is subject to 15.3 feet (NGVD 1929) of flooding. Most of the project site is at elevations ranging from 11 to 13 feet (NGVD 1929). Some areas of the site are as low as 10 feet (NGVD 1929) and as high as 15 feet (NGVD 1929).

Development constraints were developed as part of the North San José Floodplain Management Study to allow increased development density, protect new structures, and minimize potential increases in flood depths. The development constrains are consistent with the Federal Emergency Management Agency (FEMA) requirements and the City's floodplain management ordinance. The development constraints are:

- Finished floors for new development shall be at or above the estimated 100-year water surface elevations defined for the effective FEMA Flood Insurance Rate Maps (FIRMs).
- New development shall include on-site conveyance areas to allow shallow flooding to cross the site. On-site blockage for buildings and other development shall be restricted to include on-site conveyance.
- On-site flood conveyance will be at the approximate elevation of the street sidewalk at the site.
- On-site flood blockage restrictions will be established based on a percentage of the site width perpendicular to the direction of flood flow across the site (generally in an east-west direction, or perpendicular to North First Street).
- On-site blockage restriction will depend on the land use designation on the site. Allowable flood blockage should be based on the 75 and 90 percent blockage areas shown on the Floodplain Management Policy figure.

4.8.1.2 *Drainage*

North San José is served by eight main drainage systems which discharge to both Coyote Creek and Guadalupe River. Four of the systems include City pump stations to pump the storm drain flows into the stream channel. One of the pump stations, the River Oaks system, is located adjacent to the southwest border of the project site (refer to Figure 2.0-3). The River Oaks system includes a detention basin and has a pumping capacity of 67 cubic feet per second (cfs).

4.8.1.3 *Regulatory Requirements*

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

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs)¹⁰ and Treatment Control Measures (TCMs)¹¹ to the maximum extent practicable. This Policy also establishes specific design standards for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

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

In 2005, the City of San José adopted the Post-Construction Hydromodification Management (Policy 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification¹² is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks.

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

¹⁰ 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.

¹¹ 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.

¹² 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.

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 | New Less 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) Violate any water quality standards or waste discharge requirements? | <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 checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site? | <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 |

| 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: | | | | | | |
| 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"/> | 1,2,15 |
| 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"/> | 1,2,15 |
| 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, 15 |
| 10) Be subject to inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |

4.8.2.1 Drainage

Currently, approximately 93 percent (30.2 acres) of the project site is impervious and approximately seven percent (2.4 acres) of the project site is pervious (refer to Table 4.0-5).

The project proposes to demolish and remove the existing buildings and surface parking areas on-site and construct six new buildings, public and private streets, and an approximately five-acre public park. With the development of the proposed project, approximately 79 percent (25.9 acres) of the project site would be impervious and approximately 21 percent (6.7 acres) of the site would be pervious. The proposed project, therefore, would result in an approximately 13 percent (4.3 acres) decrease in impervious surfaces (refer to Table 4.0-5).

Since the proposed project would result in a decrease in impervious surfaces, which result in a decrease in surface runoff from the site, it is not anticipated that runoff from the proposed project would exceed the capacity of the existing storm drain system. The proposed project would not result in any new or more significant drainage impacts than were described in the certified 2005 NSJ FPEIR.

| Table 4.0-5 Summary of Impervious and Pervious Surfaces On-Site | | | | | | |
|--|--|------------|--|------------|-------------------------------|------------|
| Site Surface | Existing/Pre-Construction (acres) | % | Project/Post-Construction (acres) | % | Difference (acres) | % |
| Impervious | | | | | | |
| Building Footprint | 8.1 | 25 | 17.2 | 52 | 9.1 | 28 |
| Parking/Driveways/ Streets | 22.1 | 68 | 8.7 | 27 | -13.4 | -41 |
| <i>Subtotal</i> | <i>30.2</i> | <i>93</i> | <i>25.9</i> | <i>79</i> | <i>-4.3</i> | <i>-13</i> |
| Pervious | | | | | | |
| Landscaping | 2.4 | 7 | 6.7 | 21 | 4.3 | 13 |
| <i>Subtotal</i> | <i>2.4</i> | <i>7</i> | <i>6.7</i> | <i>21</i> | <i>4.3</i> | <i>13</i> |
| Total | 32.6 | 100 | 32.6 | 100 | | |

4.8.2.2 *Flooding*

As discussed above, the project site is subject to 100-year floods. During a 100-year flood event, the project site would be subject to 15.3 feet (NGVD 1929) of flooding. Most of the project site is at elevations ranging from 11 to 13 feet (NGVD 1929). Some areas of the site are as low as 10 feet (NGVD 1929) and as high as 15 feet (NGVD 1929).

The lowest finished floor of the proposed buildings (including the parking garages) on-site would be at or slightly above the flood elevation, which is consistent with the North San José Floodplain Management Study and FEMA requirements.

The proposed park and roadways would be between approximately 12 to 14 feet (NGVD 1929), which is below the flood elevation of 15.3 feet (NGVD 1929). The proposed park and roadways would function as conveyance areas for shallow flooding to cross the site. This is consistent with the North San José Floodplain Management Study and FEMA requirements.

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

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

Impact HYD – 1: The proposed project would develop structures within a 100-year flood area. **(Significant Impact)**

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

MM HYD – 1.1: The finished floor of structures (including residential buildings and parking structures) shall be located at or above the flood elevation of 15.3 feet (NGVD 1929).

MM HYD – 1.2: At least 10 percent of the project site (such as roadways and the public park) shall be designed below the flood elevation. These areas will function as flood conveyance areas to allow shallow flooding to cross the site.

4.8.2.3 *Water Quality*

Construction-Related Impacts

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

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

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

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

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

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

- Perform monitoring of discharges to the stormwater system.

MM HYD – 2.2: Comply with the City’s Grading Ordinance.

Post-Construction Impacts

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

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

The development of the proposed project would contribute to the significant post-construction related water quality impacts identified in the certified 2005 NSJ FPEIR. Per the proposed PD Permit (PD07-090), the project proposes to comply with Council Policies 6-29 and 8-14 by treating building roof runoff with planter boxes and bioretention BMPs adjacent to the buildings’ exterior and in internal courtyards/podiums. The runoff from private streets would be treated in media filter boxes and runoff from public streets would be treated with hydrodynamic separators.

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

Impact HYD - 3: The proposed project, which includes installation of planter box, bioretention BMPs, media filter box, and hydrodynamic separator treatments for building roofs and street runoff, would not result in significant post-construction water quality impacts. **(Less Than Significant Impact)**

4.8.3 Conclusion

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

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

Impact HYD – 3: The proposed project, which includes installation of planter box, bioretention BMPs, media filter box, and hydrodynamic separator treatments for building roofs and street runoff, 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 33-acre project site consists of two parcels (APNs 097-06-039 and 097-06-038) and is located at the northwest corner of North First Street and River Oaks Parkway in north San José (refer to Figure 2.0-2). The project site is currently developed with four industrial office buildings that total approximately 458,600 square feet, surface parking, trees, and landscaping. The site also has on-site recreational facilities included a tennis court, basketball court, small golf practice area, pool, and jacuzzi.

4.9.1.2 *Surrounding Land Uses*

The surrounding land uses include industrial/office uses northwest and southeast of the site, multi-family residential uses north-northeast and south of the site, agricultural uses northeast of the site, Guadalupe River and trail southwest of the site, and a pump station and detention basin west-southwest of the site (refer to Figure 2.0-3). The nearby industrial/office buildings are occupied by Pericom and the Valley Transportation Authority (VTA).

4.9.1.3 *Land Use Plans*

General Plan Land Use Designation

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

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

Zoning Designation

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

North San José Area Development Policy

The North San José Area Development Policy (hereinafter referred to as the Policy) provides for the development of up to 32,000 new residential dwelling units within North San José, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 du/ac (up to 200 acres) or 90 du/ac (up to 85 acres). A summary of the provisions of the Policy are listed in Table 4.0-6:

| Table 4.0-6 | | | |
|---|--------------------|-----------|------------|
| Consistency with North San José Area Development Policy Residential Checklist | | | |
| Provisions of the Policy | Consistent? | | |
| | Yes | No | N/A |
| Land Use | | | |
| Residential development must occur on land within the Transit/Employment Residential Overlay, on land already designated for residential use in the General Plan, or within the Industrial Core area in a mixed use configuration. | X | | |
| Residential development within the Overlay must be at least 55 DU/AC. | X | | |
| Site must not contain an existing important vital or “driving” industrial use. | X | | |
| Site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion. | X | | |
| The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development (e.g. an adequate buffer must be provided for new residential uses from existing industrial uses) in order to protect all occupants of the sites and enhance preservation of land use compatibility among sites within the Policy area. A risk assessment may be required to address compatibility issues for any proposed industrial to residential conversions. | X | | |
| Site should be within 1,000 feet of existing park or would help establish or contribute to a new park of adequate size within 1,000 feet. | X | | |
| Site design must support transit use and pedestrian safety. | X | | |
| Master planning for sites for parks, schools, and other public facilities must be completed within each of the seven new residential areas prior to any proposed conversion within that area. | X | | |
| Project does not result in the conversion of industrial land not anticipated by the Policy. | X | | |
| 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 | | |

| Table 4.0-6 | | | |
|--|--------------------|-----------|------------|
| Consistency with North San José Area Development Policy Residential Checklist | | | |
| Provisions of the Policy | Consistent? | | |
| | Yes | No | N/A |
| Allocation of Capacity | | | |
| Sufficient capacity remains within the relevant Phase to allow development of the proposed units. | X | | |
| Design Criteria | | | |
| Project is consistent with relevant policies in the Residential Design Guidelines. | X | | |
| Project is consistent with Multi-modal Transportation Design Criteria in the ADP. | X | | |
| Project incorporates Green Building techniques, resource conservation programs, and minimizes water use. | X | | |

4.9.1.4 Other

The project area is not part of a habitat conservation plan or natural community conservation plan. In addition, the project site is outside of the Mineta San José International Airport Land Use Commission (ALUC) referral boundary as well as the airport noise impact area.¹³

4.9.2 Environmental Checklist and Discussion of Impacts

| LAND USE | | | | | | |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|--|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as “Approved Project” | Less Impact than “Approved Project” | Information Source(s)/ Discussion Location |
| Would the project: | | | | | | |
| 1) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,16 |
| 2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,4, 16,17 |
| 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"/> | 1,16 |

¹³ Greene, Cary. Personal Communications. 29 November 2007.

The project proposes to rezone the project site from *IP – Industrial Park* to *A(PD) – Planned Development* to allow for the demolition of the existing buildings and development of between 1,024 and 1,700 new residential units, between 20,000 and 45,000 square feet of commercial uses, and an approximately five-acre public park. The proposed commercial uses would be consistent with the *CP – Commercial Pedestrian* zoning district. This commercial district is intended for uses that support pedestrian oriented retail activity at a scale compatible with surrounding residential neighborhoods.

4.9.2.1 *Conformance with Land Use Plans*

General Plan and Zoning

The overall density of the proposed residential development would be between 55 and 91 du/ac, depending on how many dwelling units within the proposed range are actually built.¹⁴ The project's proposed residential density would be consistent with the residential density requirement of 55 or more du/ac. Also, as mentioned above, the existing General Plan land use designation allows for commercial uses on the ground floor of residential developments and park uses. The proposed commercial uses and approximately five-acre public park, therefore, would also be consistent with the existing General Plan land use designation.

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

North San José Area Development Policy

Land Use

The proposed project is consistent with the land use provisions in the Policy because it proposes residential development between 55 and 91 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,¹⁵ would not expose residents to significant hazards from nearby industrial facilities (refer to **Section 4.7 Hazards and Hazardous Materials**), and proposes to comply with the City's *Parkland Dedication Ordinance* and/or *Parkland Impact Ordinance* through a combination of dedication, improvement, and payment of in-lieu fees (refer to **Sections 4.13 Public Services** and **4.14 Recreation**).

¹⁴ The overall density of the residential development portion of the project was calculated by dividing the total number of proposed units (1,024 to 1,700 units) by the acreage of the project site proposed for residential uses (18.6 acres).

¹⁵ Currently, the project site is owned and occupied by Wyse Technology. It is Wyse's intent to relocate within San José. Also, AT&T is a tenant on the project site. AT&T's lease will expire in 2012. Should the project be approved by the City, the development of the project would allow the continued operation of AT&T until their lease expires. Source: Chang, Lumin. “Re: Riverview.” Letter from the President of Wyse Technology. 9 January 2008.

Traffic

The project proposes to include design features (such as Transportation Demand Management 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**). The sidewalks throughout the project site will be 12 feet wide, landscaped, set back eight feet from proposed residential units, and include on-street parking to buffer pedestrians from vehicular traffic. These sidewalk design elements are proposed to facilitate pedestrian movements. Crosswalks are proposed at every intersection within the site and a direct pedestrian crosswalk will provide access to both platforms of the River Oaks transit station for pedestrian safety. In addition, bicycle parking is proposed on the private streets and in the parking garages.¹⁶ The project proposes to dedicate public street ROW for sidewalk and sidewalk improvements on North First Street and River Oaks Parkway. For these reasons, the proposed project is consistent with the traffic provisions of the Policy.

Infrastructure Improvements

The proposed project is consistent with the Policy's provisions for infrastructure improvements. As discussed in **Section 4.16 Utilities and Service Systems**, the project would connect to existing utility lines in nearby streets and upgrade them if needed. In addition, the project proposes 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 zoning for several projects. The approved projects allow for the development of a total of up to 4,841 residential units, 69,030 square feet of commercial uses, and up to 870,000 square feet of industrial uses (file numbers PDC06-022, PDC05-099, PDC06-085, PDC06-038, PDC05-114, PDC06-061, PDC06-093, PDC07-054, PDC07-055, and H07-035). The allocation unit capacity occurs with approval of a PD Permit. PD Permits have been approved for a total of 3,315 residential units (PD06-048, -051, -052, and -068, PD07-033, PD07-036, and PD07-006). The project proposes between 1,024 and 1,700 residential units and between 20,000 and 45,000 square feet of commercial uses. Sufficient capacity remains to allow for the development of the proposed project.

Design Criteria

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

¹⁶ Bloom, Keith. "FW: Wyse." Email from Thompson | Dorfman Project Manager. 30 August 2007.

and parking located behind buildings), mixed-use density of 55 du/ac or more, sidewalk and roadway grid patterns,

In addition, the project is consistent with the Policy's Multi-modal Transportation Design Criteria by incorporating commercial services on-site and including TDM measures to encourage pedestrian and bicycle movement (refer to **Section 4.3 Air Quality**). The project site is located within walking distance of the River Oaks transit station and has existing pedestrian connections to the transit station. The project proposes dual plumbing for use of recycled water for landscaping.

The proposed project is consistent with the North San José Area Development Policy. Table 4.0-6 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.

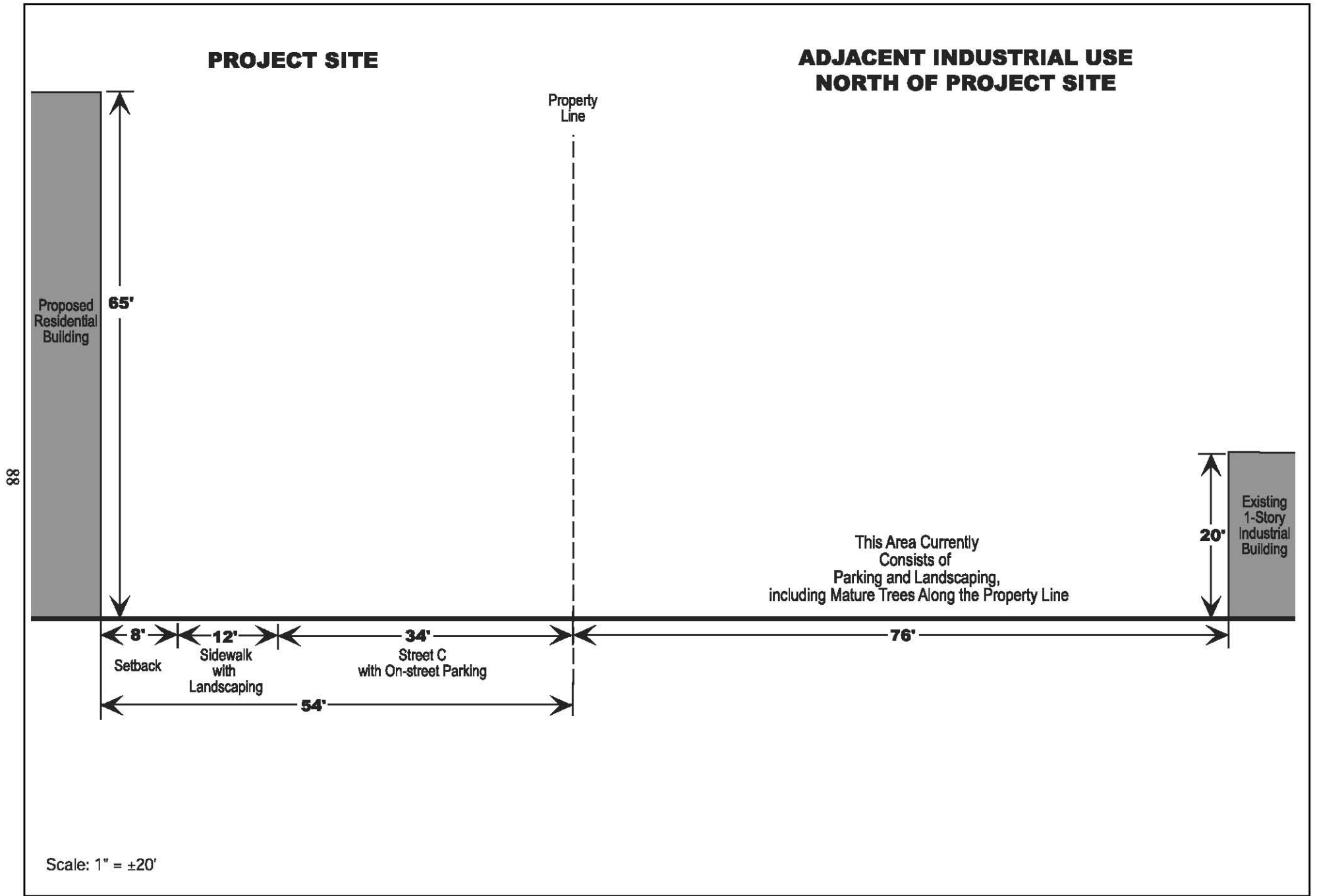
Interface with Existing Uses

As discussed in the certified 2005 NSJ FPEIR, developing residential uses near existing industrial uses could result in land use compatibility issues. The proposed project is buffered from uses (including residential, agricultural, and industrial uses) east, southeast, and south of the site by North First Street (a four lane roadway), River Oaks Parkway (a two lane roadway), and Guadalupe River (refer to Figure 2.0-3).

The project site is adjacent to industrial uses to the north, Guadalupe River to the south, and a detention basin to the west (refer to Figure 2.0-3). The nearest proposed building is set back from the adjacent industrial property to the north by approximately 48 feet (refer to Figure 3.0-6, Section 2 and Figure 4.0-4). The total approximate distance between the nearest proposed residences and the existing adjacent industrial buildings is 124 feet. The proposed residences would be separated from the existing adjacent industrial buildings by the proposed Street "C," existing and proposed landscaping (including trees), and existing surface parking for the industrial use (refer to Figure 4.0-4). The backs of the industrial buildings, including loading docks face the project site.

The proposed buildings would be set back approximately 20 feet from North First Street, River Oaks Parkway, and the proposed internal roadways. The project proposes to plant landscaping to buffer the proposed project from the streets.

The surrounding roadways combined with the proposed setbacks and building and site design, provide sufficient buffer between the project site and the surrounding land uses.



CONCEPTUAL CROSS SECTION OF THE PROJECT SITE AND THE ADJACENT INDUSTRIAL USE NORTH OF THE SITE

FIGURE 4.0-4

Avoidance Measure: The following measure is identified as part of the certified 2005 NSJ FPEIR to be required of future residential development in North San José and shall be implemented by the project as a condition of approval to further reduce land use compatibility impacts:

- 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.

Interface with Proposed Uses

Proposed Residential and Commercial Interface

As shown on the conceptual land use plan (Figure 3.0-2), commercial space, including the leasing/sales office could be built on the ground floor of the building in Subarea 1, fronting River Oaks Parkway and the proposed Park Street. The commercial space and some residences could be situated around a four-level landscaped podium parking garage. Therefore, the ground floor of the building in Subarea 1 could be occupied by commercial, residential, and parking uses. Additional residential units would be constructed on top of the ground floor businesses, residences, and parking.

As discussed above, the proposed commercial uses would be consistent with the *CP – Commercial Pedestrian* zoning district and could include retail stores, restaurants, dry cleaners, Laundromat, personal services, offices, etc. The loading and delivery for these commercial uses would be via a loading dock fronting the proposed Park Street and their front doors on River Oaks Parkway (refer to Figure 4.0-4). Garbage and recycling pick-up for the proposed commercial uses would also be at the proposed loading dock. A discussion of the noise compatibility of the loading dock and the residents is provided in **Section 4.11 Noise**. As conditions of approval, the project shall implement the mitigation measures identified in **Section 4.11 Noise** to reduce noise impacts between the proposed residential and commercial uses to a less than significant level.

Proposed Residential and Park Interface

In general, residential and park uses are compatible. The normal sounds of people interacting and/or playing in parks are a part of expected activities within residential areas. Design and operational features of parks that can result in land use conflicts with adjacent residential uses include nighttime lighting of playing fields, amplified sound systems (generally for baseball or football fields), extended hours of activities allowed by nighttime lighting, localized traffic congestion or operational issues associated with traffic generated by organized sports practices or games, and security or law

enforcement issues. The proposed park would include active and passive park uses such as a soccer field, benches, picnic areas, children’s play areas, open grass areas, and a pedestrian/bike trail that ties to the Guadalupe River Trail and River Oaks Parkway systems. The park is not proposed to include a lighted play field, amplified sound systems, and is intended to serve the surrounding neighborhood. The proposed park would be open during regular City park hours, which are daily from sunrise to one hour after sunset, and would not generate a substantial number traffic trips since the park is to be neighborhood serving and not a regional attraction. The proposed park is also separated from the proposed residential units by a proposed new two-lane public street (see Park Street on Figure 3.0-4), which is consistent with General Plan Urban Design Policy 16 for park frontage roads.

In order to minimize unlawful and inappropriate activities in the 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, a landscaping plan to ensure visual access from police patrol cars, and location of residential units fronting onto the park to ensure “eyes on the park.” Based on the above reasons, it is not anticipated that the proposed park would result in land use conflicts with the proposed residential uses.

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**). In addition, the project’s implementation of the mitigation measures identified in **Section 4.11 Noise** would reduce noise impacts and land use compatibility impacts between the proposed residential and commercial uses to a less than significant level. For these reasons, the project would not result in significant land use compatibility impacts. The proposed project would not result in any new or more significant land use compatibility impacts than were described in the certified 2005 NSJ FPEIR.

4.9.2.3 *Other*

As discussed above, the project site is outside of the Mineta San José International Airport ALUC boundary and noise impact area. The maximum building height proposed (up to 150 feet tall) is under the applicable Federal Aviation Administration (FAA) building height restrictions and therefore, would not require FAA notification or review.¹⁷

4.9.3 Conclusion

The proposed project, with the implementation of the above avoidance measure and the mitigation measures identified in **Section 4.11 Noise**, would not result in any new or more significant land use compatibility impacts than those addressed in the certified 2005 NSJ FPEIR. **(No New Impact)**

¹⁷ Greene, Cary. Personal communications. 29 November 2007.

4.10 MINERAL RESOURCES

4.10.1 Setting

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

4.10.2 Environmental Checklist and Discussion of Impacts

| MINERAL RESOURCES | | | | | | |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|--|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as “Approved Project” | Less Impact than “Approved Project” | Information Source(s)/ Discussion Location |
| Would the project: | | | | | | |
| 1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,16 |

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

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

4.10.3 Conclusion

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

4.11 NOISE

The following discussion is based upon a noise assessment study completed for the project by *Illingworth & Rodkin* in October 2007. A copy of this report is included in Appendix J of this Addendum.

4.11.1 Setting

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

4.11.1.1 *Existing Noise Conditions*

The project site is located at the northwest quadrant of North First Street and River Oaks Parkway (refer to Figure 2.0-2), and currently developed with four industrial office buildings. The surrounding land uses include industrial/office uses northwest and southeast of the site, multi-family residential uses north-northeast and south of the site, agricultural uses northeast of the site, the Guadalupe River and trail southwest of the site, and a pump station and detention basin west-southwest of the site.

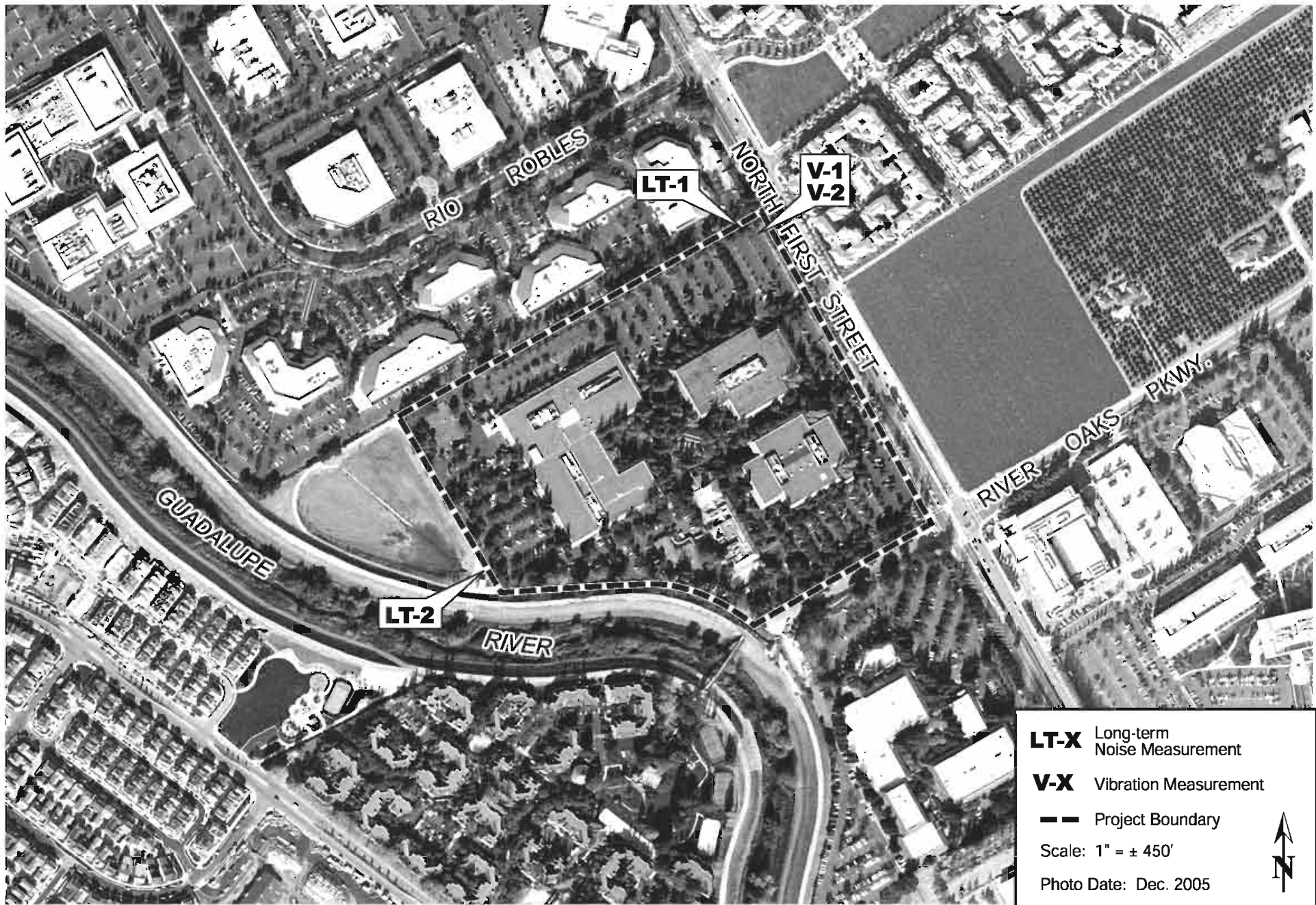
The noise environment from the project site primarily results from transportation noise sources in the site vicinity including traffic on North First Street and River Oaks Parkway, VTA light rail trains, and aircraft.

Ambient noise levels at the project site were measured in June 2007. Noise measurements were taken from two locations on the site: one measurement was taken approximately 155 feet from the center of North First Street and the second measurement was taken at the westernmost portion of the site near the adjacent pump station. The locations of these measurements are shown on Figure 4.0-5. Ambient noise levels at the first noise measurement location (near North First Street) primarily resulted from traffic and the light rail trains on North First Street. Noise levels measured at the second noise measurement location (near the pump station) were primarily the result of activities within the parking lot of the site, aircraft, and distant traffic. The pump station did not appear to operate during the measurement period.

The day-night average noise levels at the project site ranged from 64 to 65 dBA L_{dn} on weekdays and from 61 to 62 dBA L_{dn} over the weekend. Noise levels on the weekdays were approximately three dBA higher than those measured on the weekends because of the operation of the industrial office uses on-site and in the project vicinity. Overall, the day-night average noise levels at the site over a six-day period ranged from approximately 58 to 60 dBA.

4.11.1.2 *Existing Vibration Environment*

Light-rail (LRT) trains currently operate on North First Street. Vibration measurements were made in June 2007 near North First Street (see Figure 4.0-5). The first measurement was taken approximately 70 feet from the center of the LRT tracks and the second was taken approximately 90 feet from the center of the LRT tracks. These positions were selected to quantify vibration levels at the point along the project site where LRT trains travel at the highest speeds, as northbound trains were accelerating away from the River Oaks Station and southbound trains were just beginning to slow to stop at the station. The LRT trains travel at speeds ranging from approximately 25 to 35



NOISE & VIBRATION MEASUREMENT LOCATIONS

FIGURE 4.0-5

miles per hour (mph) at the north end of the project site and at lower speeds near the River Oaks Station located east of the site (refer to Figure 3.0-1). Human response to ground-borne vibration levels are measured in terms of velocity levels (VdB), where zero VdB equals 1x10⁻⁶ inches per second. Vibration levels range from approximately 62 to 66 VdB at a distance of 70 feet from the center of the tracks and 56 to 60 VdB at 90 feet from the center of the tracks.

4.11.2 Environmental Checklist and Discussion of Impacts

| NOISE | | | | | | |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|--|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as “Approved Project” | Less Impact than “Approved Project” | Information Source(s)/ Discussion Location |
| Would the project result in: | | | | | | |
| 1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18 |
| 2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18 |
| 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"/> | 18 |
| 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"/> | 1,2,18 |
| 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"/> | 18 |
| 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"/> | 1,2,18 |

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. The criterion for groundborne vibration impacts is 72 VdB.¹⁸ 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 1,024 and 1,700 residential units in six buildings, between 20,000 and 45,000 square feet of commercial uses, and an approximately five acre public park.

Short-Term Construction Impacts

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

The project applicant anticipates constructing the proposed project in two phases over approximately six years. Subareas 3, 4, and 6 would be constructed during the first phase. Subareas 1, 2, and 5 would be constructed in the second phase. Construction activities would include the demolition of existing buildings, site preparation, construction of project infrastructure, construction of building cores and shells, building finishing, and landscaping.

¹⁸ US Department of Transportation, Federal Transit Administration. Transit Noise and Vibration Impact Assessment. May 2006. FTA-VA-90-1003-06. Available at: http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf.

Construction-related noise levels are normally the highest during the demolition phase and during the construction of the project infrastructure because these phases require heavy equipment that normally generates the highest noise levels over extended periods of time. Typical hourly average construction generated noise levels are about 81 to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction-related noise levels are typically less during building erection, finishing, and landscaping phases when less heavy equipment is used. There would be variations in construction noise levels on a day-to-day basis depending on the actual activities occurring at the site.

Construction generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and the receptor. Barriers or buildings that interrupt the sound path between the source and sensitive land uses (i.e., existing residents to the southwest and northeast of the site) would provide an additional five to 10 decibels of attenuation.

The nearest residential use is located approximately 150 feet east of Subareas 2 and 3 and 700 feet or more from Subareas 1, and 4-6. Residential uses to the southwest are located approximately 350 feet from the proposed park and about 550 feet from Subareas 1, 5, and 6. Table 4.0-7 below summarizes the estimated range of construction noise level during the construction of each Subarea. The estimated noise levels assume no additional attenuation from buildings or other barriers.

| Table 4.0-7 | | |
|--|--|--|
| Range of Estimated Construction Noise Levels From Subareas at Existing Residential Uses | | |
| Subarea | Multi-Family Residences Northeast of the Site | Multi-Family Residences Southwest of the Site |
| | (in dBA L_{eq}) | |
| 1 | 58-65 | 58-65 |
| 2 | 64-71 | 56-63 |
| 3 | 71-78 | 55-62 |
| 4 | 58-65 | 57-64 |
| 5 | 57-64 | 59-66 |
| 6 | 53-60 | 59-66 |
| Park | 54-61 | 65-72 |

Construction noise levels at existing residential receivers northeast of the project site would be highest during the construction of Subareas 2 and 3. Hourly average noise levels generated by project construction activities would exceed ambient traffic noise levels (65 to 69 dBA L_{eq}, 90 feet from the centerline of North First Street) during intense construction periods on Subareas 2 and 3.

Noise levels generated by construction activities on Subareas 1, 4-6, and the proposed park would generally coincide with or be below existing daytime traffic noise levels generated by North First Street. An additional five to 10 dBA of noise reduction would be expected if the buildings on Subareas 2 and 3 were constructed first, thereby shielding the existing residences from the later phases of project construction.

Ambient noise levels are lower at the existing residences located southwest of the site, across Guadalupe River. Construction noise levels at existing residential receivers northeast of the site would exceed 60 dBA during intense periods of construction of the project. During less intense construction periods at the project site (e.g., building erection, finishing, and landscaping), noise levels would generally be less than 60 dBA L_{eq} . Park construction would generate noise levels ranging from about 65 to 72 dBA L_{eq} . An additional five to 10 dBA of noise reduction would be expected during the construction of the park at residential receivers to the southwest because of the approximately 20 feet high earth berm located along the Guadalupe River.

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

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

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

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

MM NOI – 1.1: Limit all construction-related activities to the hours of 7 AM to 6 PM Monday through Friday and 8 AM to 5 PM on Saturdays. 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: Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

MM NOI – 1.3: Locate stationary noise generating equipment as far as possible from sensitive receptors, such as residential uses.

MM NOI – 1.4: Utilize “quiet” air compressors and other stationary noise sources where technology exists.

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.

Project-Generated Traffic Impacts

As discussed above, the existing noise environment near North First Street (up to 65 dBA L_{dn} on a weekday approximately 155 feet from the center of North First Street) currently exceeds the City’s acceptable exterior noise level standard of 60 dBA L_{dn} .

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, future noise levels along North First Street would increase by approximately two dBA L_{dn} and noise levels along River Oaks Parkway would increase by one to two dBA L_{dn} . The project’s noise contribution to the overall noise increase would be less.

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

Park-Generated Noise Impacts

The proposed park, which would include active and passive uses such as a soccer field, children’s play area, benches, picnic areas, trails, and open grass areas, would generate some noise. Noise generated at active use areas (e.g., the soccer field) would have the highest potential of affecting noise levels at existing residential uses to the southwest or proposed residential uses on Subareas 1, 5, and 6.

Noise generated by the park would vary depending on the day of the week (weekday versus weekend or school-year versus summer), time of day, and popularity of the park. Based on other existing neighborhood parks, the highest noise levels is anticipated to result from the use of proposed soccer field by children in soccer leagues. The average noise level resulting from soccer games is about 57 dBA L_{eq} at a distance of 150 feet from the center of the field. Noise levels generated by the remaining proposed uses (e.g., play area and picnic areas) would be intermittent and negligible in the context of the ambient noise environment in the vicinity of the proposed park.

To evaluate the noise impacts from the proposed park on the nearest, proposed residence, average noise levels generated by soccer fields were projected to the nearest unit between 7 AM and 7 PM to create a “credible worst-day.” The proposed park would generate a day-night average noise level of 54 dBA at a distance of 150 feet from the center of the field. Given the proposed park’s dimensions, the soccer field was assumed to be located at the northwest corner of the park. This would place the

center of the field at least 200 feet from the nearest proposed residential uses at Subareas 5 and 6, and over 450 feet from the existing residences to the southwest, across Guadalupe River.

Hourly average noise levels generated by soccer games would be approximately 54 dBA L_{eq} at the nearest proposed residential use (200 feet from center of field) and 42 dBA L_{eq} or less at existing residences to the southwest that are shielded by the approximately 20-foot tall earth berm along the Guadalupe River (450 feet from center of field). The day-night average noise level are estimated to be 51 dBA or less at the closest proposed residential units on Subareas 1, 5, and 6 and 39 dBA or less at existing residential uses to the southwest, across Guadalupe River.

Noise generated by the proposed part is not anticipated to adversely affect existing or proposed residential uses. The average hourly noise levels and day-night average noise levels generated by the park would not measurably increase noise levels from existing vehicular traffic or aircraft. For these reasons, the proposed park would not result in significant noise impacts.

4.11.2.2 *Noise Impact to the Project*

Exterior Noise Levels

Residential Use

The exterior noise environment near North First Street (i.e., between 64 and 65 dBA L_{dn} , 155 feet from the center of North First Street) currently exceeds the City's acceptable short-term exterior noise level standard of 60 dBA L_{dn} . The project proposes residences approximately 90 feet from the center of North First Street. The existing exterior noise level at the project site approximately 90 feet from the center of North First Street is between 68 and 69 dBA L_{dn} .

Future noise levels (resulting from the buildout of the development assumed in the certified 2005 NSJ FPEIR) along North First Street are estimated to increase by approximately two dBA L_{dn} , 90 feet from the center of North First Street. Therefore, future noise levels at the project site are estimated to range from 70 to 71 dBA L_{dn} at the easternmost facades of Subareas 1-3, which are approximately 90 feet from the center of North First Street.

Future exterior noise levels are calculated to exceed 60 dBA L_{dn} within about 300 feet of the center of North First Street along the northernmost and southernmost facades of buildings constructed on Subareas 1-3 when accounting for shielding provided by the proposed buildings. Exterior noise levels along the westernmost facades of buildings proposed on Subareas 1-3 and throughout Subareas 4-6 would be less than 60 dBA L_{dn} .

Based on the building orientation assumed in the conceptual site plan (refer to Figure 3.0-4), it is estimated that the exterior noise levels in the proposed common outdoor courtyard areas would be at or below the City's exterior noise standard of 60 dBA L_{dn} .

Park Use

Given the existing noise levels, future estimated noise levels, and the building orientation shown in the conceptual site plan, the noise levels at the proposed park are estimated to be at or below the City's exterior noise standard of 60 dBA L_{dn} .

The proposed project would not expose future residents or park users 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.

Exterior Noise Impacts from the Pump Station

The River Oaks Storm Pump Station is located approximately 250 feet southwest of Subareas 5 and 6 (refer to Figure 2.0-3). This pumping facility includes three 60 horsepower (hp) vertical pumps and one 14 hp sump pump that are enclosed in a masonry block pump house. The pumps are tested once per week in the dry season and twice per week in the rainy season. During storms, up to two of the pumps operate at any given time, and the third pump is reserved as a back-up. An emergency diesel generator (150 kilowatts) supplies power to the pump station during power outages. The diesel generator is tested monthly.

Noise levels generated by the pump station were calculated assuming the operation of two 60 hp pumps and the emergency generator. The equipment are calculated to generate noise levels of 52 dBA at the nearest proposed residential units on Subareas 5 and 6 (assuming the shielding provided by the pump house and the distance separating the pump house and the receivers). Noise levels generated by the operation of the pumps would be 40 dBA at the nearest proposed residents when the diesel generator is not in operation. Infrequent testing or intermittent operation of the pumps and emergency generator would not generate noise levels in excess of the City's noise standards. For this reason, the operation of the pump station and diesel generator would not result in a significant noise impact on the proposed project.

Interior Noise Levels

Future noise levels at Subareas 1-3 (up to 71 dBA L_{dn}) would result in interior noise levels at the proposed residential units above the City and state standard of 45 dBA L_{dn} . 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 keeping 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. Interior noise levels would vary depending on the final design of the building (relative window area to wall area) and the selected construction materials and methods.

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

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

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

MM NOI – 2.1: The project shall complete project-specific acoustical analyses to ensure that the design of all of the proposed residential buildings and units and the implementation of identified attenuation measures (if any) will maintain interior noise levels at 45 dBA L_{dn} or lower. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation to the satisfaction of the local building official for units along the north, east, and south facades of buildings on Subareas 1-3 so that windows could be kept closed to control noise.

Given the estimated exterior noise level at residential units proposed at the east facade of buildings adjacent to North First Street, it may be necessary to provide sound-rated windows and doors to maintain interior noise levels at or below 45 dBA L_{dn} . 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 of 45 dBA L_{dn} at the residential units nearest North First Street.

The specific determination of what treatments are necessary shall be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit.

Vibration Impacts

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).

The project proposes residences approximately 90 feet from the center of the LRT tracks. As discussed above, groundborne vibration levels currently range from 56 to 60 VdB at a distance of 90 feet from the center of the tracks, which is below the US Department of Transportation impact criterion of 72 VdB for groundborne vibration impacts. Other proposed residences located further from the LRT tracks would be exposed to lower vibration impacts. 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 land uses are considered compatible with the exterior noise environment. Moreover, the proposed residential use is 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.

4.11.2.3 *Noise Impacts within the Project*

Residential and Commercial Interface

The project proposes noise sensitive uses (i.e., residences) above noise-generating commercial uses (refer to Figure 3.0-9). Noise sources would likely include intermittent truck deliveries to the future businesses (which could include a 17,000 square foot market and 20,000 square foot of other retail), garage compaction and collection, and the operating of heating, ventilation, and cooling (HVAC) equipment (refer to Figure 3.0-4).

According to the project applicant, approximately two to four heavy-truck deliveries would be expected per week. These trucks would access the fully enclosed loading dock at the southwest corner of the building proposed on Subarea 1 (refer to Figure 3.0-4). Smaller delivery trucks would make deliveries through the front doors. Noise generated by such deliveries would not be likely to exceed 55 dBA L_{dn} given the infrequent delivery schedule. Project-level details regarding mechanical equipment are not available during this phase of environmental review. These data would need to be developed by the project applicant and reviewed by a qualified acoustical specialist during detailed design to ensure that noise generated by these sources does not substantially affect the livability of the units located above.

The specific nature and noise generated from other operational activities of future commercial uses can not all be predicted at this time. Therefore, intra-project noise conflicts between the proposed commercial uses and residential uses located above them could occur.

Residential and Park Uses

Park uses are generally compatible with residential uses (refer to **Section 4.9 Land Use**). The normal sounds of people interacting and/or playing in parks are part of expected activities within residential areas. Noise impacts anticipated from activities in the park are described in detail in Section 4.11.2.1 above. It is not anticipated that the proposed project would result in significant noise impacts to the proposed residential uses.

Impact NOI – 3: The proposed project design would result in intra-project noise conflicts between the proposed commercial uses and the residential uses located above them. **(Significant Impact)**

Mitigation Measures: As conditions of approval, the project shall implement the following mitigation measures to reduce intra-project noise conflicts between the proposed commercial and residential uses to a less than significant level:

MM NOI – 3.1: A qualified acoustical specialist shall complete a detailed acoustical analysis of the interior noise reduction requirements during final project design. The noise analysis shall design features to ensure that noise levels from commercial operations do not exceed 45 dBA L_{dn} within the proposed residential units. Walls and ceilings separating a dwelling unit from another unit, a corridor or commercial space must have a Sound Transmission Class (STC) of 50 or more, and floors must have an Impact Insulation Class (IIC) rating for 50, as required by the California Building Codes. The Building

Division shall review the acoustical analysis at the Building Plan Check stage.

4.11.3 Conclusion

Impact NOI – 1: The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant short-term construction noise impacts than those addressed in the certified 2005 NSJ FPEIR. The proximity of the site to existing residences, and the length of the construction for this project will contribute to the significant impacts assumed in the 2005 NSJ FPEIR. **(No New Impact)**

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

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

4.12 POPULATION AND HOUSING

4.12.1 Setting

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

4.12.2 Environmental Checklist and Discussion of Impacts

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

The project site is designated for high density residential development (55+ du/ac) and/or commercial uses. The project proposes to demolish the existing buildings on-site and construct between 1,024 and 1,700 residential units and between 20,000 and 45,000 square feet of commercial uses. Because the proposed development would be consistent with the existing land use designation on the site, the proposed project would not induce growth beyond what is anticipated in the General Plan. The project is, however, new growth compared to existing conditions.

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

4.12.3 Conclusion

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

4.13 PUBLIC SERVICES

4.13.1 Setting

The fire, police, school, and park services and facilities have not changed since the certification of the 2005 NSJ FPEIR. The nearest fire station is immediately west of the project site (refer to Figure 2.0-3).

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

4.13.2.1 *Fire and Police Service*

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

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

It was concluded in the certified 2005 NSJ FPEIR that the construction of a new fire station in north San José would not have significant adverse environmental impacts.

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

4.13.2.2 Schools

The project site is located within the Santa Clara Unified School District (SCUSD), which is comprised of 16 elementary schools, three middle schools, two high schools, one kindergarten through grade eight school, and one continuation high school.¹⁹ Students in the project area likely attend Montague Elementary School located at 750 Laurie Avenue in Santa Clara, approximately 1.6 miles southwest of the project site, Cabrillo Middle School located at 2550 Cabrillo Avenue in Santa Clara, approximately 4.4 miles southwest of the project site, and Wilcox (Adrian) High School located at 3250 Monroe Street in Santa Clara, approximately five miles southwest of the project site.

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

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

The proposed project would generate between approximately six and 10 percent of the students anticipated from the buildout of the development assumed in the certified 2005 NSJ FPEIR, and therefore, would not result in any new or more significant school impacts than were described in the certified 2005 NSJ FPEIR.²⁰

The SCUSD and the City of San José are in the process of developing a strategy to address future school needs in the North San José Policy area, consistent with the requirements set forth in the legal settlement reached between the City of San José and the City of Santa Clara as part of the finalization of the NSJ EIR. The preparation of this strategy is being coordinated with the North San José

¹⁹ Santa Clara Unified School District. Website. Accessed: 18 July 2006. Available at: <http://www.scu.k12.ca.us/>

²⁰ 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 between approximately 112 to 187 new students, including approximately 72 to 119 elementary school students, 20 to 34 middle school students, and 20 to 34 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.

Neighborhoods Task Force work program, which is underway to address future residential development, services, and community amenities.

The SCUSD has recently prepared a student generation assessment that is intended to provide an updated projection of the likely near-term and long-term student generation rates for new residential development in North San José within the SCUSD area, including the project site. The assessment provides updated student generation rates to the ones assumed in the 2005 NSJ FPEIR for the SCUSD. The City of San José has prepared an additional student generation assessment based upon data collected from existing projects of comparable density (e.g. 55+ DU/AC). The strategy will also address likely revenue to the school district associated with developer fees and tax increment increases, and explore other possible funding sources. While the number of new school facilities needed varies in correspondence to the variation in student generation rates, it is anticipated that at least one new school within the SCUSD area 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.

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

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

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

4.13.2.3 *Parks*

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code Chapter 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO.²¹ Based upon this formula, the proposed project would be required to dedicate or provide for between approximately seven and 12 acres of parkland. The project is proposing to satisfy this requirement through a combination of dedication, improvement, and payment of fees.

²¹ Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).
Proposed project = (0.003 acres) x (between 1,024 and 1,700 units) x (2.29 persons per household) = approximately 7 and 12 acres.

It is anticipated that the buildout of the development evaluated in the certified 2005 NSJ FPEIR would result in the incremental increase in the need for parks and recreational facilities, which are to be developed in the project area concurrently with the proposed residential development. It was concluded in the certified 2005 NSJ FPEIR that the development of new parks and recreation facilities in the area of North San José designated for residential development would not result in new significant adverse environmental impacts. Future development of new park and recreation facilities in the project area, however, would require supplemental environmental review which could consist of an Addendum or Supplemental EIR to the certified 2005 NSJ FPEIR. Since the proposed project would result in approximately three to five percent of the residential development assumed in the 2005 NSJ FPEIR *and* the project includes an approximately five-acre public park, the proposed project would not result in any new or more significant park impacts than were described in the certified 2005 NSJ FPEIR.

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

- Conform to the City's *Park Impact Ordinance* (PIO) and *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapters 19.38 and 14.25, respectively).

4.13.3 Conclusion

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

4.14 RECREATION

4.14.1 Setting

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

4.14.2 Environmental Checklist and Discussion of Impacts

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

As discussed in **Section 4.13 Public Services**, the City of San José has adopted the PDO and PIO requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Based on the Acreage Dedication Formula outlined in the PDO, the proposed project would be required to dedicate between approximately seven and 12 acres of parkland.²² The project includes a fully improved approximately five-acre public park.

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

²² Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).
 Proposed project = (0.003 acres) x (between 1,024 and 1,700 units) x (2.29 persons per household) = approximately 7 and 12 acres.

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

- Conform to the City’s *Park Impact Ordinance* (PIO) and *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38 and 14.25, respectively).

4.14.3 Conclusion

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

4.15 TRANSPORTATION

4.15.1 Setting

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

4.15.2 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*

The project proposes to construct between 1,024 and 1,700 residential units, between 20,000 and 45,000 square feet of commercial uses, and an approximately five-acre public park. The traffic impacts from the proposed residential and commercial development has already been analyzed and accounted for in the certified 2005 NSJ FPEIR. In addition, the proposed park would serve the immediate neighborhood and not generate a substantial number of traffic trips. Therefore, the proposed project would not result in additional traffic trips beyond what was assumed in the certified 2005 NSJ FPEIR. For these reasons, the proposed project would not result in any new roadway, transit, or pedestrian impacts or impacts of greater severity than were already disclosed in the 2005 NSJ FPEIR.

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

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

4.13.2.2 *Parking*

Parking for the proposed residential uses would be provided in one- to six-level parking garages located on each subarea, at- and below-grade (refer to Figures 3.0-3 to 3.0-5). Parking for Subarea 1 would be provided in four-level podium parking garage located at-grade. Parking for Subareas 2-4 would be provided in six-level podium parking garages located at-grade. Parking for Subarea 5 would be provided in a two-level podium parking garage, with one level below grade and the second level at-grade. Parking for Subarea 6 would be provided in a one-level podium parking garage located at-grade. Additional parking would be provided on the proposed streets.

The City's *Residential Design Guidelines* and Zoning Ordinance specify the parking requirements for residential, commercial, and park uses. The project qualifies for a 10 percent reduction in parking requirements due to the site's proximity to the River Oaks light rail station (refer to Figure 3.0-1 and Table 3.0-2).

The Planned Development (PD) Permit (PD07-090) for the project proposes 1,644 residential units (850 one bedroom units, 663 two bedroom units, and 131 three bedroom units). Based on this unit breakdown, the project would be required to provide a total of 2,460 parking spaces for the residential uses per the City's minimum parking requirements. Per the proposed PD Permit (PD07-090), the project proposes to provide 2,665 parking spaces, which meets the City's minimum parking requirements. The project also proposes to meet the City's residential minimum motorcycle and bicycle parking requirements, as outlined in Table 3.0-2.

The project proposes to provide parking for commercial businesses at a rate of one parking space per 244 square feet. Per the proposed PD Permit, an additional 400 on-street parking spaces are proposed on the proposed public and private streets to serve the project.

Parking for the commercial uses would be provided in combination with the residential parking in the four-level podium parking garage for Subarea 1 on the first level (i.e., ground floor). The project proposes to provide parking for commercial businesses at a ratio of one parking space per 244 square feet of commercial uses. In general, the Zoning Ordinance specifies that commercial uses provide

parking at a rate of one parking space per 200 square feet, regardless of the size of the commercial space.²³ While it appears that the project site may be under parked in respect to the commercial uses, the project includes approximately 400 additional on-street parking spaces on the proposed public and private streets to serve the project. In addition, the project proposes to provide motorcycle and bicycle parking per the City’s standards (one motorcycle parking space per 20 required automobile parking spaces and one bicycle parking space per 20 required automobile parking spaces).

Parking for the proposed park would be the on-street parking on the proposed Park Street. The proposed park is anticipated to serve the proposed development and surrounding neighborhood. It is anticipated that the on-street parking on the proposed Park Street would be sufficient for park users.²⁴

As mentioned above, additional parking for the residential, commercial, and park uses (approximately 400 parking spaces) would be provided on River Oaks Parkway and Streets A – E. The proposed on-street parking would not be assigned exclusively for residential, commercial, or park uses, but would be general parking. It is not anticipated that the project would result in inadequate parking capacity.

4.15.3 Conclusion

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

²³ Note that different types of commercial uses have different minimum parking requirements. Refer to Table 20-190 in the City’s Zoning Ordinance for parking requirements for specific commercial uses.

²⁴ Mitchell, Dave. “Re: PDC07-057 and PD07-099 Wyse Site nw/c River Oaks Pl and North First St.” Email from Parks Planning Manager. 4 December 2007.

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 Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as “Approved Project” | Less Impact than “Approved Project” | Information Source(s)/ Discussion Location |
| Would the project: | | | | | | |
| 1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2 |
| 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 1,024 and 1,700 residential units, between 20,000 and 45,000 square feet of commercial uses, and a park. As concluded in the certified 2005 NSJ FPEIR, full implementation of the project would not result in significant adverse environmental impacts as a result of development exceeding the capacity of the water supply, sanitary sewer/wastewater treatment, or storm drainage systems.

The proposed project would connect to existing utility lines and determine if existing lines would need to be upgraded (or if capacity issues occur that require a Capital Improvement Project) prior to approval of the PD Permit. The project applicant shall be responsible for utility improvements needed to serve the proposed project.

4.16.2.1 Senate Bill 610

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

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

As conditions of approval, the project shall incorporate the following water conservation programs:

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

4.16.3 Conclusion

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

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

| | New Potentially Significant Impact | New Than Significant With Mitigation Incorporated | Less Than Significant Impact | Same Impact as “Approved Project” | Less Impact than “Approved Project” | Information Source(s)/ Discussion Location |
|--|------------------------------------|---|-------------------------------------|-------------------------------------|-------------------------------------|--|
| 1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2, p. 23-115 |
| 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. 23-115 |
| 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. 23-115 |

The 2005 NSJ FPEIR analyzed the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new dwelling units in the Rincon area. Since the approval and certification of the NSJ FPEIR in June 2005, the City Council has approved zoning for several projects. The approved projects allow for the development of a total of up to 4,841 residential units, 69,030 square feet of commercial uses, and up to 870,000 square feet of industrial uses (file numbers PDC06-022, PDC05-099, PDC06-085, PDC06-038, PDC05-114, PDC06-061, PDC06-093, PDC07-054, PDC07-055, and H07-035).

The project proposes to develop between 1,024 and 1,700 residential units, between 20,000 and 45,000 square feet of commercial uses, and an approximately five-acre public park. The proposed development is within the amount of development analyzed in the 2005 NSJ FPEIR, therefore, the project would not result in new or more significant environmental impacts than those addressed in the certified 2005 NSJ FPEIR with the implementation of the standard, avoidance, and mitigation measures included in the project and described in the specific sections of this Addendum (refer to **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, on pages 23-115 of this Addendum).

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

Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. Final Environmental Impact Report, North San José Development Policies Update. June 2005.
3. California Department of Conservation. Santa Clara County Important Farmland 2004. Map.
4. City of San José. Zoning Ordinance. 10 February 2006.
5. Bay Area Air Quality Management District. CEQA Guidelines. December 1999.
6. Illingworth & Rodkin. Wyse Property Air Quality Issues. October 2007.
7. Live Oak Associates, Inc. Riparian Delineation and Setback Map for the Wyse Property Located on River Oaks Parkway in San José, CA. 17 September 2007.
8. Concentric Ecologies. Preliminary Tree Report WYSE Property. June 2007.
9. Basin Research Associates. Archaeological Evaluation Report. July 2007.
10. TRC. Draft Geotechnical Investigation. September 2007.
11. Blackie, Belinda. Vicinity Hazardous Materials Users Survey, Proposed Wyse Property Mixed-Use Development, San José, CA. June 2007.
12. Toxichem Management Systems, Inc. Addendum Screening Level Risk Appraisal to the Vicinity Hazardous Materials User Survey, Proposed Wyse Property Mixed-Use Development, San José, CA. September 2007.
13. Lowney Associates. Phase I Environmental Site Assessment. October 2005.
14. TRC. Soil, Soil Vapor, and Ground Water Quality Evaluation. September 2007.
15. Schaaf & Wheeler. North San José Floodplain Management Study Update. June 2006.
16. City of San José. San José 2020 General Plan.
17. City of San José. North San José Area Development Policy. June 2005.
18. Illingworth & Rodkin. Wyse Property Project Environmental Noise Assessment. October 2007.

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- Basin Research Associates. Archaeological Evaluation Report. July 2007.
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- Illingworth & Rodkin. Wyse Property Air Quality Issues. October 2007.
- Illingworth & Rodkin. Wyse Property Project Environmental Noise Assessment. October 2007.
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Santa Clara Unified School District. Website. Accessed: 18 July 2006. Available at:
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US Department of Transportation, Federal Transit Administration. Transit Noise and Vibration Impact Assessment. May 2006. FTA-VA-90-1003-06. Available at:
http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

Lead Agency: **City of San José**
Department of Planning, Building, and Code Enforcement
Joseph Horwedel, Director
Akoni Danielsen, Principal Planner
John Baty, Project Planner

Consultants: **David J. Powers and Associates, Inc.**
Environmental Consultants and Planners
Michelle Yesney, Principal
Kristy Le, Project Manager
Stephanie Francis, Graphic Artist

Basin Research Associates
Archaeological Consultants
Colin I. Busby, Principal

Lowney Associates
Hazards and Geotechnical Consultants
Ron Helm, Project Manager

Belinda P. Blackie
Hazardous Materials Consultant
Belinda P. Blackie, Project Manager

Schaaf & Wheeler
Consulting Civil Engineers
Kirk Wheeler, Principal

Concentric Ecologies
Consulting Arborist
John Steinbach, Certified Arborist

TRC
Hazards and Geotechnical Consultants
Leo Alvarez, Senior Principal
Geologist
Nathan Berner, Staff Geologist
Finnegan Mwape, Project Engineer

Illingworth & Rodkin, Inc.
Acoustical and Air Quality Consultants
Michael S. Thill, Project Manager
James Reyff, Project Manager

ToxiChem Management Systems
Environmental and Occupational Health
Consultant
Dan Hernandez, Industrial Hygienist

Live Oaks Associates, Inc.
Ecological Consultants
Michele Korpos, Project Manager