

Addendum

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

MARRIOTT RESIDENCE INN & SPRINGHILL SUITES HOTEL

File Nos.
PDC08-037 & PD08-062

Prepared by the



January 2009

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 effect the conclusion in the environmental document.

In June 2005, the City of San José certified the Final Program Environmental Impact Report (FPEIR) 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 a proposed hotel development on a 2.86-acre site located in the north San José Rincon South Specific Plan Area. The project proposes a seven-story hotel with a maximum of 321 rooms and a two-level parking garage.

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 and knowledge of the project site (based on the environmental review prepared for the North San José Development Policies Update EIR), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the North San José Development Policies Update EIR and 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).

A copy of the north San José FPEIR is available in the City of San Jose Planning Division at 200 East Santa Clara Street, Third Floor, San Jose, during normal business hours.

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SECTION 1.0 INTRODUCTION AND PURPOSE

This Addendum of environmental impacts has been 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 321-room, seven-story hotel development with a two-level parking garage.

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 development proposed by this project was included and analyzed in the certified 2005 NSJ FPEIR, and the FPEIR evaluated, at a program level, developing industrial and/or hotel 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 not 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

Marriott Residence Inn & Springhill Suites Hotel

2.2 PROJECT LOCATION

The approximately 2.86-acre project site is located at the southwest corner of North First Street and Skyport Drive in north San José. Regional, vicinity and aerial maps of the project site are shown on Figure 2.0-1, 2.0-2, and 2.0-3 respectively.

2.3 PROPERTY OWNER/PROPONENT

Eller Group
Scott Williams
4100 Monument Corner Drive
Suite 400-A
Fairfax, Virginia 22030
(703) 462-1490

2.4 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
Richard Buikema, Senior Planner
200 East Santa Clara Street
San José, CA 95113-1905
(408) 535-7835

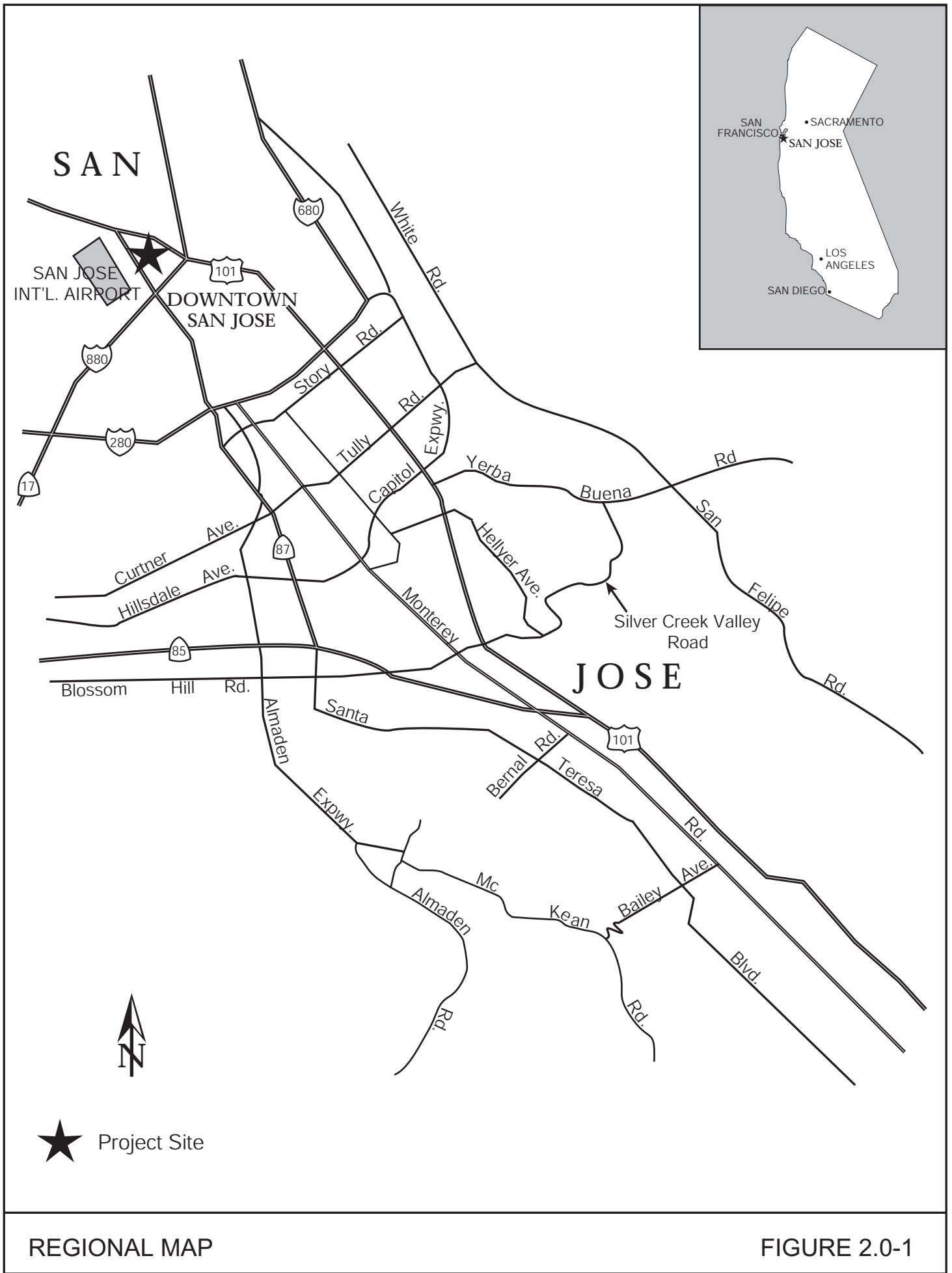
2.5 ASSESSOR'S PARCEL NUMBERS

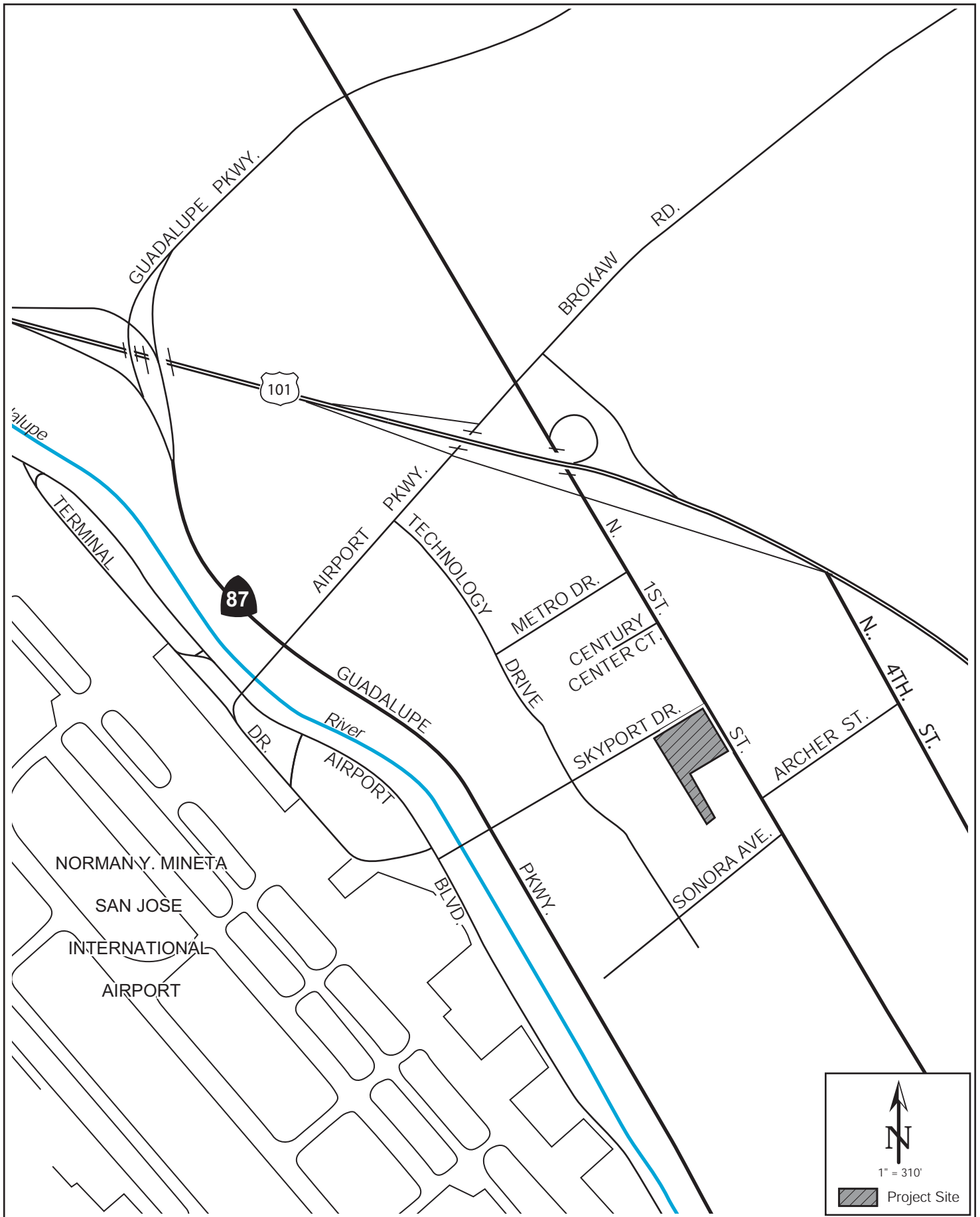
230-29-109

2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

General Plan Land Use Designation: *Industrial Park/Preferred Hotel Site*

Zoning Designation: *A(PD) – Planned Development*





VICINITY MAP

FIGURE 2.0-2

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT DESCRIPTION

The 2.86-acre site (APN 230-29-109) is located at the southwest corner of Skyport Drive and North First Street in the City of San José. The proposed hotel would have 321 rooms, four meeting rooms, and two boardrooms in a seven-story building. A detached, two-story parking structure will also be included. The site is located within the Rincon South Specific Plan area (in the Technology Park Sub-Area) and is designated *Industrial Park/Preferred Hotel Site* in the General Plan. The site is part of a larger development area that is zoned *A(PD)* for research and development, retail, hotel, and multi-family attached residential uses. The project site is currently zoned for a hotel of up to 300 rooms. The proposed rezoning will allow an additional 21 hotel rooms on-site.

The proposed hotel building will be comprised of two separate hotels, a Residence Inn and a Springhill Suites, within the same building. The building would be L-shaped and would front both Skyport Drive and North First Street. Each hotel would occupy one wing of the building, but there would be doorways connecting the common areas of the two hotels on each floor. The hotels would have separate main entrances, lobby areas, and reception desks on their respective sides of the building. There will be one main entrance located on North First Street and one main entrance located on Skyport Drive. Each entry will have an approximately 106 foot long by 27 foot wide curb cut-out for passenger drop offs/pick ups. (see Figure 3.1-1)

The proposed building will be set back 27 feet from the curb face of North First Street and 33 feet from the curb face of Skyport Drive, which is consistent with the setbacks established in the Rincon South Specific Plan. The property line is approximately 18 feet from the existing curb face on Skyport Drive.

As stated above, the building will be seven stories with a maximum height of 91 feet (measured to the top of the parapet)¹, which is consistent with the building height limits established in the Rincon South Specific Plan. A gated pool and interior exercise room would be located on the ground floor of the east wing of the building. The pool will be located outdoors, within an alcove of the building. The recreational facilities would be shared by both hotels.

3.1.1 Grading

The project is proposing to develop the site at existing grade. Approximately 3,000 cubic yards (CY) of excess fill currently piled on the property would be removed from the site and disposed of at an appropriate facility (see Section 4.7 for a detailed discussion). Approximately 400 CY of clean fill will be brought in to help level the site in preparation for construction. -

¹ The project would be a maximum of 75 feet to the top of the roof.

Both the proposed hotel building and parking structure would be at or above grade. Two levels of parking are proposed with no below-grade levels.

3.1.2 Site Access

Two existing driveways are located at the southeast and northwest corners of the project site. These driveways will remain without alteration to serve the proposed project. The existing southeast driveway will be a right-in/right-out driveway with access from North First Street. The existing northwest driveway will be a right-in/right-out driveway with access from Skyport Drive.

There are also two existing access easements along the southern and western property lines (in conjunction with the existing driveways) that allow adjacent properties to access their designated parking areas. These easements will be retained and not be altered as part of the proposed project.

3.1.3 Parking

Parking for the project will mainly be provided in a two-level parking structure located behind (i.e., to the south and west) the proposed hotel building. The parking garage will provide a total of 148 parking spaces. There are currently 105 existing surface parking spaces located within the western and southern access easements (75 within the western easement and 30 within the southern easement). Of these 105 spaces, 47 spaces along the western property line will remain on-site with the proposed project. All 30 spaces located within the southern access easement will be removed. The project will provide a total of 195 parking spaces.

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 hotel development proposed was included and analyzed in the certified 2005 NSJ FPEIR. Up to 1.5 million square feet of research and development, retail and hotel uses, and 315 multi-family attached residences on a 40.95-acre site that includes the 2.86-acre project site, was previously entitled and was therefore included in the background conditions in the FPEIR. 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 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 Section 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 2.86-acre project site is located at the southwest corner of North First Street and Skyport Drive in the Rincon South Specific Plan Area of north San José. The project site is currently vacant. The project site and surrounding area are flat, and as a result, the project site is only visible from the immediate area.

The site is a vacant, disturbed dirt area surrounded by landscaping on the street frontages and two driveways and surface parking at the southern and western boundaries of the site (Photos 1 and 2). The property does not contain any buildings or structures; however, at the northeastern corner of the site, near the intersection of North First Street and Skyport Drive is a landscaped area (Photo 3). Existing vegetation on the site consists of landscaping, including grassy strips with street trees along North First Street and Skyport Drive (Photo 4), and a grassy strip with trees along the western border of the site, adjacent to surface parking and the western easement. The driveways and surface parking areas at the southern and western portions of the site are also easements, providing access to the site from Skyport Drive and North First Street. The bare dirt area of the site is currently surrounded by a six-foot chain link privacy fence. Therefore, the vacant, pervious portion of the site cannot be easily seen. That portion of the site appears to be regularly disked.

4.1.1.2 Surrounding Area

Skyport Drive, a four to six lane east-west roadway², is immediately north of the project site. North of Skyport Drive is a one-story concrete office building and one-story tilt-up building with a loading dock and parking area (Photo 5). To the east is North First Street, a four-lane, north-south, arterial roadway with a center median used for light rail service (Photo 6). On the east side of North First Street are two six-story glass and stucco office buildings with an associated four-level parking structure, several one-story office buildings which are separated from North First Street by a large lawn area, and a three-story wood frame and stucco apartment complex. To the south is a one-story concrete building with various commercial uses, including a Wells Fargo bank and mortgage center and the RAZA 93.3 radio station. To the west is a five-story parking structure, two eight-story office towers, with ground floor commercial uses, including restaurants, and a credit union to the northwest (Photo 7). The parking garage is an open, concrete structure directly abutting the western edge of the project site. The western driveway easement on the project site is used for access to the parking garage. Behind the parking garage are two, eight-story, glass and concrete façade office towers. The towers are a recent development, built within the last 10 to 15 years. North of the parking structure are ground floor commercial uses including two restaurants and a credit union bank. The commercial uses directly abut the parking structure, are concrete with glass frontages, and front onto Skyport Drive.

Photographs of the project site and its surroundings are shown in Photos 1-7.

² The roadway varies between two to three lanes in each direction between Technology Drive and North First Street.



Photo 1 - Easement and parking on western boundary of site, looking south.



Photo 2 - Easement and parking on southern boundary of site, looking east.

PHOTOS 1 AND 2



Photo 3 - Northeastern landscaped corner of site, looking south from across Skyport Drive.



Photo 4 - Sidewalk and streetscape on northern boundary of the site, looking west.

PHOTOS 3 AND 4



Photo 5 - Industrial uses north of the site, across Skyport Drive, looking north.



Photo 6 - North First Street and light rail median east of the project site, looking north.

PHOTOS 5 AND 6



Photo 7 - Parking garage and office and commercial uses located west of the site, looking across Skyport Drive to the southwest.

4.1.1.3 Scenic Vistas

The project site is not located within a scenic view shed or along a scenic highway. Intermittent views of the foothills are available from the project site looking east. The views of the foothills are interrupted by existing buildings.

4.1.2 Environmental Checklist and Discussion of Impacts

AESTHETICS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
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 construct an approximately 226,026 gross square feet hotel with 321 rooms, four meeting rooms, and two board rooms in a seven-story building. The project also proposes a 52,147 square foot, two-level parking garage (refer to Figure 3.1-1) on the southwestern portion of the site.

The visual conditions in the North San José area are described in the certified 2005 NSJ FPEIR. The visual analysis focused on conformance of new development with established City of San José design guidelines. Additionally, the visual analysis evaluated the increase in shade and shadows from proposed development that could affect public and private open spaces. It was concluded in the 2005 NSJ FPEIR that future development’s conformance with the City’s *Industrial and Residential Design Guidelines* would avoid significant visual and aesthetic impacts, including: 1) increased shade and shadow on public and private open space areas, 2) impacts to scenic vistas, 3) visual effects of light and glare.

The proposed new development is required to conform to the design criteria set forth in the North San Jose Area Development Policy. Maximum building height of site development, per the Rincon South Specific Plan, is 120 feet. The proposed project includes one seven-story building with a maximum height of 91 feet, and a parking garage with a maximum height of 21 feet.

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.

Mitigation Measure: The following mitigation measure is identified as part of the Rincon South Specific Plan's Technology Park Sub-Area Building Orientation and Design Policies and is proposed by the project to include the following:

- Compliance with the City of San José Rincon South Specific Plan's Technology Park Sub-Area Design Policies which include the following:

Building Orientation to Street

- The placement of industrial and commercial buildings within the site should reinforce the general grid development pattern found throughout the sub-area.
- Industrial and commercial development in the Technology Park Sub-area should create a strong "street presence."
- Buildings should have entries oriented toward the nearest street and be located as close to the street as setbacks allow.
- Parking, parking structures or the rear of buildings should avoid facing any of these streets, if possible. If not possible, the extent of these elements should be minimal and they should be screened to minimize their impact on the streetscape.
- All building faces along streets should be treated as "fronts."

Architecture and Site Treatment

- Architectural style should anticipate an urbanized environment and provide forms appropriate to such an environment.
- The architectural treatment of industrial and commercial buildings should be varied and articulated to create interest and encourage activity.
- Development should utilize smaller building elements to create a human scale of development at the ground level.
- A strong architectural relationship between building entries and outdoor plazas and pedestrian walkways is highly encouraged.
- Site plans should include richly landscaped outdoor eating, recreational and pedestrian areas.
- Building entrances should be clearly delineated through architectural design and detailing.
- Building surfaces should have depth and texture typically achieved through varied planes and three dimensional decoration and trim.
- Architectural styles which employ well defined windows are much preferred to flat, glass wall and/or strip window suburban styles.

4.1.2.2 Light and Glare Impacts

The project would include lighting for security and site recognition. These sources would likely consist of outdoor lighting of parking areas, driveways, and walkways, and lighted commercial signage. The increase in nighttime lighting from the new development would not significantly increase the ambient light levels in the area, which are already dominated by existing nighttime lighting.

As discussed in the certified 2005 NSJ FPEIR, light in the project area would generally increase due to the increased development. 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.

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

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

4.1.3 Conclusion

Impact AES – 1: The proposed project, with the implementation of the above standard measures, would not result in any significant visual and aesthetic impacts. **(Less Than Significant Impact)**

Impact AES – 2: The proposed project, with the implementation of the above standard 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

The project site has been designated for urban uses for over 30 years. It is currently undeveloped and has not been used for agricultural purposes for at least a decade. The project site is not the subject of a Williamson Act contract.

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
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. 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 vehicle miles traveled (VMT) and other assumptions in the 2000 Clean Air Plan (CAP) related to the reduction of ozone in the atmosphere and serves as the current CAP for the Bay Area.

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
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"/>	1,2,5
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

4.3.2.1 Impacts from the Project

Regional and Local Air Quality Impacts

The proposed project would include one diesel fueled emergency generator with a total power output equal to or less than 200 horsepower. The final location of the proposed generator is not known at this time. Based on BAAQMD Guidelines, a diesel generator that is small in size (200 horsepower or less) and more than 200 feet away from sensitive receptors will not have a significant impact. The nearest sensitive receptors to the project site are an apartment complex located approximately 222 feet southeast of the project site³. In addition, any generator on-site will have to be permitted through BAAQMD and subject to BAAQMD regulations. BAAQMD would determine the final placement of the generator during the permitting process. As a result, the proposed emergency generator will have a less than significant local air quality impact.

The development of the proposed project would contribute to the significant regional and local air quality impacts identified in the certified 2005 NSJ FPEIR as a result of increased traffic to the project site. 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 is proposed by the project:

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 secure and conveniently placed bicycle parking and storage facilities at parks and other facilities;
- Using electric lawn and garden equipment for landscaping maintenance;
- Constructing transit amenities such as bus turnouts/bus bulbs, benches, and shelters;
- Providing direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development; 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.

³ This was measured from the southeast corner of the project site and the northwest corner of the residential property, which is the shortest distance between the two properties.

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 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 are proposed by the project:

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

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

4.3.3 Conclusion

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

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

4.4 BIOLOGICAL RESOURCES

The following discussion is based upon a tree survey of the site completed by *Concentric Ecologies* in February 2008. A copy of the report is included in Appendix A of this Addendum.

4.4.1 Setting

The project site is a partially undeveloped property, located within a developed urban habitat. Urban habitats typically include street trees, landscaping, lawns and vacant lots, and provide food and shelter for wildlife able to adapt to the modified environment. The vegetation in and around the project site consists of landscaped areas with lawns and 25 landscape trees located throughout the site.

4.4.1.2 City of San José Tree Ordinance

The City of San José maintains the urban natural landscape partly by promoting the health, safety, and welfare of the City by controlling the removal of ordinance trees. Ordinance-size trees are defined as trees over 56 inches in circumference or 18 inches in diameter measured at a height of 24 inches above natural grade. If the sum of the trunks for multi-stem trees totals 56 inches in circumference they shall also be considered ordinance-sized trees. The removal of mature trees detracts from the scenic beauty of the City; causes erosion of topsoil; creates flood hazards; increases the risk of landslides; reduces property values; increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters; and eliminates one of the prime oxygen producers and prime air purification systems in this area.

Of the 25 trees on the site, none are ordinance-size (18-inches or larger in diameter measured at 24-inches above the ground surface) based on the City of San José Tree Ordinance. Appendix A provides a more detailed description of the location and health of the trees. There are five different tree species on the site (Table 1).

Table 4.4-1 Tree Survey Summary					
Species	< 12 in.	12 – 18 in.	18 in. +	Total Trees	Suitability for Preservation
Chinese Tallow	4	5	0	9	Average
Crape Myrtle	1	0	0	1	Average
Podocarpus	2	0	0	2	Fair
Redwood	6	0	0	6	Average
Sycamore	7	0	0	7	Average

4.4.1.3 City of San José Heritage Trees

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

4.4.1.4 Special-Status Plants and Animals

Special-status plant and animal species are those 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 marsh 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. Due to the partially developed (driveways) 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.

There are no wetlands or riparian areas within the project site. No habitat is present in the project site for local special status plant species. The project site is not located within an adopted Habitat Conservation Plan or other approved local, regional, or state habitat conservation plan.

During a site visit on May 7, 2008 no sign of ground squirrel burrows or burrowing owl presence was seen on the vacant, fenced portion of the site. For these reasons, special-status plant and animal species are not expected to occur on the project site.

4.4.2 Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,6
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,6

BIOLOGICAL RESOURCES						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
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"/>	1,2,6
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"/>	1,2,6
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,6
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

The project site does not include riparian habitat, wetlands, or any other sensitive habitat. Implementation of the proposed project would not have any impact on wetlands or other sensitive habitats.

4.4.2.1 Trees

The project proposes to preserve 12 of the 25 trees on the site (see Figure 4.4-1). The 13 trees to be removed are all less than 12 inches in diameter and will be replaced according to the City of San Jose’s Tree Replacement Ratios (see Table 4.4-2). As a result, the project will have a less than significant impact on trees.

Standard Measures: The following standard conditions will be incorporated into the project in order to protect the trees to be retained during construction:

- ***Pre-construction Treatments***
 1. The project proponent shall retain an ISA (International Society of Arboriculture)-certified consulting arborist. The construction

- superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
2. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
 3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the ISA.
- **During Construction**
 1. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
 2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
 3. Supplemental irrigation shall be applied as determined by the consulting arborist.
 4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
 5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
 6. Any additional tree pruning needed for clearance during construction must be performed or supervised by the consulting arborist and not by construction personnel.
 7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

The proposed project shall replace trees removed at the following ratios (see Figure 4.4-1 Landscape Plan):

Table 4.4-2: Tree Replacement Ratios			
Diameter of Tree to be Removed	Type of Tree to be Removed		Minimum Size of Each Replacement Tree
	Native	Non-Native	
18 inches or greater	5:1	4:1	24-inch box
12 – 18 inches	2:1	2:1	24-inch box
less than 12 inches	1:1	1:1	15-gallon container
x:x = tree replacement to tree loss ratio Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.			

4.4.2.2 Special-Status Plants and Animals

Burrowing Owls

A portion of the site is vacant, disturbed land that is surrounded by six-foot chain link fencing and has been previously disked. As discussed above, during a recent site visit and inspection there was no evidence of burrowing owls present on the site, therefore it has been determined there is little likelihood of burrowing owls nesting or foraging on the site.

Raptors

It is unlikely that the site is used as nesting habitat by raptors due to the lack of mature trees and because there is high quality habitat in close proximity to the project site along Guadalupe River. While a small portion of the site is undeveloped, it is also unlikely that the site is utilized by raptors as foraging habitat as there is substantial foraging habitat along Guadalupe River.

4.4.3 Conclusion

Impact BIO – 1: The proposed project would not result in any new or more significant impacts to biological resources than those addressed in the certified 2005 NSJ FPEIR.
(No New Impact)

4.5 CULTURAL RESOURCES

An archaeological literature review and field inspection was completed for the site in March 2008 by *Basin Research Associates*. 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 of Historical Resources (CRHR) in or adjacent to the project site. A copy of this report is on file with the City of San José Planning Division located at 200 East Santa Clara Street, 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. 05-1147 by Much). In addition, a field review of the site was also conducted on February 20, 2008.

4.5.1.1 Prehistoric & Historic Resources

The prehistoric and historic records search revealed that no prehistoric or historic era sites have been recorded in or adjacent to the project parcel. One site, CA-SC1-478 (P-43-000479), has been recorded within 0.25 miles of the site. The revised site boundaries of this significant prehistoric site are located about midblock between Skyport Drive and Sonora Avenue adjacent to Technology Drive. This site has been subject to testing, data recovery, archaeological monitoring, and burial recovery. A “paleo-channel” appears to have been situated “immediately to the east” of the site and would have separated the site from the proposed project.

Early (1899-1961) topographic maps of the project area show no development in or adjacent to the project site. By 1973 through 1980 the project parcel was occupied by two buildings. The 1980 USGS map shows Skyport Drive as well as other streets and buildings between Brokaw Road and Sonora Avenue as constructed after 1973.

A 1980 schematic plan of prehistoric site CA-SC1-478 shows the site within the northwest quadrant of the project block. At the time, parking occupied most of the project site with part of an elongated building along the west side.

The field inspection found no traces of prehistoric or historic materials or resources. There are no structures on the site. The surface and recently trenched soils consist of black and brownish tan clayey loam with gravel.

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"/>	7
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7

The project proposed minimal grading to install utilities and provide level building pads with positive drainage. No below grade parking is proposed by the project.

4.5.2.1 Prehistoric Resources

No traces of aboriginal presence or historic materials were observed on the site and no subsurface testing for buried archaeological resources appears necessary. Archaeological monitoring is also not necessary. The subsurface sediments within the proposed project have been disturbed by the construction of light industrial and commercial buildings, landscaping, and parking and no subsurface archaeological resources are anticipated.

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. Previous archaeological field inspections in the area have discovered prehistoric archaeological deposits within 0.25 miles of the site; however, the boundary of the significant prehistoric site (CA-SC1-478) was revised to about mid-block between Skyport Drive and Sonora Avenue adjacent to Technology Drive, which is approximately 400 feet west of this project’s site boundary. The project would include grading and approximately two feet of excavation below original ground level for leveling of the site. Although it is unlikely that buried cultural materials would be encountered, standard conditions for excavation activities would be required of the project as described below.

Standard Measure: The proposed project shall implement the following standard measure:

- As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area

reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. 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.
- A final report shall be submitted to the City's Environmental Principal Planner when mitigation is completed. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

4.5.3 Conclusion

Impact CUL – 1: The proposed project, with the implementation of the above standard 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 geological discussion is based on a geotechnical investigation prepared by *Cornerstone Earth Group* in February 2008. The full geotechnical investigation can be found in Appendix B.

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

The project site is flat, undeveloped land with surrounding sidewalks, landscape trees and streetscape.

The site is primarily occupied by two soil stockpiles and surface vegetation. The stockpiles are triangular in shape and approximately five feet high. The stockpile material generally consists of dense to very dense gravelly sands. Below the undocumented soil stockpiles, the site is underlain by a layer of stiff to very stiff silty clay that is underlain by lean silty clays interbedded with occasional layers of silt and sand to a depth of 100 feet, the maximum depth explored.

Groundwater was encountered on-site at a depth of approximately 15 feet below the ground surface. Based on seasonal and/or historical high groundwater levels for the site, a design groundwater depth of approximately seven feet would be appropriate for the site.

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 12.4 miles west of the site, the Calaveras Fault is approximately eight miles east of the site, and the Hayward Fault is approximately eight miles east of the site. The nearest fault to the site is the Silver Creek Fault, located approximately two 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 subsurface investigation found soil stockpiles with intermittent layers of dense to very dense gravelly sands. As stated above, below the undocumented soil stockpiles, the site is generally underlain by a layer of stiff to very stiff clay that is underlain by lean silty clays interbedded with occasional layers of silt and sand to a depth of 100 feet, the maximum depth explored.

A majority of these layers are either sufficiently dense or contain sufficient fine content to resist soil liquefaction. Many of the loose and medium dense layers are not expected to liquefy based on soil plasticity. Several thin layers of sandy soil at the site, however, are believed to be potentially liquefiable during a major earthquake. It is estimated that up to five inches of liquefaction-induced settlement may occur at locations across the site.

Lateral Spreading

Lateral spreading is a horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. Guadalupe Creek is located more than 1,200 feet west of the project site. Because of the distance to the nearest creek, the potential for lateral spreading is low.

4.6.2 Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,8
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,8
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2

4.6.2.1 On-Site Soils

The soils on-site have a moderate expansion potential and therefore, soils may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could damage the future development on the site, which would be 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, implementation of the proposed project could expose people and structures to significant geological hazards. **(Significant Impact)**

Mitigation Measures: The project proposes to implement the following mitigation measures to reduce geologic hazard impacts:

MM GEO – 1.1: The buildings would be designed and constructed in accordance with the design-level geotechnical investigation prepared for the project site, which identifies the specific design features that will be required, 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: Standard grading and best management practices will be implemented to prevent substantial erosion and siltation during development of the site.

MM GEO -1.3: To provide a more uniform bearing surface for at-grade buildings and other at-grade improvements, any undocumented fill will be removed and replaced by engineered fill.

MM GEO -1.4: Backfill material that is undocumented will be removed and replaced by engineered fill. Some of the excavation backfill material extends below the design ground water depth of seven feet. Excavations will go approximately two feet below the ground surface level. The contractor shall use dewatering equipment during removal of the previous backfill and use construction basic fabric and crushed rock to stabilize the bottom of excavations extending near or below the ground water level.

MM GEO – 1.5: The project shall comply with the construction and design recommendations for earthwork, foundations, concrete slabs and pedestrian pavements, vehicular pavements, and conventional retaining walls that are provided in the geotechnical report in Appendix B.

4.6.2.2 Seismicity and Seismic Hazards

The project site is located in a seismically active region, and therefore, strong ground shaking would be expected during the lifetime of the proposed project. Ground shaking could damage buildings and other proposed structures, and threaten the welfare of future occupants. The project site is located

within a moderate liquefaction hazard zone⁴. Liquefiable soils were identified and evaluated in the NSJ FPEIR. 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 would be subject to 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 development in North San José and is proposed by the project:

MM GEO 2.1: The project shall be designed and constructed in conformance with 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 Groundwater

The groundwater boring encountered groundwater at a depth of approximately 15 feet below the ground surface (bgs). Based on seasonal and historic high groundwater levels for the site, ground water could be encountered at seven feet bgs. Therefore, excavations deeper than approximately seven feet may encounter shallow groundwater.

Impact GEO-3: The project may encounter groundwater during excavations. **(Less Than Significant Impact)**

MM GEO 3.1: Contractors should be made aware of the moisture sensitivity of the underlying soils that can result in subgrade instability, temporary construction dewatering, and/or potential compaction difficulties. If the subgrade becomes unstable during grading or trench excavations, additional stabilization techniques may be required prior to fill placement and/or compaction. Subgrade stabilization techniques may include the use of geotechnical stabilization fabric or grid, crushed rock, or chemical treatment. Evaluation of conditions in the field at the time of construction would determine the type, level and extent of mitigation alternatives required. Excavated materials being reused for fill will likely require additional drying out or blending with dryer material prior to reuse.

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 <http://www.abag.ca.gov/bayarea/eqmaps/liquefac/liquefac.html>. March 31, 2008.

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Vicinity Hazardous Materials Users Survey completed by *Belinda Blackie* in March 2008 and a Phase I Environmental Site Assessment and Supplemental Soil Quality Evaluation completed by *Cornerstone Earth Group* in January 2008 and April 2008 respectively. The purpose of the Hazardous Materials Users Survey was to identify facilities in the vicinity of the project site having observed or reported hazardous materials usage, and to evaluate the significance of impacts from the identified hazardous materials on the proposed development if an accidental release were to occur. Both reports are included in this Addendum as Appendices C and D, respectively.

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 of man-made materials 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 including construction workers, 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 and Potential On-Site Sources of Contamination

According to historical photographs and topographic maps, the project site appeared to be mostly orchard lands from 1939 to 1956. By 1961, the orchard had been removed but the site remained undeveloped. The site was part of a larger approximately 6.24-acre parcel that was developed in the early 1960's with a retail department store. The main retail store building (Gemco) was located immediately west of the project site. By 1965, the project site was developed with a parking lot and a free standing automotive repair, fueling and tire repair center that was part of the adjacent Gemco retail store. The automotive repair facility was operated by Gemco until 1972 at which time it was vacated for approximately one year. The building was then occupied by Seases Auto and Tire Center which operated on-site until it went out of business in 1976. In the early to mid 1970's, the adjacent department store building was leased to the Santa Clara County Office of Education.

Beginning in 1976, the project site was occupied by Ronald Fricke Auto Services and Payless Cleaners. The cleaner operations, however, were strictly office uses and no dry cleaning services were provided on-site. From 1980 to 1986 the site was occupied by various automotive repair and service station businesses. From 1986 to approximately 1989, Monarch Truck Leasing occupied the on-site building and gas station. Underground storage tanks and hydraulic lifts on-site were used continuously by the various automotive repair and service station operations. This equipment is discussed in detail below. By 1996 a portion of the site was used as storage and office space for

KTEH television. A demolition permit was filed with the San José Building Department in 2000 and the on-site building was likely demolished shortly after that.

The site is currently vacant land that contains piles of dirt approximately five feet higher than the street-grade elevation. Sometime after demolition of the on-site building approximately 3,000 – 4,000 cubic yards of fill material was stockpiled on the project site. The source of the fill material is unknown. Testing of the fill materials determined that there are two layers of fill material separated by a geotextile fabric. Fill A, a course grained material, is found above the fabric and Fill B, a fine grained material, is located below the fabric.

Agriculture

Normal agricultural operations in Santa Clara County during the first half of the 20th century included the use and storage of pesticides including arsenic and DDT. Soil sampling of nearby properties found elevated levels of arsenic, lead, and DDT above established residential California Human Health Screening Level (CHHSL) thresholds. The level of contamination was, however, below the established commercial CHHSL thresholds.

Subsequent sampling of native soil on the project site found DDT in concentrations above established residential CHHSL thresholds but below the established commercial CHHSL thresholds. Arsenic and lead levels were found, on average, to be comparable to typical background levels. Only one sample found arsenic in excess of background levels.

Former Underground Storage Tanks (USTs)

Three 12,000 gallon underground storage tanks (USTs) containing diesel and gasoline and one 550-gallon waste oil UST were removed from the site in 1989. At the time of removal, the tanks appeared to be in good condition and no holes or evidence of leakage was observed, however, pressure testing of the piping revealed leakage. The site was subsequently classified as a fuel leak case.

From 1989 to 1996 several investigations were conducted at the site as part of the fuel leak case. The case was closed by both the Santa Clara Valley Water District (SCVWD) and Regional Water Quality Control Board (RWQCB) in 1996. At the time of closure gasoline-range hydrocarbons were detected in groundwater up to 2,100 parts per billion (ppb), diesel-range hydrocarbons up to 1,200 ppb, and benzene up to 2.6 ppb. For comparison, the RWQCB commercial ESL for gasoline and diesel-range petroleum hydrocarbons is 100 ppb; and one ppb for benzene. The fuel leak case was closed based on the office land use (i.e., KTEH Television) at the time of closure. Since commercial redevelopment of the site is planned, the appropriate regulatory agency must be notified of the planned change in land use.

In 1997 a second 550-gallon waste oil UST was removed from the site. Confirmation soil samples collected beneath the tank revealed gasoline and diesel-range petroleum hydrocarbons up to 65 parts per million (ppm) and 100 ppm, respectively. The detected diesel-range petroleum hydrocarbons exceeded the November 2007 RWQCB commercial environmental screening level (ESL) of 83 ppm. The case was subsequently closed by SCVWD and RWQCB in 1997.

Hydraulic Lifts

Based on the historical data for the site, up to four hydraulic lifts may still be present within the footprint of the former automotive repair building. There is no documentation to indicate that the lifts were removed when the building was demolished.

There have been no recorded releases of oil or other contaminants associated with the hydraulic lifts.

Asbestos

Testing of the fill material on the project site found asbestos ranging from 0.25 to 3.0 percent in Fill A. The California Hazardous Waste Criteria have established an asbestos threshold of 1.0 percent. Three of the five samples had asbestos in excess of 1.0 percent. The source of the asbestos is unknown but is assumed to be naturally occurring due to the lack of building demolition debris in the fill. The asbestos was found at an approximate depth of one to two feet.

Asbestos was also detected in one of three Fill B samples. The asbestos was, however, found at a concentration of 0.25 percent which is well below the Hazardous Waste Criteria threshold.

4.7.1.3 Potential Off-Site Sources of Contamination

Database and File Review

A database search was completed 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. The list of registered toxic gas facilities within the City of San José provided by the San José Fire Department (SJFD), and the list of California Accidental Release Program (CalARP) facilities within Santa Clara County provided by the Santa Clara County Environmental Health Department (SCCEHD) were searched. The listings searched and results are included in Appendix C of this IS/Addendum.

Observed Vicinity Hazardous Materials Facilities

On February 25, 2008, a visual survey of the businesses within approximately ½ mile radius of the site was prepared, in an attempt to identify those facilities currently likely to use, handle, and/or store significant quantities of hazardous substances. The database search identified more than 100 sites. To evaluate the potential significance of the businesses identified during the visual survey discussed previously, readily available information on hazardous materials usage and storage for the observed businesses was reviewed on the public access computer system at the San Jose Fire Department (SJFD) in City Hall. Information for previous businesses was not reviewed, except in the case where the business type appeared similar to that of the current business and no information on the current business was available. Many of the identified facilities had no hazardous materials files on record at the SJFD and, if evidence of the presence of hazardous substances was not identified through other sources, these facilities considered unlikely to cause a significant hazardous materials impact to the proposed development. The SJFD information available for the facilities is summarized in the SJFD File Review Table in Appendix C.

Registered Vicinity Toxic Gas Facilities

A list of the registered gas facilities located within the City of San José was obtained from the San José Fire Department (SJPD). Based on the recorded addresses of the registered facilities, four appeared to be located within one mile of the project site at the time of this study, including one located within the ½ miles search radius. The identified toxic gas facilities were: *Western Exterminator*, located at 1611 Terminal Avenue, *Hill Brothers Chemicals*, located at 410 Charcot Avenue, *Universal Semiconductor*, located at 1925 Zanker Road, *Innovion*, and located at 2121 Zanker Road. The SJFD toxic gas information available for the facilities is summarized in Appendix C.

Registered Vicinity CalARP Facilities

A list of CalARP facilities located within Santa Clara County was obtained from SCCDEH. CalARP facilities are those that use or store specified quantities of toxic and flammable substances that can have off-site consequences if accidentally released. Based on the recorded addresses of registered facilities, two appeared to be located within one mile of the project site at the time of the study. The identified CalARP facilities were *Airdrome Orchards, Inc.*, located at 610 East Gish Road, and *Hill Brothers Chemical*, located at 410 Charcot Avenue.

Previous review of the Hill Brothers Chemicals Risk Management Plan (RMP) at the SCCDEH indicated that the facility, located approximately one mile from the site, reportedly stored both anhydrous and aqueous ammonia in quantities which exceed the threshold quantities for the CalARP Program. The Skyport Hotel site is within the 2.80-mile toxic endpoint (radius of impact) calculated in the RMP for worst-case release of anhydrous ammonia. The site is not within the 0.20 and 0.10-mile toxic endpoints for the most likely alternative release modeling for anhydrous ammonia or aqueous ammonia, respectively.

The SCCDEH recently implemented a policy that prohibits the release of risk assessment modeling data to the general public. As a result, the RMP for the Airdrome Orchards facility, which uses anhydrous ammonia, was not available. In order to determine the release scenario for this facility, the EPA's RMP Comp computer model was used to calculate the toxic endpoint for the ammonia. The RMP Comp model determined the toxic endpoint to be 0.3 miles for a catastrophic release (i.e., worst-case scenario). The project site is located approximately 0.86 miles from the Airdrome Orchards facility and is, therefore, outside the area of impact.

Review of Available SJFD Files

Primary data on the chemical/waste inventories provided in the most recent Hazardous Materials Business Plans (HMBPs) and hazardous materials inspection reports was reviewed. Many of the identified facilities had no hazardous materials files on record at the SJFD and, if evidence of the presence of hazardous substances was not identified through other sources, these facilities were considered unlikely to be a source of a significant hazardous materials impact to the proposed development. The SJFD information and key documents available for the facilities is summarized in Appendix C.

Summary of Previous Screening Level Chemical Risk Appraisals

A screening level chemical risk appraisal was done for another project, for several facilities in this project's vicinity. As part of the previous appraisal, chemical inventories for 13 vicinity facilities were evaluated by a toxicologist/industrial hygienist (T/IH). A summary of the 13 facilities is provided in Appendix C.

Regulatory Agency Database Review

A summary of the facilities identified in the regulatory agency database report which could pose a risk to the project site (with respect to hazardous materials usage/hazardous waste generation, chemical releases to the environment, or significant air emissions) is presented in Appendix C. Listed facilities with documented releases include the San Jose Mineta International Airport and several other sites within the project area.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 9,10
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,10

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:						
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
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

4.7.2.1 Potential On-Site Sources of Impact

Agricultural Uses

As stated above, the site was used for agricultural purposes from 1939 until the late 1950's. Pesticides (including DDT) have been detected on-site and on nearby properties. Soil sampling performed at nearby properties revealed elevated levels of pesticides in shallow soil including arsenic, lead and total DDT. With the exception of arsenic the detected compounds didn't exceed their respective commercial thresholds. Soil sampling on the project site did not find any pesticide concentrations in excess of commercial CHHSL thresholds.

Because the site will be capped by the hotel complex, risk to human health from residual pesticides, if any, will be significantly reduced. However, if elevated concentrations of agricultural chemicals are present, construction worker health and safety could be impacted.

Former Underground Storage Tanks

Diesel and gasoline range petroleum hydrocarbons were found on the project site in excess of the RWQCB established commercial screening level thresholds. The fuel leak case was, however, closed in 1997 by the RWQCB and SCVWD. The residual petroleum hydrocarbons present in the soil and ground water from the UST removals do not appear to pose a significant risk to human health and the environment based on the planned commercial development of the site. The impacted soil and groundwater could, however, significantly impact construction workers during implementation of the proposed project.

Impact HAZ – 1: The proposed project could result in the exposure of construction workers or future site workers to on-site soil and/or fill material impacted with pesticides, or heavy metals. **(Significant Impact)**

Mitigation Measures: The project proposes to implement the following mitigation measures to reduce hazardous materials impacts:

MM HAZ-1.1: A Site Management Plan (SMP) will be prepared to establish management practices for handling impacted soil and/or fill material that may be encountered during site development and/or future soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a health and safety plan by an industrial hygienist; notification procedures if previously undiscovered structures, significantly impacted soil, or free fuel product is encountered during construction; sampling and laboratory analyses of excess soil requiring disposal at an appropriate waste disposal facility; soil stockpiling protocols; and protocols to manage ground water that may be encountered during trenching and/or subsurface excavation activities. The SMP will also include protocols for the excavation and appropriate on-site or off-site disposition of pesticide and metal-impacted fill material encountered in the area of test pits TP-3 and TP-11. The SMPs will be submitted to the Planning Department for review and approval prior to issuance of grading permits. In addition, prior to site development, a copy of the SMP will be forwarded to the Santa Clara County Environmental Health Department.

Chemical Storage and Use

Past tenants engaged in activities (auto repair and fueling) that involved the use of hazardous materials. Based on previous subsurface investigation work conducted at the site as part of the fuel leak case, past auto repair-related facilities (not including the USTs or hydraulic lifts) do not appear to have significantly impacted soil and groundwater quality. **(Less Than Significant Impact)**

Hydraulic Lifts

Up to four hydraulic lifts may be present on site. While there are no documented releases from the hydraulic lifts, over time the piping and other components of the lifts that contain hydraulic fluid may have failed causing the soil and/or groundwater immediately surrounding the lifts to become contaminated.

Impact HAZ-2: The proposed project could result in the discovery of hydraulic lifts that may not have been removed during closure of the former on-site building. The lifts could have impacted soil and/or groundwater which could pose a health and safety risk to construction workers during implementation of the proposed project. **(Significant Impact)**

Mitigation Measure: The project proposes to implement the following mitigation measure to reduce hazardous materials impacts:

MM HAZ-2.1: If a hydraulic lift or other subsurface equipment is encountered during site development activities, the equipment will require special handling and disposal. The SMP will describe protocols to be performed if such equipment is discovered during construction, including notification, field oversight by an environmental consultant, appropriate removal procedures, and verification sampling.

Asbestos

As stated above, the upper layer of fill material on the site tested positive for asbestos in excess of the California Hazardous Waste Criteria threshold. Because the site will be capped and developed with a hotel use, future site occupants would not be exposed to asbestos contaminated soil. The fill material exceeds the natural grade of the site and will need to be removed prior to construction. Disturbance of the asbestos contaminated soil could release asbestos particles into the air, which would pose a threat to any persons on or adjacent to the site.

Impact HAZ – 3: Construction workers on-site and occupants of adjacent properties could be exposed to airborne asbestos particles when the soil is disturbed. **(Significant Impact)**

MM HAZ-3.1: Any asbestos-impacted fill material off-hauled will be disposed at an appropriately licensed off-site waste disposal facility. Prior to disturbing such material, an asbestos and dust mitigation plan (ADMP) will be prepared and submitted to the Bay Area Air Quality Management District (BAAQMD) for their review and approval. The provisions of the approved ADMP will be implemented at the beginning and maintained throughout the duration of site development. The ADMP will include track-out prevention and control measures, controls for disturbed surface areas and storage piles, on-site controls for earth moving activities, and controls for off-site transport. The ADMP may also include air monitoring if required by the BAAQMD.

4.7.2.2 Potential Off-Site Sources of Impact

Based on information available from the SCCDEH, two CalARP facilities (Hill Brothers Chemicals and Airdrome Orchards) appear to be located within one mile of the project site. Based on risk assessment modeling previously available in the RMP for Hill Brothers Chemicals, it appears that the project site is located within the worst-case release radius of impact for a release of anhydrous ammonia. However, the site is outside of the most likely release scenario radius of impact using the EPA's RMP Comp model the project site is also outside the radius of impact for Airdrome Orchards facility.

Under SJFD oversight, facilities utilizing significant quantities of hazardous materials typically maintain engineering and management controls to reduce the potential for a significant chemical release. In addition, as required by the CalARP program, the two CalARP facilities have RMPs in place, which identify engineering and management controls to reduce the potential for releases of the hazardous chemicals they maintain. Along with the controls typically in place, the distance of the facilities from the site, the actual amount of hazardous materials released, actual atmospheric conditions at the time of such a release, and the topography and development present in the plume of the path would aid in dispersal of the plume prior to it reaching the site boundary.

A summary of the facilities within an approximately ½ mile radius of the project site, not previously eliminated as potential threats to the site through evaluation or modeling, for which additional evaluation is recommended, is presented in Appendix C. Because the project site is outside the area of impact for the two CalARP facilities, there would be a less than significant impact.

4.7.3 Conclusion

With the implementation of the above mitigation measures, the proposed project would not result in any new or more significant hazardous materials impacts than those addressed in the certified 2005 NSJ FPEIR (**No New Impact**)

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Setting

The existing drainage and regulatory conditions 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* (Policy 6-29), and the City's adoption of the *Post-Construction Hydromodification Management Policy* (Policy 8-14).

The project site is mostly vacant and mostly pervious; however, the vacant portion of the site is bordered by sidewalks, driveways and roadways. The site lies within the Guadalupe River watershed. The site has access to a 24-inch storm drain line in North First Street, a 24-inch storm drain line along the western portion of the site, a 10-inch storm drain line along the southern portion of the site, and a 12-inch storm drain line reaching from the northeast corner of the site to an 18-inch storm drain line in Skyport Drive. All of the storm drain lines surrounding the site link directly or indirectly to the 24-inch storm drain line in North First Street. Numerous catch basins exist along the storm drainage lines located on the site frontages. These systems discharge to the Guadalupe River, which ultimately flows into the San Francisco Bay.

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 designated as Zone AO according to the FEMA Flood Insurance Rate Map (FIRM).⁵ The Zone AO flood designation defines an area of 100-year shallow flooding with an average inundation depth of one to two feet.

4.8.1.2 Regulatory Requirements

Nonpoint Source Pollution Program

In 1988 the State Water Resources Control Board (SWRCB) adopted the Nonpoint Source Management Plan in an effort to control nonpoint source pollution in California. In December 1999, the Plan was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment of 1990. The Nonpoint Source Management Plan requires individual permits to control discharge associated with construction activities. The Nonpoint Source Management Plan is administered by the Regional Water Quality Control Board (RWQCB) under the National Permit Discharge Elimination System (NPDES) General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

⁵ FEMA FIRM Community Panel Number 060349 0018D, dated August 2, 1982, revised to reflect Letter of Map Revision (LOMR) dated October 25, 2006.

- they disturb one or more acres of soil; or
- they disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed by the RWQCB to assist co-permittees to implement the provisions of the NPDES permit. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop NPDES application requirements for storm water runoff. The Program's Municipal NPDES storm water permit includes provisions requiring regulation of storm water discharges associated with new development and development of an area-wide watershed management strategy. The permit also identifies recommended actions for the preservation, restoration, and enhancement of the San Francisco Bay Delta Estuary.

Applicable projects consist of all new public and private projects that create 10,000 square feet or more of impervious surface collectively over the entire project site and redevelopment projects that add or replace 10,000 square feet or more of impervious surface area on the project site. Additional requirements must be met by large projects (formerly known as Group 1 projects) that create one acre or more of impervious surfaces. These large projects must control increases in runoff peak flow, volume, and duration (referred to as Hydromodification) caused by the project as the increase in stormwater runoff has the potential to cause erosion or other adverse impacts to receiving streams.

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

The City of San José's Council Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs)⁶ and Treatment Control Measures (TCMs)⁷ 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.

⁶ 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.

⁷ Post-Construction Treatment Control Measures are site design measures, landscape characteristics or permanent stormwater pollution prevention devices installed and maintained as part of a new development or redevelopment project to reduce stormwater pollution loading from the site; is installed as part of a new development or redevelopment project; and is maintained in place after construction has been completed. Examples of runoff treatment control measures include filtration and infiltration devices (e.g., vegetative swales/biofilters, insert filters, and oil/water separators) or detention/retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of BMPs.

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

In 2005, the City of San José adopted the Post-Construction Hydromodification Management Policy (Policy 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification⁸ 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.

The proposed project is currently located within an area which is exempt from Policy 8-14 due to the build out of the watershed.

4.8.2 Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	<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

⁸ Hydromodification occurs when the total area of impervious surfaces increases resulting in the decrease of rainfall infiltration, which causes more water to run off the surface as overland flow at a faster rate. Storms that previously did not produce runoff from a property under previous conditions can produce erosive flows in creeks. The increase in the volume of runoff and the length of time that erosive flows occur intensifies sediment transport, increasing creek scouring and erosion and causing changes in stream shape and conditions, which can, in turn, impair the beneficial uses of the stream channels.

HYDROLOGY AND WATER QUALITY						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
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"/>	1,2,11
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.8.2.1 Drainage and Water Quality

Approximately 41 percent of the site (57,842 square feet) is currently impervious surfaces and 59 percent of the site (82,044 square feet) is pervious surfaces (refer to Table 4.0-1). There are two large driveways at the western and southern portions of the site that provide surface parking and access to the three-story parking garage located west of the site. These driveways comprise 41 percent of the site. The remaining 59 percent of the site is vacant, undeveloped, disked land that is surrounded by a six-foot privacy, chain-link fence.

The project proposes to construct a 215,828 square foot, seven-story hotel building and a two-story, 52,147 square foot parking structure on the site. With the development of the proposed project, approximately 81.0 percent (113,089 square feet) of the project site would be impervious and approximately 19 percent (26,797 square feet) of the site would be pervious. The proposed project, therefore, would result in an increase of 40 percent (55,247 square feet) impervious surface (refer to Table 4.0-1).

TABLE 4.8-1						
Summary of Pervious and Impervious Surfaces On-Site						
Site Surface	Existing/Pre Construction (SF)	%	Project/Post Construction (SF)	%	Net Difference	%
Impervious						
Building Footprint	0	0.0	67,450	48.0	67,450	48
Parking/Driveways	57,842	41.0	45,639	33.0	-12,203	-8.0
<i>Subtotal</i>	57,842	41.0	113,089	81.0	55,247	40.0
Pervious						
Landscaping/Undeveloped	82,044	59.0	26,797	19.0	-55,247	-40.0
Total	139,886	100.0	139,886	100.0		

The project proposes a storm water quality control plan comprised of mechanical treatment devices and bioswales. The mechanical units treat runoff by draining the runoff through a filter cartridge located within the device. These devices slow flow velocities and trap and filter pollutants.

Runoff during a 10-year storm event will be directed into the on-site Stormwater Pollution Control Units and bioswales through downspouts and by the slope of grade on site. The runoff will filter through either the mechanical treatment devices or bioswales and then be directed to the existing storm drain systems in Skyport Drive and North First Street. The peak discharge will be reduced by the incidental detention in the mechanical treatment devices and bioswales.

Pollutants are removed as runoff passes through the mechanical treatment device and are collected in the filter. Treated runoff from both the mechanical treatment devices and bioswales is then collected by a perforated pipe and carried to the North First Street and Skyport Drive storm drain systems.

The proposed project will result in an increase in impervious surfaces, but the site runoff, with the proposed stormwater treatment described above, will not exceed the capacity of the existing 24-inch

storm drain line in North First Street and the 18-inch line in Skyport Drive.⁹ The proposed project would not result in any new or more significant drainage impacts than were described in the certified 2005 NSJ FPEIR.

4.8.2.2 Flooding

The 2005 NSJ FPEIR identified significant impacts from periodic flooding in the NSJ area that could cause harm to people or structures. Mitigation was identified in the FPEIR to reduce flooding impacts to a less-than-significant level through compliance with the City of San Jose Floodplain Management Ordinance. The project will not result in new or increased flooding impacts beyond those already identified in the 2005 NSJ FPEIR.

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

Mitigation Measures: Consistent with the City’s Floodplain Management Ordinance, the project proposes to 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 shall be located one foot above (43.5 feet) the highest existing curb on the site (42.5 feet) to avoid 100-year storm flood levels of one to two feet.

4.8.2.3 Construction-Related Water Quality Impacts

Construction of the proposed project, as well as grading, and excavation activities, may result in temporary impacts to surface water quality. Construction of the proposed project would disturb 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 collect 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)**

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

Comply with the SCVURPPP NPDES General Construction Activity Stormwater Permit issued to the City of San José and other co-permittees of the SCVURPPP, and shall include measures to control pollutants discharged into the stormwater system. Future activities that require a permit from the

⁹ Personal Communication. Dave Voorhies, Project Civil Engineer, Underwood & Rosenblum, Inc. May 5, 2008.

City of San José will be evaluated for BMPs including, but not limited to the following:

- 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.
- The project will 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 amount of pollution carried by runoff from the site would increase accordingly with increased intensity of use. 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 increases in water contaminants that could be carried downstream in stormwater runoff from paved surfaces on the site.

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

The project includes a stormwater quality control plan, which complies with Council Policy 6-29, that has been numerically sized in accordance with City requirements. The plan includes drainage swales and mechanical filtering devices that will slow the velocity of the runoff and trap and filter pollutants. Therefore, the proposed project would have a less than significant post-construction water quality 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 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

The project site is currently vacant, although the borders of the site are landscaped on the street frontages along North First Street and Skyport Drive and there are paved driveways along the western and southern boundaries of the site. Light rail tracks run down the center of North First Street. Surrounding land uses include office uses to the north, office uses across North First Street to the east, commercial and residential uses to the south, and a parking garage and office uses to the west. An aerial photograph showing surroundings is provided on Figure 2.0-3.

4.9.1.1 Existing Land Use

The 2.86-acre project site (APN 230-29-109) is at the southwest corner of North First Street and Skyport Drive in the Rincon South Specific Plan Area of north San José. The site is partially developed with driveways and surface parking along the southern and western boundaries of the site. The driveways provide access from Skyport Drive and North First Street to the parking garage located west of the site. The undeveloped portion of the site is fallow land bordered by the two driveways, sidewalks and streetscape landscaping along Skyport Drive and North First Street, and landscaping trees. The undeveloped land is surrounded by a six-foot chain-link fence. The northeast corner of the site is a landscaped, grassy area with six redwood trees.

4.9.1.2 Surrounding Land Uses

South of the project site is a one-story concrete building with various commercial uses, including a Wells Fargo bank and mortgage center and the RAZA 93.3 radio station. To the west are a five-story parking structure, two eight-story office towers, and ground floor commercial uses including restaurants and a credit union to the northwest. The site is bounded to the north by Skyport Drive and to the east by North First Street. Skyport Drive, a four to six-lane, east-west, arterial roadway is immediately north of the project site. Across Skyport Drive are a one-story office building and a building with a loading dock and parking area. To the east is North First Street, a four-lane, north-south, arterial roadway with a center median used for light rail service. On the east side of North First Street are two six-story office building with an associated four-level parking structure, several one-story office buildings which are separated from North First Street by a large lawn area, and a large three-story apartment complex.

4.9.1.3 Land Use Plans

General Plan Land Use Designation

The 2.86-acre project site is currently designated by the General Plan as part of the Rincon South Planned Community, with a land use designation of *Industrial Park/Preferred Hotel Site*. The *Industrial Park* designation allows for office uses, as well as supportive retail sales. The *Preferred Hotel Site* designation is considered appropriate for hotel expansion or new hotel development in addition to the allowed uses consistent with the underlying General Plan designation. The site is also identified in the *Rincon South Specific Plan* (dated November 2001) as a *Preferred Hotel Site*. The land use designations of the *Rincon South Specific Plan* are reflected in the land use designations found in the San Jose 2020 General Plan.

Zoning Designation

The project site was zoned *A(PD)* as part of a much larger property. The *A(PD) Planned Development* (PDC99-060) is for 1,584,933 square feet of research and development, retail, hotel uses, and 315 multi-family attached residences on a 40.95-acre site approved in July 1999. The 2.86-acre project site is a portion of the 40.95-acre site. The remainder of the 40.95 acres is mostly built out with office, commercial and residential uses.

4.9.1.4 Other

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

4.9.2 Environmental Checklist and Discussion of Impacts

LAND USE						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,11, 12,13
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"/>	1,2,11, 12,13
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

4.9.2.1 Conformance with Land Use Plans

General Plan Land Use Designation

The project site is designated by the San Jose General Plan and the Rincon South Specific Plan as *Industrial Park/Preferred Hotel Site*. The project would conform to the San Jose General Plan, since the proposed hotel is consistent with the *Preferred Hotel Site* designation.

Specific existing and potential hotel sites within Rincon South are considered appropriate for hotel expansion or new hotel development in addition to the allowed uses consistent with the underlying General Plan designations. All hotel sites identified in the San Jose General Plan have a base land use designation of either *Transit Corridor Residential* or *Industrial Park*. Hotel sites with an *Industrial Park* base land use designation consist of four existing hotels located north of Skyport Drive and three potential hotel sites located south of Skyport Drive.

The project generally conforms to the design policies, building height limits and setbacks included in the Rincon South Specific Plan.

Zoning Designation

The hotel project is similar to what is allowed by the existing A(PD) *Planned Development* zoning designation for the site (PDC99-060), which allows a 300 room hotel. The project is proposing a PD rezoning (PDC08-037) to allow 21 additional rooms for a total of 321 rooms.

Consistency with North San José Area Development Policy

The NSJ Development Policy does not directly address the construction of new hotels within the Policy area. Therefore, hotel projects need to conform to the General Plan and undergo separate environmental review. The proposed hotel project has sufficient environmental review as documented in this Initial Study/Addendum, and does conform to the San Jose General Plan and Rincon South Specific Plan.

Rincon South Specific Plan

The Rincon South Specific Plan identifies twelve existing and potential hotel sites throughout the Rincon South area. The proposed project site is identified as a *Preferred Hotel Site* to support the San José Municipal Airport and its planned expansion, as well as industrial uses in San José.

4.9.3 Conclusion

The proposed project 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)**

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"/>	1,2.11

As discussed above, the project is not located within a designated area containing mineral deposits of regional significance and, therefore, would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present within the general area. The proposed project 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 noise discussion is based on an Environmental Noise Assessment Report prepared by *Illingworth & Rodkin* in April 2008. The environmental noise assessment is provided in Appendix E.

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 southwest corner of North First Street and Skyport Drive (refer to Figure 2.0-2). The surrounding land uses are primarily developed with office and commercial land uses. The nearest noise-sensitive land use is an apartment complex located southeast of the project site and across North First Street.

The ambient noise environment was quantified through noise measurements made at the project site from April 9 to April 11, 2008. The noise monitoring included two long-term noise measurements and two short-term noise measurements. Noise sources in the project vicinity are primarily transportation related and include vehicular traffic along North First Street and Skyport Drive, VTA light rail trains traveling within the North First Street median, and aircraft at Mineta San Jose International Airport.

Long-term noise measurement site LT-1 was located near the northwest corner of the project site adjacent to Skyport Drive. The sound level meter was approximately 130 feet from the center of the roadway. Typical weekday, daytime hourly average noise levels ranged from 58 to 63 dBA¹⁰ L_{eq}¹¹. Nighttime hourly average noise levels generally ranged from 49 to 63 dBA L_{eq}. The day-night average noise level on April 10, 2008 was 62 dBA DNL¹².

The daily trend in noise levels along North First Street was measured approximately 70 feet from the center of the North First Street/VTA right-of-way at Site LT-2. Ambient noise levels measured at LT-2 were primarily the result of traffic along North First Street and VTA light rail train passages. Typical weekday, daytime hourly average noise levels ranged from 65 to 71 dBA L_{eq}. Nighttime hourly average noise levels generally ranged from 56 to 67 dBA L_{eq}. The day-night average noise level on April 10, 2008 was 70 dBA DNL. The short-term noise measurement data is provided in Table 4.11-1 below.

Two short-term noise measurements were made on April 11, 2008 during the 11:00 a.m. hour. The short-term noise measurements were made on the top level of the adjacent parking structure to represent ambient noise levels at the approximate elevation of proposed mid-rise hotel units and the proposed outdoor recreation area. The noise data collected at these sites is provided in Table 4.11-1 below.

¹⁰ The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

¹¹ The L_{eq} is the average A-weighted noise level during a stated period of time.

¹² Day/Night Noise Level, DNL is the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.

Table 4.11-1						
Short-Term Measurement Noise Data (dBA)						
Location	Leq	L01	L10	L50	L90	Est. DNL
ST-1- North end of existing parking structure approximately 115 feet from the center of Skyport Drive	62	67	65	62	59	64
ST-2- East end of existing parking structure.	57	63	59	56	54	58

Vibration

The City of San Jose has not established guidelines that can be used to evaluate the compatibility of sensitive land uses with respect to groundborne vibration. Although there are no local standards, the U.S. Department of Transportation's Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.11-2 below.

Table 4.11-2			
Groundborne Vibration Impact Criteria			
Land Use Category	Groundborne Vibration Impact Levels		
	Frequent Events¹	Occasional Events²	Infrequent Events³
Category 1: Buildings where vibration would interfere with interior operations.	65 VdB ⁴	65 VdB ⁴	65 VdB ⁴
Category 2: Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB
Category 3: Institutional land uses with primarily daytime uses.	75 VdB	78 VdB	83 VdB

¹ "Frequent Events" is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.

² "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.

³ "Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.

⁴ This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.

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"/>	1,2,15
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,15
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"/>	1,2,15
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,15
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
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

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.

4.11.2.1 Noise Impacts from the Project

The project proposes to construct a seven-story, 321-room hotel and a two-story parking structure with rooftop recreational facilities.

Traffic-Generated Noise Impacts

The NSJ FPEIR found that future development in North San Jose would generate an increase in traffic along the local roadway network and substantially increase noise levels at noise sensitive receptors throughout North San Jose on a permanent basis.

Traffic noise levels along North First Street are calculated to increase by approximately 3 dBA DNL as existing traffic volumes are expected to increase from approximately 27,000 average daily trips (ADT) to about 52,000 ADT. Traffic noise levels are expected to increase by about 5 dBA DNL along Skyport Drive as existing traffic volumes are expected to increase from approximately 8,000 ADT to about 24,000 ADT. The proposed project is calculated to generate approximately 2,100 average weekday trips. Project trips would be distributed along both North First Street and Skyport Drive.

Development in the North San Jose area, including the proposed project, would attempt to reduce traffic-related noise by implementation of TDMs described in the FPEIR Air Quality and Transportation sections. Even with these measures, it was concluded in the certified 2005 NSJ FPEIR that noise impacts at some locations would remain significant and unavoidable and the City Council adopted a statement of overriding considerations for the impact.

Impact NOI – 1: Traffic from the proposed project would contribute to noise increases on roadways in the North San Jose area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2005 NSJ FPEIR and the City Council adopted a statement of overriding consideration for the impact. **(No New Impact)**

Short-Term Construction Impacts

Noise impacts resulting from project construction activities would depend on proposed construction techniques, the noise levels generated by individual pieces of construction equipment, the timing and overall duration of noise producing construction activities, the distance between construction noise sources and noise sensitive receptors, and the presence or lack of intervening shielding. Construction noise impacts are normally considered significant when noise-sensitive uses are exposed to

construction noise levels that exceed 60 dBA L_{eq} and the ambient noise environment by at least 5 dBA L_{eq} for a period of more than one construction season.

The proposed hotel building would be constructed over a period of about 20 months. Construction activities would include site preparation and the construction of project infrastructure, construction of the parking structure, construction of the hotel building core and shell, finishing, and landscaping.

There would be variations in construction noise levels on a day-to-day basis depending on the actual activities occurring at the site. Construction-related noise levels for projects of this type are normally highest during site preparation and project infrastructure phases of the project. These phases of construction 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 L_{eq} measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction-related noise levels are normally less during the finishing and landscaping phases when less heavy equipment is present on site or when the hotel shell is completed and construction activities are located primarily indoors.

Noise levels produced by construction activities attenuate at a rate of about six dBA per doubling of distance from the noise source. Barriers or buildings that interrupt the sound path between the source and receivers would provide an additional five to 10 decibels of attenuation. The nearest existing sensitive receivers are multi-family residences located east of North First Street, approximately 250 feet east-southeast of the site. Hotels and residences are also located between 500 and 800 feet southeast of the site along North First Street. Multi-family residences north of the intersection of Sonora Avenue and Technology Drive are located about 600 feet from the southernmost portion of the project site.

Construction noise levels would be highest at the multi-family residences nearest the project site (approximately 250 feet away) when construction activities occur on the easternmost portion of the site. Hourly average noise levels generated by project construction activities would be expected to range from about 67 to 74 dBA L_{eq} at these residences during intense periods of construction near the easternmost portion of the site. These noise levels would be at about the range of existing daytime noise levels resulting from traffic along North First Street and VTA light rail trains.

Construction noise levels would range from about 61 to 68 dBA L_{eq} at the noise-sensitive land uses approximately 500 feet south of the site, and from about 57 to 64 dBA L_{eq} at the nearest sensitive uses approximately 800 feet south of the site. Construction noise levels would generally be below ambient daytime noise levels resulting from traffic and VTA light rail trains at these particular receivers. Construction noise levels would be less than 60 dBA L_{eq} at the multi-family residences 600 feet south of the site because of shielding provided by intervening structures.

It is unlikely that a particular receiver or group of receivers would be subject to construction noise levels in excess of 60 dBA L_{eq} and the ambient noise environment by 5 dBA L_{eq} for durations exceeding one construction season and the impact is considered less-than-significant. Although the impact is less-than-significant, the following standard construction noise controls should be considered to reduce potential annoyance at neighboring properties:

Impact NOI – 2: The proposed project would result in a short-term increase in noise levels in the project area during demolition and construction activities, but it would not adversely affect any noise sensitive uses. **(Less than Significant Impact)**

Mitigation and Avoidance Measures: The certified 2005 NSJ FPEIR identifies construction noise as a significant impact that would be reduced to a less-than-significant level with incorporation of standard construction noise abatement measures. The following mitigation measures would be implemented during project construction to minimize construction noise disturbance to nearby industrial uses:

- MM NOI – 2.1:** 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 to adjacent uses.
- MM NOI – 2.2:** Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- MM NOI – 2.3:** Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- MM NOI – 2.4:** Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- MM NOI-2.5:** The contractor shall 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-2.6:** Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

4.11.2.2 Noise Impact to the Project

Exterior Noise

The future noise environment at the project site will continue to result from primarily transportation noise sources in the project vicinity including vehicular traffic along North First Street and Skyport Drive, VTA light rail trains, and aircraft. Future noise levels at the site were calculated with the SoundPLAN noise model. Noise sources including traffic along North First Street and Skyport Drive were input into the model with existing structures for calibration. The proposed hotel building and parking structure were then input into the model with future traffic conditions to calculate future

exterior noise levels at the facades of the proposed hotel building and at the upper level of the parking structure. Exterior noise levels at the north facade of the proposed hotel building are calculated to range from 72 to 73 dBA DNL. Exterior noise levels at the east facade are calculated to range from 74 to 75 dBA DNL. Exterior noise levels would range from about 57 to 60 dBA DNL on the upper level of the parking structure. The pool deck would be located on the ground floor in an alcove at the back of the east wing of the proposed hotel, facing the parking structure. Based on the existing noise measurements listed above, it is reasonable to assume that the noise levels at the pool deck would be equal to or lower than the levels on the top floor of the parking structure. Because the pool deck would be sheltered by the proposed buildings, the ambient noise levels would not preclude use of the pool or cause a significant impact to users of the facility.

Interior Noise

Interior noise levels within new residential units are required by the State of California to be maintained at or below 45 dBA DNL. Interior noise levels would vary depending on the final design of the building (relative window area to wall area) and selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces.

In exterior noise environments ranging from 60 dBA DNL to 65 dBA DNL, interior noise levels can typically be maintained below City and State standards with the incorporation of an adequate forced air mechanical ventilation system in each residential unit. In noise environments of 65 dBA DNL or greater, a combination of forced-air mechanical ventilation and sound-rated construction methods is often required to meet the interior noise level limit.

Attaining the necessary noise reduction from exterior to interior spaces is readily achievable in noise environments less than 75 dBA DNL with proper wall construction techniques, the selections of proper windows and doors, and the incorporation of forced-air mechanical ventilation systems. In noise environments exceeding 75 dBA DNL, specialized construction materials and techniques are necessary to reduce interior noise levels to acceptable levels.

Impact NOI – 3: The proposed project would be exposed to high interior noise levels. (**Less than Significant Impact**)

Mitigation Measures: The following mitigation measures would be implemented to minimize interior noise levels:

MM NOI-3.1: Per the requirements of the 2007 California Building Code, project-design-specific acoustical analyses will be conducted to confirm that interior noise levels will be reduced to 45 dBA DNL or lower. The specific determination of what noise insulation treatments are necessary will be made on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.

MM NOI-3.2: Building sound insulation requirements will include the provision of forced-air mechanical ventilation for units proposed in noise environments exceeding

60 dBA DNL, so that windows could be kept closed at the occupants' discretion to control noise.

MM NOI-3.3: If required based on the acoustical analysis, special building techniques (e.g., sound-rated windows and building facade treatments) will be included to maintain interior noise levels at or below acceptable levels. These treatments would include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, protected ventilation openings, etc. Preliminary calculations indicate that hotel rooms nearest North First Street would require sound rated windows and doors with ratings ranging from STC 35-38 to assure that the 45 dBA DNL indoor standard is met. Rooms nearest Skyport Drive would likely require sound rated windows and doors with ratings ranging from STC 32-35.

Groundborne Vibration

The U.S. Department of Transportation's Federal Transit Administration (FTA) criterion for groundborne vibration impacts is 72 VdB for frequent events (more than 70 events per day). The proposed hotel building would be located approximately 90 feet from the center of the North First Street/VTA right-of-way. Data collected at a similar site¹³ along the North First Street corridor indicates that vibration generated by light-rail train passages would range from about 56 to 60 VdB at the proposed hotel building. Light-rail train vibration levels would be less than the FTA's criterion for groundborne vibration impacts (72 VdB), and the impact is less than significant.

4.11.3 Conclusion

Impact NOI – 1: Traffic from the proposed project would contribute to noise increases on roadways in the North San Jose area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2005 NSJ FPEIR and the City Council adopted a statement of overriding consideration for the impact. **(No New Impact)**

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

Impact NOI – 3: Traffic from the proposed project would contribute to interior noise increases on roadways in the North San Jose area. With the implementation of the above mitigation measures, noise increases would not result in significant and unavoidable impacts at noise-sensitive receptors. **(No New Impact)**

¹³ Wyse Property Project Environmental Noise Assessment, prepared for David J. Powers and Associates Inc. by Illingworth and Rodkin, Inc., October 11, 2007.

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 proposes hotel and retail uses on the site. Since the project is proposing hotel and retail use, occupants of the hotel would be transient and 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 to the site is fire station No. 5, located approximately 1.6 miles southeast of the project site.

4.13.2 Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project:						
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	<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 closest fire station to the project is Station No.5, located 1.6 miles southeast of the site at 1380 North 10th Street. 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, if required, would require environmental review. Since specific sites for such construction have not been identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of a local fire station on land in the north San Jose area would contribute incrementally to the impacts of development for the area, but is not anticipated by itself to have new or substantially difference 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 proposes a hotel use and, therefore, would not directly increase demand in school facilities. The project would not result in any new or more significant school impacts than were described in the certified 2005 NSJ FPEIR.

4.13.2.3 Parks

The project proposes a hotel use and would not generate a residential population that would increase demands on park and recreation facilities.

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 residential development. The project would not result in any new or more significant impacts to parks facilities than those addressed in the certified 2005 NSJ FPEIR.

4.13.3 Conclusion

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

4.14 RECREATION

4.14.1 Setting

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

The project proposes hotel and retail uses and would not generate a residential population that would increase demands on park and recreation facilities. The project would not result in any new or more significant impacts to parks facilities than those addressed in the certified 2005 NSJ FPEIR.

4.14.3 Conclusion

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

4.15 TRANSPORTATION

The following discussion is based, in part, on a parking analysis prepared by *Hexagon Transportation Consultants* in November 2008. A copy of the report can be found in Appendix F.

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"/>	1,2,14
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"/>	1,2,12

4.15.2.1 Roadway, Transit, and Pedestrian Facilities

The 2.86-acre project site is currently zoned *A(PD) Planned Development* for 300-room hotel through a Planned Development rezoning (PDC 99-060) that was approved in July 1999 for a much larger piece of property which also included research and development, retail, another hotel, and multi-family attached residential units.

A traffic analysis was prepared for the 2005-certified NSJ FPEIR that evaluated level of service impacts at 220 intersections and 124 directional freeway segments. The results of the traffic analysis indicated that development of the North San José area would result in significant traffic impacts at numerous intersections and freeway segments. At some locations, these significant impacts were determined to be unavoidable due to physical constraints and/or jurisdictional authority.

The traffic from the amount of hotel and retail development proposed for this project was accounted for in the 2005 NSJ FPEIR¹⁴. The project would not result in additional traffic trips beyond those assumed in the 2005 FPEIR.

The *A(PD) Planned Development Zoning* allows for 1,584,933 square feet of research and development, retail and hotel uses and 315 multi-family attached residences on 40.95-acres with a height limit of 120 feet that could have been developed on the site under the provisions of the Rincon South Specific Plan and the previous North San José Area Development Policy and subject to the Deficiency Fee per the previous policy. Any square footage developed on the 40.95-acre site above the previously entitled amount will be drawn down from the capacity provided through the North San José Development Policy and will be subject to the associated Traffic Impact Fee. These fees will be used to fund construction of a series of transportation improvements identified in the 2005 NSJ Final EIR.

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

The proposed project would include TDM measures as required in the NSJ FPEIR to reduce air pollution emissions. Relevant TDM measures include the provision of bike and pedestrian facilities on-site, direct and safe pedestrian access to transit stops, the project's close proximity (within 0.25 miles) to LRT, and implementation of a shuttle program (provision of shuttle vehicles for transport to and from the airport for hotel guests).

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

- The currently proposed 267,975 gross square foot project, shall comply with the City's previous *North San José Area Development Policy* and Deficiency Plan Fee.

4.15.2.2 Parking

The project proposes 195 parking stalls on-site (148 within the parking garage and 47 surface stalls) for use by hotel guests and employees. The total number of parking spaces required, pursuant to the City's Municipal Code, is 342 spaces. Based on the parking requirement, the site would be under

¹⁴ Personal communication with Karen Mack, Department of Public Works, City of San Jose.

parked by 147 spaces. Because the proposed parking count is significantly lower than the City's parking requirement, *Hexagon Transportation Consultants* prepared a parking study to determine if the proposed parking would be sufficient to meet the needs of the project. To support the study Marriot Hotel Corporation provided supplemental information to *Hexagon Transportation Consultants*; the supplemental information is attached to the parking study in Appendix F.

The proposed hotel site is located in an urban area within close proximity to a major airport and adjacent to the light rail line. No comparable existing hotel sites were found within San José to survey for parking use. To determine if the proposed parking count would be adequate for the project, *Hexagon Transportation Consultants* used research from the Institute of Transportation Engineers (ITE) publication *Parking Generation* (3rd Edition).

The ITE database had three study sites that were comparable to the project site based on the type of hotel use (i.e., business hotel¹⁵). While the exact location of the study sites is not known, it is likely that none of the study sites were located within close proximity to an airport or transit, which would represent the worse scenario than the proposed project in terms of parking demand and traffic generation. The parking study found that the peak period parking demand for the study sites ranged from 0.57-0.74 vehicles per guest room¹⁶. Because the study sites were not airport oriented hotels near transit, the parking ratios did not reflect any benefit from shuttles, cabs, and the use of alternative modes of transportation. Therefore, the consultant concluded that the lower range of the peak parking period demand (0.57 vehicles per guest room) would best represent the parking demand for the proposed hotel.

Both the Residence Inn and Springhill Suites brand hotels are all-suite hotels that cater primarily to extended-stay guests. To support the guests arriving via San José International Airport, the hotel will provide 24-hour complimentary shuttle service to/from the airport on a daily basis. In addition, the hotel will provide monetary incentives for employees to utilize public transit. These factors also contribute to the assumed parking ratio of 0.57 parking spaces per room.

Based on the assumed ratio, the proposed shuttle service, and the employee transit incentive program, the peak demand for the proposed project would be 183 parking spaces. With the proposed 195 parking spaces on-site, the project would have sufficient parking to meet that level of demand.

Should the on-site parking be insufficient, the impact from parking overflow would be cars parked curbside in the nearby commercial and industrial area. A shortage of convenient parking could also further encourage transit use.

4.15.2.3 Site Access

The proposed driveway configuration was analyzed to determine if any roadway conflicts would occur. The location of the proposed driveways relative to the current roadway configuration on both Skyport Drive and North First Street would not result in any traffic conflicts between future patrons of the project site and pass-by traffic.

¹⁵ The ITE studies do not define "business" hotel. There is no indication as to whether or not the hotels studied were extended stay or "suite" hotels.

¹⁶ This parking count includes parking required for employees of the hotel.

4.15.3 Conclusion

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

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 current PD zoning for the site allows for 1,584,933 square feet of research and development, retail and hotel uses and 315 multi-family attached residences on 40.95 acres. The subject property is a 2.86-acre portion of the 40.95-acre site that allows a 300 room hotel. The project proposes a PD Zoning to allow 21 additional hotel rooms and a Planned Development Permit to construct approximately 267,975 gross square feet of hotel uses (321 rooms) in one seven-story building and a two-story parking garage. As concluded in the certified 2005 NSJ FPEIR, full implementation of the project would not result in significant adverse environmental impacts as a result of development exceeding the capacity of the water supply, sanitary sewer/wastewater treatment, or storm drainage systems.

4.16.2.1 Senate Bill 610

Senate Bill 610 (2001), codified at Water Code Section 10910 et seq., requires that certain water supply information be prepared for projects that are the subject of an EIR. Water Code Section 10912 defines a “project” as, *inter alia*, a proposed residential development of more than 500 dwelling units, or a proposed industrial or commercial office building planned to house more than 1,000 persons or having more than 650,000 square feet of floor space (500,000 for commercial office). While the proposed PD permit development does not meet the definition of a “project,” as defined by Water Code Section 10912, the proposed development would contribute to the development envisioned in the NSJ Development Policies Update.

A water supply analysis was prepared in conformance with Water Code and included in the 2005 NSJ FPEIR. It was concluded that full implementation of the development allowed with the certified 2005 NSJ FPEIR would require the expansion of the existing recycled water system and continued implementation of the City’s water conservation programs. The project proposes to install dual plumbing for use of recycled water for landscaping and the proposed park.

The proposed project will incorporate water conservation programs including, the following where appropriate:

- A landscape plan that is consistent with of the City’s Model Water Efficient Landscape Ordinance (per AB325 1990); and
- Promotion and use of drought tolerant and native plantings in landscaping.

4.16.3 Conclusion

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

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-14
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"/>	1-14
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-14

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.

The proposed PD Permit would allow development of approximately 215,828 gross square feet of hotel use and a 52,147 square foot parking garage. 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 11-63 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. Concentric Ecologies, Preliminary Tree Report, February 2008.
7. Basin Research Associates. Archaeological Assessment Report. March 2008.
8. Belinda Blackie. Vicinity Hazardous Materials Users Survey. March 2008.
9. Cornerstone Earth Group, Geotechnical Investigation. February 1, 2008.
10. Cornerstone Earth Group, Phase I Environmental Site Assessment. January 3, 2008.
11. City of San José. San José 2020 General Plan.
12. City of San José. Rincon South Specific Plan. Amended November 2001.
13. City of San José. North San José Area Development Policy. June 2005.
14. Hexagon Transportation Consultants. Parking Analysis. November 2008.
15. Illingworth & Rodkin. Skyport Hotel Project Environmental Noise Assessment. April 23, 2008.

SECTION 5.0 REFERENCES

- Basin Research Associates. Archaeological Assessment Report-Skyport and North First Street. March 4, 2008.
- Bay Area Air Quality Management District. CEQA Guidelines. December 1999.
- Belinda Blackie. Vicinity Hazardous Materials Users Survey, Proposed Skyport Hotel Project. March 6, 2008.
- California Department of Conservation. Santa Clara County Important Farmland 2004. Map.
- City of San José. Final Environmental Impact Report, North San José Development Policies Update. June 2005.
- City of San José. North San José Area Development Policy. June 2005.
- City of San Jose. Rincon South Specific Plan. Amended November 2001.
- City of San José. Riparian Corridor Policy Study. March 1999.
- City of San José. San José 2020 General Plan.
- City of San José. Zoning Ordinance. 10 February 2006.
- Concentric Ecologies. Preliminary Tree Report-Skyport Hotel Project. February 2008.
- Cornerstone Earth Group. Geotechnical Investigation. February 1, 2008.
- Cornerstone Earth Group. Phase I Environmental Site Assessment. January 3, 2008.
- Hexagon Transportation Consultants. Parking Analysis. November 2008.
- Illingworth and Rodkin. Environmental Noise Assessment Study. April 23, 2008.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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Basin Research Associates

Archaeological Research

Belinda Blackie, P.E., R.E.A.

Vicinity Hazardous Materials Users Survey

Cornerstone Earth Group

Geotechnical

Hexagon Transportation Consultants

Parking Analysis

Illingworth and Rodkin, Inc.

Acoustical and Air Quality Consultants