DRAFT

SUPPLEMENTAL

ENVIRONMENTAL IMPACT REPORT

EDENVALE REDEVELOPMENT PLAN

City of San Jose Redevelopment Agency

October 1996

CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF CITY PLANNING AND BUILDING
801 NORTH FIRST STREET
SAN JOSE, CA 95110-1795

GARY J. SCHOENNAUER
DIRECTOR OF PLANNING

October 18, 1996

Ladies and Gentlemen:

SUBJECT: EDENVALE REDEVELOPMENT PLAN SUPPLEMENT DRAFT ENVIRONMENTAL IMPACT REPORT, FILE NO. PP 96-04-066, SCH NO. 96052098

The Planning Commission of the City of San José will hold a Public Hearing to consider the Draft Environmental Impact Report (DEIR) prepared for the project described below. A copy of the DEIR is attached for your review.

Your comments regarding the significant environmental effects of this project and the adequacy of the DEIR are welcome. Written comments submitted to the Department of Planning, Building and Code Enforcement by December 2, 1996, will be included in the EIR and be considered by the Planning Commission at this Public Hearing. *If you make comments through a state or regional clearinghouse, please send a copy of your comments to the contact person listed below to insure prompt consideration.* If we receive no comments (nor a request for an extension of time) from you by the specified date, we will assume you have none to make.

Project Description and Location: Continued implementation of the previously approved Edenvale Redevelopment Plan. "Old Edenvale" is bounded by Santa Teresa Boulevard and Bernal Road to the south, Cottle Road to the west and Monterey Highway to the northeast. "New Edenvale" is generally bounded by U. S. Highway 101 and Coyote Creek to the west, Hellyer Avenue and the east foothills to the northeast, and Silicon Valley Boulevard to the south.

Tentative Hearing Date: January 22, 1997

Contact Person:
Lori Neff
Department of Planning, Building and Code Enforcement
801 North First Street
San José, CA 95110-1795

Sincerely,

Gary J. Schoennauer
Director of Planning

Deputy

PP96-04-066.NOC.LN:sh/76B
Attachment

PREFACE

In accordance with Section 15163 of the California Environmental Quality Act (CEQA) Guidelines, the Redevelopment Agency of the City of San Jose has prepared this Supplemental EIR (SEIR) to update environmental information regarding the continued implementation of the adopted Edenvale Redevelopment Plan. The approved Edenvale Redevelopment Plan consists of the development of approximately 2,312 acres to encourage job opportunities near the existing residential areas of south San Jose.

The Edenvale Redevelopment Plan has been the focus of two previous Environmental Impact Reports (EIRs). The creation of the original Redevelopment Area and Plan was addressed in an EIR certified in 1976. In 1979 a second EIR was completed to address the impacts of the expansion of the Edenvale Redevelopment Area. Originally the Edenvale area was confined to an area known as "Old Edenvale" generally bounded by Santa Teresa Boulevard, Bernal Road to the south, Cottle Road to the West, and Monterey Highway to the northeast. The area was expanded in 1981 to include "New Edenvale" a narrow peninsula of land that is northeast of Old Edenvale, generally bounded by U.S. Highway 101 and Coyote Creek to the west, Hellyer Avenue and the east foothills to the northeast, and Silicon Valley Boulevard to the south.

Section 15163 of the CEQA Guidelines state that the Lead or Responsible Agency may prepare a supplement to a previous certified EIR when there are significant changes in a project, substantial changes in the circumstances surrounding the project action, or new significant information, and only minor changes are necessary to make the previous EIR adequate for the new circumstances. Since certification of the last FEIR, the following circumstances surrounding the project have occurred including:

1) Completion of an updated City of San Jose General Plan, entitled "San Jose 2020";

2) Completion of major transportation improvements serving the area, including Highway 101, Route 85 and Route 87, the Santa Clara County Light Rail System, and Silver Creek Valley Road;

3) Adoption of the City's Riparian Corridor Study Policy;

4) Implementation of new laws and regulations governing the use and storage of hazardous materials;

5) Substantial development in the area including the Silver Creek Planned Residential Community.

Section 15180 (b) of the CEQA Guidelines state that "an EIR on a redevelopment plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent EIR or a supplement to an EIR would be required by Section 15162 or 15163".

Therefore, the Redevelopment Agency of the City of San Jose has determined that the EIR prepared in 1979 is valid for the environmental issues it addressed, and that this proposed Supplemental EIR is appropriate to update the environmental documentation for the Edenvale Redevelopment Plan to inform the public and decision makers of the current environmental issues, in conformance with the CEQA Guidelines 15163 (a) (2).

This Supplemental EIR addresses only the information needed to update the 1979 EIR and includes the following issues: special status species, riparian corridor issues, hazardous materials, long-term traffic, and consistency with the City's adopted Riparian Corridor Study and City Council Policy 8-3 (Frontage Roads and Minor Streets Adjacent to Public Parks and Open Spaces).

EDENVALE REDEVELOPMENT PLAN
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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SUMMARY DESCRIPTION OF THE PROPOSED PROJECT

The proposed action is the continued implementation of the Edenvale Redevelopment Plan by the City of San Jose. The purpose of the redevelopment plan is to encourage the creation of jobs in close proximity to the existing residential housing areas located in south San Jose. Benefits of the Redevelopment Plan, by encouraging industrial development, could include: progression towards a jobs housing balance, increased revenue to the City by expanding its economic tax base, and reduced traffic congestion and associated reduction of air pollution by locating jobs near housing.

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION

The following outlines the identified impacts of the continued implementation of the Edenvale Redevelopment Plan. Please refer to Section III for a detailed discussion of each impact area including the environmental setting, impacts and mitigation measures.

Vegetation, Wildlife and Hydrology

Impacts	Mitigation
Future development within the Edenvale Redevelopment Area could potentially impact the riparian corridor if streets and urban development are allowed to intrude into the corridor. **(SIGNIFICANT IMPACT)**	Implementation of the adopted Riparian Corridor Study policies would reduce or avoid potential impacts to Coyote Creek from future development to a level of non-significance. A qualified biologist will be required to verify the boundaries of the riparian corridor for individual parcels. **(LESS-THAN-SIGNIFICANT IMPACT WITH MITIGATION)**

Future industrial development including grading activities in serpentine grassland habitat could potentially disturb sensitive plant and insect species including: the Metcalf Canyon Jewelflower, the Most Beautiful Jewelflower, Fragrant Fritillary, and the Bay Checkerspot Butterfly. **(SIGNIFICANT IMPACT)**	A biologic survey for sensitive species would be required if development is proposed in the identified serpentine grassland areas. If sensitive species are found, the developer would be required to coordinate approvals with the appropriate regulatory agencies such as the U.S. Fish and Wildlife Service and the California Department of Fish and Game. **(LESS-THAN-SIGNIFICANT IMPACT WITH MITIGATION)**
Grading activities within grassland areas could potentially impact burrowing owl burrows. **(SIGNIFICANT IMPACT)**	At the time specific development is proposed, areas containing open, flat grassland, will be surveyed to determine the presence of burrowing owls. If owls are found, appropriate mitigation would be implemented in accordance with CDFG procedures including avoidance, or relocation. **(LESS-THAN-SIGNIFICANT IMPACT WITH MITIGATION)**
Removal of mature trees in conjunction with future development could impact nesting raptors such as eagles, hawks and owls. **(SIGNIFICANT IMPACT)**	A tree survey may be required to determine the presence of nesting birds and ensure that provisions of the Migratory Bird Treaty Act are implemented and disturbance to nesting birds is avoided. **(LESS-THAN-SIGNIFICANT IMPACT WITH MITIGATION)**
Continued development of the project area will increase the amount of storm water runoff from the site particularly in the New Edenvale area as impervious surfaces are increased by urban development. **(Significant Impact)**	The City will ensure that individual projects implement regular site maintenance activities during construction, including sweeping the streets and temporary berms to retain runoff, to reduce potential contamination in storm runoff.
Development will increase the potential amount of contamination in storm water runoff which would adversely effect the water quality of Coyote Creek. **(Significant Impact)**	Individual development projects will be required to comply with the NPDES General Construction Activity Storm Water Permit requirements, including preparation of a Storm Water Pollution Prevention Plan.

Transportation and Circulation

Impacts	Mitigation
Continued implementation of the Edenvale Redevelopment Plan is not expected to cause significant long term traffic impacts. **(LESS-THAN-SIGNIFICANT IMPACT)**	No Mitigation Required for long term impacts. Prior to approval of a development proposal, the City will require that project specific studies be done, including a near-term traffic analysis. Individual projects will be required to conform to the Santa Clara County Transportation Authority Congestion Management policies, and the City's Level of Service Policy.

Hazardous Materials

Impacts	Mitigation
Future development encouraged by the Edenvale Redevelopment Plan could result in potential hazardous material impacts associated with development of potentially contaminated sites. **(SIGNIFICANT IMPACT)**	At the time specific development is proposed soil and/or groundwater testing will be required if past contamination is suspected. **(LESS-THAN-SIGNIFICANT WITH MITIGATION)**
Industrial companies may utilize hazardous materials which could create a public health hazard by their use, storage and/or disposal. **(SIGNIFICANT IMPACT)**	Implementation of Federal, state and local regulations will reduce potential hazardous material-related impacts to a level of non-significance. **(LESS-THAN-SIGNIFICANT WITH MITIGATION)**

I. DESCRIPTION OF THE PROPOSED PROJECT

A. PROJECT OVERVIEW

The proposed project is the continued implementation of the Edenvale Redevelopment Plan which was developed in 1976 and expanded in 1979, to encompass an area of approximately 2,312 acres located in the Edenvale Industrial area of southern San Jose. This industrial area was established on the basis of sound land use and transportation planning principles that dictate the benefits of locating future jobs in the vicinity of the existing and future housing stock in the southern sector of San Jose. These benefits include reduced demand on the transportation system both by reduced work trip length and reverse direction of the peak commute traffic flow. The transportation benefits result in reduced vehicles miles and hours of travel time, corresponding reductions of fuel consumption and air pollution emissions. The employment resulting from industrial development is intended to shift San Jose closer toward a balance between jobs and housing.

This Supplemental Environmental Impact Report (SEIR) has been prepared because substantial changes surrounding the project action have occurred since certification of the last Final EIR including:

1. Completion of an updated City of San Jose General Plan, entitled "San Jose 2020";
2. Completion of major transportation improvements servicing the area: Highway 101, Route 85, Route 87, the Santa Clara County Light Rail Transit (LRT) system, Silver Creek Valley Road, and partial completion of Silicon Valley Boulevard;
3. Adoption of the City's Riparian Corridor Policy Study;
4. Implementation of new laws and regulations governing the use and storage of hazardous materials and identification of additional information regarding the reduction of risks from hazardous materials; and
5. Substantial new development in the area including construction of the Silver Creek Planned Residential Community.

B. PROJECT LOCATION

The project is located in the Edenvale area of southern San Jose in the vicinity of Highway 101 and State Route 85 interchanges, in central Santa Clara County (see Figure 1). The project boundaries are irregularly shaped and include two areas: "old" and "new" Edenvale (refer to Figure 2). Old Edenvale is an area generally bounded by Santa Teresa Boulevard, and Bernal Road to the south, Cottle Road to the west, and Monterey Highway to the northeast. "New Edenvale" is a long and somewhat narrow stretch of land that is northeast of Old Edenvale, generally bounded by U.S. Highway 101 and Coyote Creek to the west, Hellyer Avenue and the east foothills to the northeast, and Silicon Valley Boulevard (formerly Tennant Avenue) to the south.

C. DESCRIPTION OF THE PROPOSED PROJECT

The project is the continued implementation of the previously approved Edenvale Redevelopment Plan. The Edenvale Redevelopment Plan provides for various redevelopment activities that expedite the orderly development of land uses designated in the San Jose General Plan. The redevelopment

activities consist of removal of economic and physical blight, elimination of impediments to development such as awkward or cumbersome parcelization, provision of costly infrastructure improvements that would be too burdensome for individual property owners, and marketing to draw development into the area.

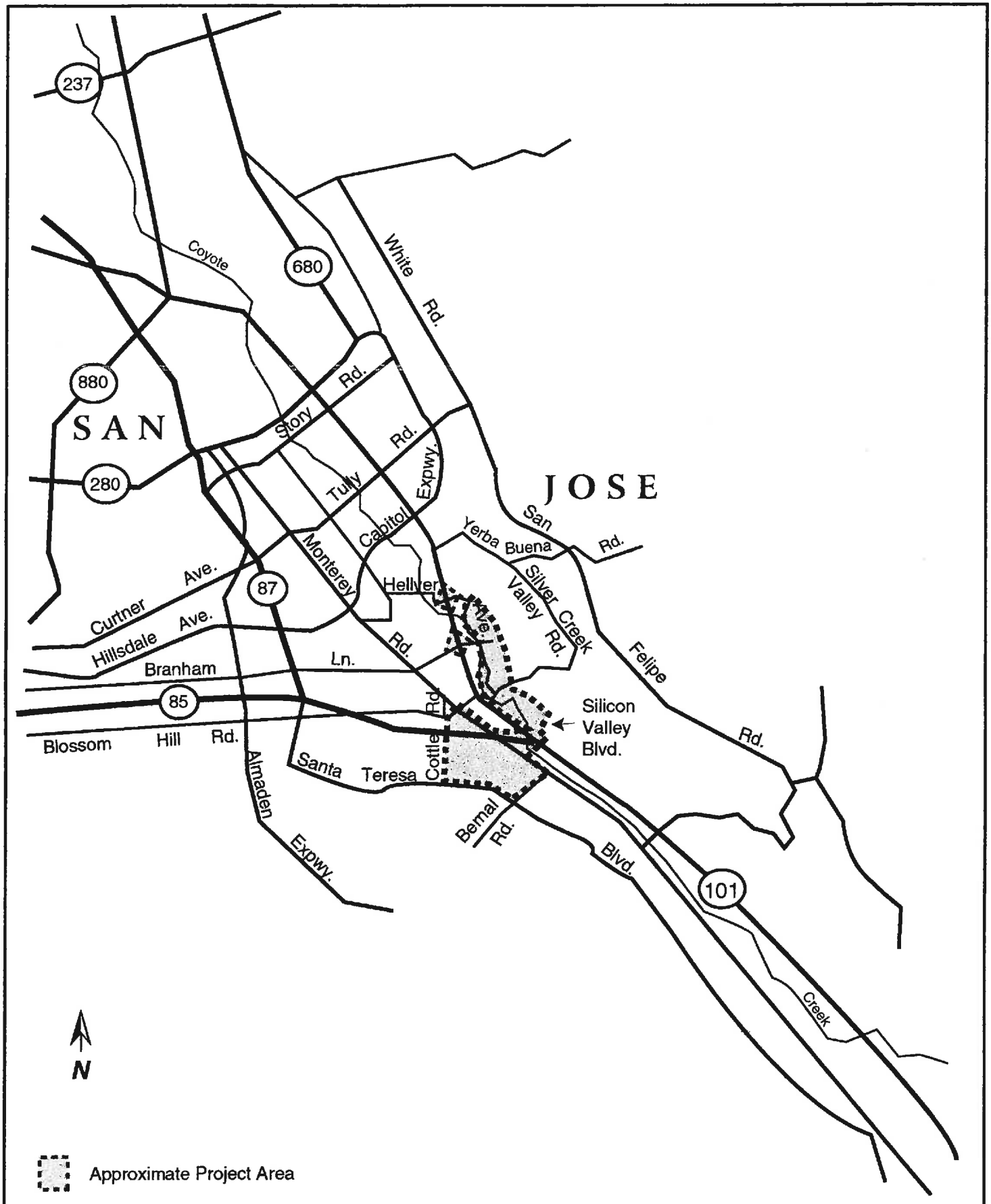
Infrastructure improvements are still needed in the New Edenvale Area. Limited access is currently provided. The following improvements are needed:

- Completion of an arterial connection between Silver Creek Valley Road and the Silicon Valley Boulevard bridge;
- Completion of the remaining half of the bridge over Coyote Creek at Silicon Valley Boulevard;
- Installation of new interior street systems and extension of utilities; and
- Construction of a bridge over Coyote Creek to link both sides of Branham Lane.

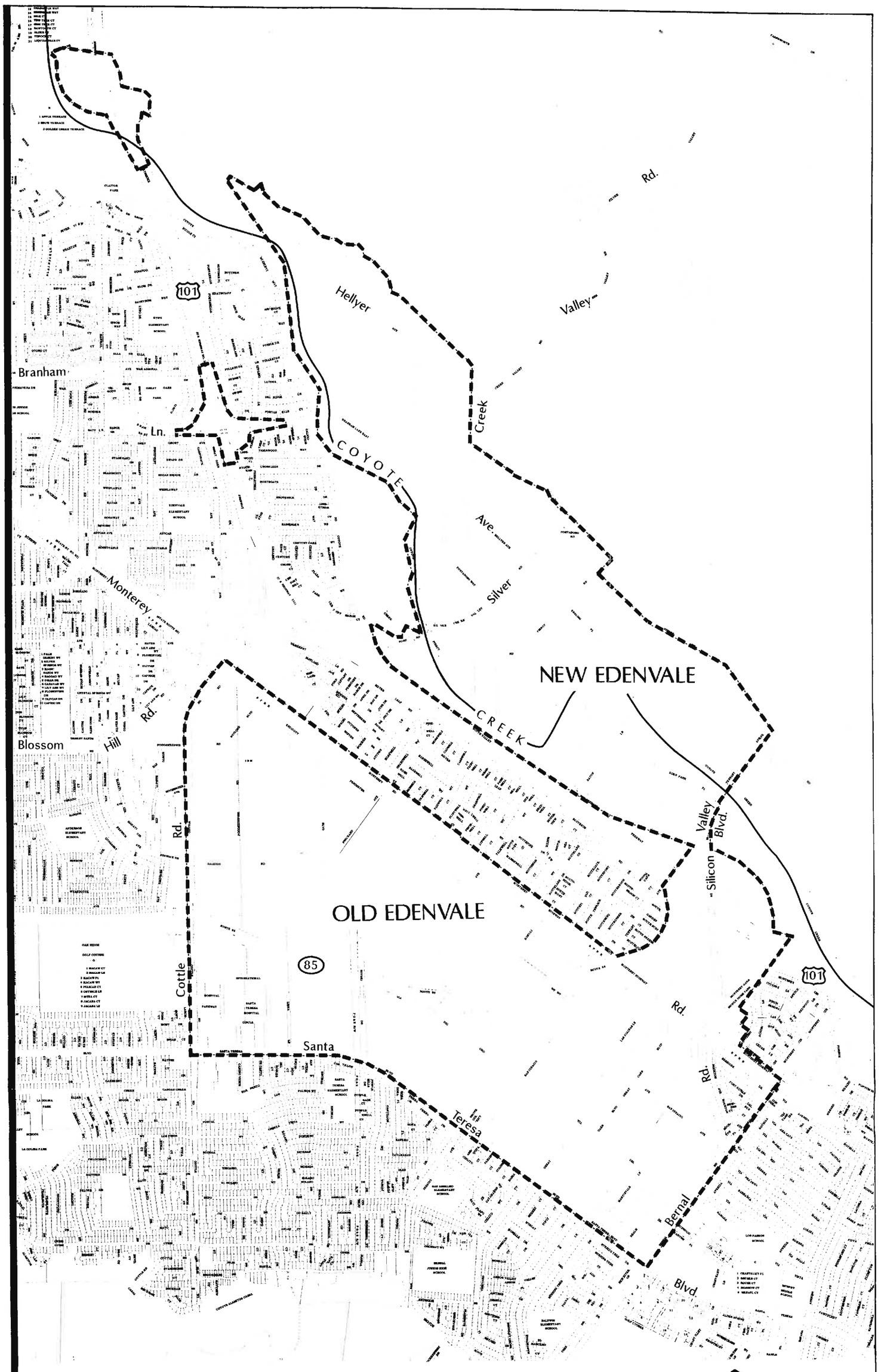
As new development is constructed, infrastructure improvements such as construction of streets, undergrounding utilities, installation of storm and sanitary sewers and installation of landscaping will be incrementally expanded into the project area.

Financing for implementation of the Edenvale Redevelopment Plan will continue to be derived from several sources. Individual developers would be responsible for the normal costs of on and off-site improvements, either by direct contributions or through payment to assessment districts.

The Redevelopment Agency could use tax increment financing to pay for public projects and improvements necessary to encourage industrial development in the area. Since 1977, the Agency has invested over $36 million in infrastructure improvements within Edenvale including $5.5 million on the Fontonoso bridge construction in 1991-92. No additional infrastructure or development improvements are currently budgeted by the Redevelopment Agency.



REGIONAL MAP FIGURE 1



PROJECT AREA MAP

FIGURE 2

One change regarding financing has occurred since completion of the previous EIR. The Redevelopment Agency has merged all the redevelopment areas in the City which enables all funds generated by tax increment financing to be pooled. Tax increment, therefore, may not necessarily be used in the redevelopment project area in which it is generated.

D. PROJECT OBJECTIVES

The overall objective of the Edenvale Redevelopment Plan is to implement the San Jose General Plan and policies of the City in the development of the Edenvale Area. Objectives outlined in the adopted Edenvale Redevelopment Plan are as follows:

- Strengthen and expand the community's tax base through an effective program for economic development and improved employment opportunities;
- Provide for the installation of capital improvements, public and private, necessary to support such a program;
- Direct such capital improvements so that they act as catalysts to attract private investment in underdeveloped areas of the community;
- Remove structurally substandard buildings, eliminate blighting influences, remove impediments to land development, and achieve changes in land use;
- Encourage the development of labor-intensive industries for the purpose of providing expanded employment opportunities; and
- Provide for the development of industrial activities with appropriate standards of design and landscaping with proper safeguards for protection of environmental resources.

D. USES OF THE SUPPLEMENTAL EIR

The 1979 EIR and this supplement are program level documents, meaning that the level of specificity is general in nature. Program EIRs allow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early stage when the Agency has greater flexibility to deal with basic problems or cumulative impacts (CEQA Guidelines 15168 (b) (4)).

The City of San Jose is the Lead Agency under CEQA and is required to initiate environmental review for discretionary approvals for actions occurring in the Edenvale Redevelopment Area. This Supplemental EIR in conjunction with the Final EIR for the Expansion of the Edenvale Redevelopment Project Area (September, 1979) provides environmental review and information to the public and decision makers regarding the continued implementation of the Edenvale Redevelopment Plan.

The City of San Jose has determined that the EIR prepared in 1979 is valid for the environmental issues it addressed, and that this proposed SEIR is appropriate to update the environmental documentation for the continued implementation of the Edenvale Redevelopment Plan. This SEIR is to be used with the 1979 EIR, and only addresses the information needed to update the 1979 EIR including special status species, riparian corridor issues, hazardous materials, and long-term traffic.

As stated in the CEQA Guidelines {Sections 15180 (a) and (b)} all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which

shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. An EIR on a redevelopment plan is treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan.

At the time specific development is proposed by an individual property owner, and as specified in the current Edenvale Redevelopment Plan, actions authorized by state law under the redevelopment process and allowed under the Redevelopment Plan include:

1. Acquisition of real property by purchase, gift, devise, exchange, condemnation or other lawful means;
2. Relocation of the occupants presently residing in non-residential structures which are acquired or, as necessary, in non-residential structures subject to rehabilitation;
3. Demolition, removal or clearance of certain existing buildings and structures on land acquired by the Agency;
4. Arrangement with proper authorities for the vacation and realignment of certain streets and other rights-of-way, and the underground placement of certain utilities.
5. Reservation of certain areas for public streets, rights-of-way, and other public purposes;
6. Installation and relocation of certain necessary site improvements, utilities and facilities;
7. Administration of adopted rules and regulations for owner participation;
8. Administration of rules governing reasonable preference to persons who are engaged in business in the Project Area to reenter in business within the redevelopment area;
9. Sale or lease of all land acquired by the Agency for reuse in accordance with the Plan and such additional conditions as may be established by the Agency in any manner authorized by law in order to carry out the purpose of redevelopment;
10. Annexation into the City, those properties within the project area that are still in the County;
11. Coordination with property owners to insure a comprehensive development effort;
12. Zoning and prezoning, in conformance with the City of San Jose General Plan, those properties within the project that are not now in conformance with the General Plan; and
13. Subdivision Maps, Site Development Permits, Planned Development Permits, Conditional Use Permits, and Tree Removal Permits.

II. CONSISTENCY WITH ADOPTED PLANS AND POLICIES

The following section discusses the consistency of the Edenvale Redevelopment Plan with applicable policies which have been adopted since the 1979 EIR was certified or because circumstances in the Edenvale area have changed since that time which may have changed the Plan's consistency with a previously adopted policy..

A. RIPARIAN CORRIDOR POLICY STUDY

In May of 1994, the San Jose City Council adopted the Riparian Corridor Policy Study to guide the City's treatment of riparian corridors and protect biotic resource values when development occurs along creek systems. Riparian habitats are recognized as important natural resources because they support a great variety and abundance of aquatic and terrestrial species due to the availability of water. Vegetation within stream corridors serves many beneficial purposes, improves water quality by buffering urban storm water runoff, and reduces erosion and sedimentation. Riparian corridors also provide open space and recreation opportunities. Provisions of the adopted Riparian Corridor Policy Study have been incorporated into the City's General Plan Natural Resource Policies. This policy pertains to this project because Coyote Creek, one of the most important riparian corridors in Santa Clara County flows through the New Edenvale Area. New development within, or adjacent to the creek corridor could impact this natural resource.

The Riparian Corridor Policy Study contains specific policies and development guidelines pertaining to development adjacent to creek systems. The purpose of the guidelines is to help protect natural resources, provide the City of San Jose with a tool to evaluate proposed development within and adjacent to riparian corridors, coordinate recreation and storm water drainage, and provide guidance to property owners, and public agencies when preparing development plans.

Specific guidelines from the Riparian Corridor Policy Study most relevant to the Edenvale Redevelopment Project are discussed below. The applicable Riparian Policy is stated and then information is provided on whether existing development meets the Policy, and if future development is expected to be consistent.

Guideline 1A: Orientation

All new development should be oriented to provide views of the corridor for visibility, habitat protection and public safety. Frontage roads are the preferred interface between new development and riparian corridors; buildings and structures should not back up to riparian corridors.

Site activities should be oriented to draw activity away from riparian corridors, for example entrances, loading and delivery areas, noise generating activities and equipment, and activities requiring night lighting should be oriented toward non-riparian edges.

Existing Development: Some buildings and structures such as individual residences, and some industrial buildings, back up to the corridor. Most of these uses were in place prior to the adoption of the Policy and are therefore, not subject to the orientation policy.

Future Development: Development within the Edenvale Redevelopment Area is expected to be consistent with this portion of the Orientation policy. At the time specific development is proposed, each industrial project would be subject to the Site Development or Planned Development Permit process. Specific conditions regarding site activities would be examined at that time for conformance with the Riparian Corridor Policy Study and the City's Industrial Design Guidelines. Development will be required to conform to the orientation provisions of the Riparian Corridor Policy Study.

Guideline 1C: Setback Areas

Development adjacent to riparian habitats generally should be set back 100 feet from the outside edge of the riparian habitat (or top of bank, whichever is greater).

Setback Exceptions

Exceptions to the 100 foot setback may be considered if basic riparian habitat protection objectives are achieved. Circumstances that may warrant consideration of setbacks less than 100 feet include: sites with unusual geometric characteristics and/ or disproportionately long riparian frontages, and instances where implementation of the project includes measures which can protect and enhance the riparian value of the corridor more than a 100 foot setback would. Minimum reduced setbacks should be no less than 50 feet or, in urban infill areas, no less than 25 feet, or no less than the average of existing setbacks on adjacent properties, whichever is greater.

According to the Riparian Corridor Policy Study exceptions, proposed development warrants consideration of a setback less than 100 feet if it meets all of the following criteria:

- There is no reasonable alternative which avoids or reduces the encroachment into the setback area;
- The reduced setback will not significantly reduce or adversely impact the riparian corridor;
- The use is not fundamentally incompatible with riparian habitats;
- There is no evidence of stream bank erosion or previous attempts to stabilize the stream banks which could be negatively affected by the proposed development;
- The granting of the exception will not be detrimental or injurious to adjacent and/or downstream properties; and
- A qualified biologist has confirmed in writing the above conditions as well as a program to achieve the habitat protection and enhancement objectives outlined in the Riparian Corridor Policy Study.

Existing Development: Many of the current parcels and streets within the Edenvale Redevelopment Area substantially predate the Riparian Corridor Policy Study or were created under an assessment district several years prior to adoption of the Riparian Corridor Policy Study. Therefore, some of the existing development (streets, industrial development

and individual houses) in the Project Area do not meet setback standards outlined in the Policy. Because most of these uses were developed prior to the adoption of the Riparian Corridor Policy Study, they are considered "grandfathered" in, and are not subject to the current provisions.

The City prepared a survey to determine which properties met the 100 foot setback from the riparian corridor. The following urban developments encroach into the 100 foot setback area:

- Highway 101, on the west edge of Coyote Creek, between Piercy Road and Silicon Valley Boulevard;
- A portion of Piercy Road, south of Silver Creek Valley Road;
- The frontage road on the west side of Coyote Creek, directly north of Silicon Valley Boulevard; and
- Individual residences on both sides of Coyote Creek between Branham Lane and Silicon Valley Boulevard.

Several developed properties encroach within the 100 foot setback. The Litton development was constructed prior to adoption of the Riparian Corridor Policy Study. Although a very tiny section of the property is within the riparian corridor, the developed portion of the site does not intrude into the 100 foot setback.

The StrataCom development, located in the northeast side of New Edenvale was developed after the adoption of the Riparian Corridor Policy Study. It has less than a 100 foot setback. Although the StrataCom property has characteristics that meet the circumstances outlined in the Riparian Corridor Policy Study allowing reduced setbacks because it is irregularly shaped, long and narrow, with a disproportionate amount of riparian frontage, it exceeds the setback exceptions. In some instances the StrataCom development maintains a 25 foot setback or less.

Future Development: At the time new development is proposed, it will be required to meet the provisions of the Riparian Corridor Policy Study and, therefore, future development within the Edenvale Redevelopment Plan area is expected to be consistent with the Policy. Most new development will be required to meet the minimum of 100 foot setbacks.

As can be seen from the aerial photograph Exhibit A of this document, there are only a few parcels that have unusually long narrow frontages which meet the 50 foot setback criteria. The 100 foot setback line would make it difficult, if not impossible to develop these parcels unless the properties were assembled into larger lots and because the properties are held by various owners this is difficult to accomplish. In addition, the Redevelopment Plan does not provide for Agency assistance in the assembly of parcels in the area of New Edenvale south of Silver Creek Valley Boulevard. Therefore, it is likely that development may be allowed to maintain a 50 foot setback in the identified areas if they meet the Riparian Corridor Policy Study criteria.

B. COUNCIL POLICY 8-3

The City Council adopted Council Policy 8-3 in 1972, regarding frontage roads and minor streets adjacent to public parks and open spaces. The Policy's intent is to establish dedication and improvement standards to ensure that the public is afforded maximum access to parks and open spaces. The policy requires a minimum 44 foot frontage road adjacent to City-wide park lands. The Policy specifically states that proposed development along the Coyote Creek Parkway shall be required to dedicate and improve a 44 foot right-of-way.

Existing Development: Portions of frontage roads within the Project area have been completed in the following areas:

- On the west side of Coyote Creek, north of Silicon Valley Boulevard
- A portion of Piercy Road serves as a frontage road on the east side of Coyote Creek, south of Silicon Valley Boulevard. This is an old country lane that predates Council Policy 8-3 and as such does not have a 44' cross section width at this time.

Future Development: The Edenvale Redevelopment Plan states that frontage roads shall be provided along the east side of the Coyote Creek Park Chain from Branham Lane and Silicon Valley Boulevard (formerly Tennant Avenue). Existing development including individual residences, and industrial development, are currently existing adjacent to Coyote Creek within this area. Because of existing constraints, it is unlikely that frontage roads will be completed along the entire frontage from Branham Lane to Silicon Valley Boulevard. However, frontage roads may not be precluded from being developed. Access roads to service the riparian park chain property may be allowed within the riparian setback areas.

C. COUNTYWIDE TRAILS MASTER PLAN

The County of Santa Clara adopted a revised Countywide Trails Master Plan in 1995 which identifies approximately 535 miles of off street trail routes including regional, subregional and connector trails. The goals and policies of the Trails Master Plan seek to provide a range of convenient urban, rural and open space experiences for the public and provide links between the local parks systems. In addition, the Trails Master Plan identifies priorities for trail development and design guidelines.

Existing Development: Approximately 105 miles of trails are currently existing in the County, which includes a completed trail segment along Coyote Creek within the Edenvale Redevelopment Area. The fifteen mile Coyote Creek trail is a major regional trail with links to intermodal transportation, the Bay Area Ridge Trail, and other bike trail routes within the greater San Jose area. The Coyote Creek Trail provides hiking, bicycle and equestrian trail uses.

Future Development: When fully developed the Coyote Creek/Llagas Creek Trail will run from the Alameda County line and the San Francisco Bay Trail, south to the San Benito County line. No improvements within Coyote Creek are proposed as part of the Edenvale Redevelopment Plan, and development is expected to maintain a riparian corridor setback, therefore, no impacts to the trail system are anticipated.

III. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

A. VEGETATION, WILDLIFE AND HYDROLOGY

The following section regarding vegetation and wildlife has being updated in this SEIR because additional species have been added to the Federal and State sensitive species lists since adoption of the 1979 EIR.

The Project Area contains a mix of urban and rural habitat types. Old Edenvale is typical of urban areas, with mature ornamental landscaping, and limited open spaces. A few parcels, however, although surrounded by urban development, remain undeveloped and contain orchard trees and disturbed annual grassland vegetation.

Portions of the New Edenvale area are still relatively rural. Some agricultural uses are evident, including grazing, orchards and greenhouses. Rolling hills and large expanses of grassland are located in this area.

1. Coyote Creek Riparian Habitat

The City of San Jose identifies riparian corridors as any defined stream channels, including the area up to the bank full-flow line, as well as all riparian streamside vegetation in contiguous adjacent uplands. The riparian habitat within the Project Area is Coyote Creek which flows through the New Edenvale Area. It is the largest waterway in the Santa Clara Valley, containing 20 tributaries, and is part of a riparian creek system that flows from the hills east of Morgan Hill, through San Jose and eventually discharges to the San Francisco Bay near Alviso.

The Coyote Creek County Park incorporates the creek as part of a linear park system. A bike trail extends along the creek through the New Edenvale Project area.

There have been significant losses of riparian habitat due to development in Santa Clara Valley, increasing the value of what remains. Coyote Creek is important because it represents some of the highest quality riparian habitat in the region.

a. Setting

Existing Riparian Habitat

Areas along Coyote Creek contain occasionally dense, deciduous, broad-leaved forest. Fremont's cottonwood (*Populus fremontii*) and western sycamore (*Plantanus racemosa*) are abundant in the forest canopies. Also within the forest canopy are white alders, big leaf maple, valley oak, and black walnut. Dense shrubs can be found along the banks of the creek and include: coyote brush (*Baccharis pilularis*), California blackberry (*Rubus ursinus*), and creeping wildrye (*Leymus triticoides*). Within or close to the stream are giant reeds (*Arundo* donax), broadleaf cattails

(*Typha latifolia*), rush (*Juncus sp.*), wooly sedge (*Carex lanuginosa*), and common reed (*Phagmites communis*).

The riparian habitat supports a wide variety of plant species and structurally diverse vegetation. Therefore, this habitat is of very high wildlife value. Due to the presence of water and vegetation, insects, aquatic breeding amphibians and bird species are particularly abundant. Both resident and migratory birds are found within this area. In addition to providing excellent wildlife habitat, the Coyote Creek serves as a corridor for the movement of wildlife, particularly, mammals and avian species.

The Coyote Creek riparian habitat zone has been previously impacted by agricultural practices, construction of roadways and pedestrian/bicycle paths within it, and bridges across it, described previously in Section II, pages 8-13. The Coyote Creek riparian habitat has also been impacted by the introduction of the giant reed, an invasive exotic (i.e. non-native) species that provides limited habitat value and displaces native vegetation.

b. **Impacts**

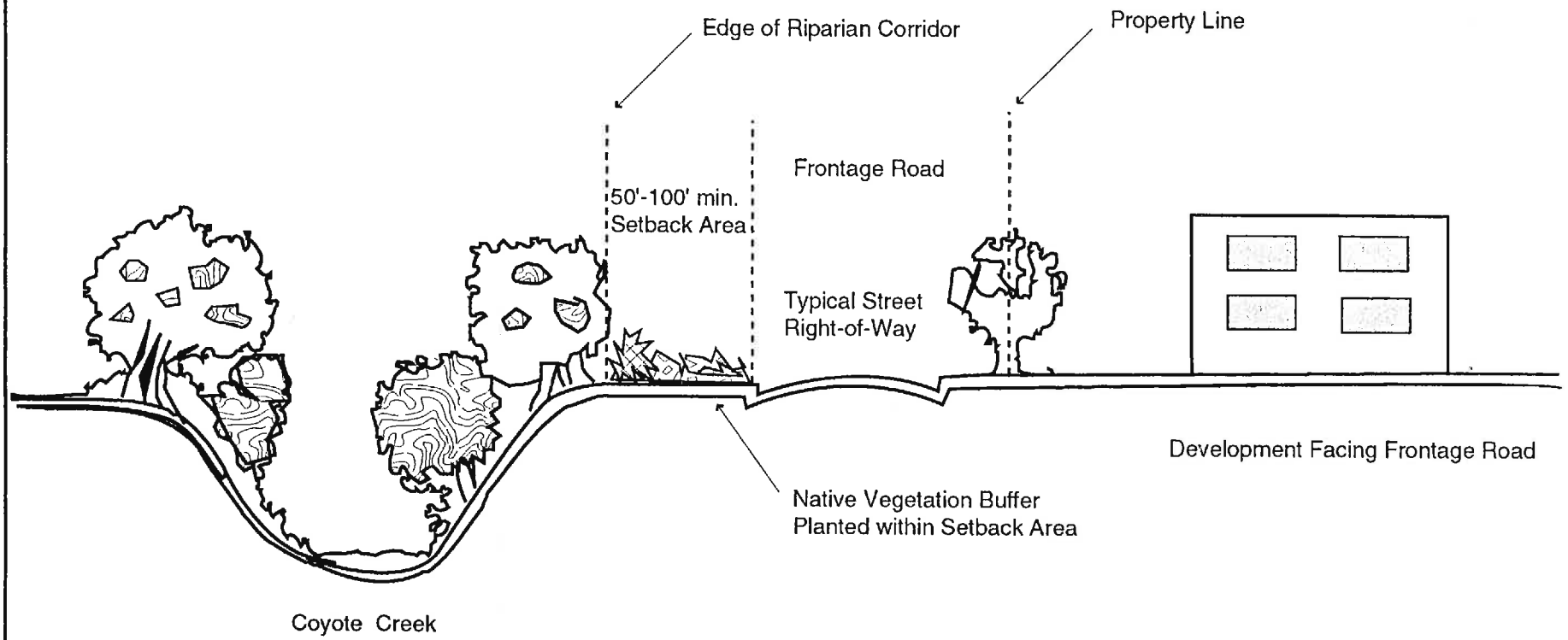
Thresholds of Significance

For the purposes of this project, a riparian corridor impact is considered significant if the project will:

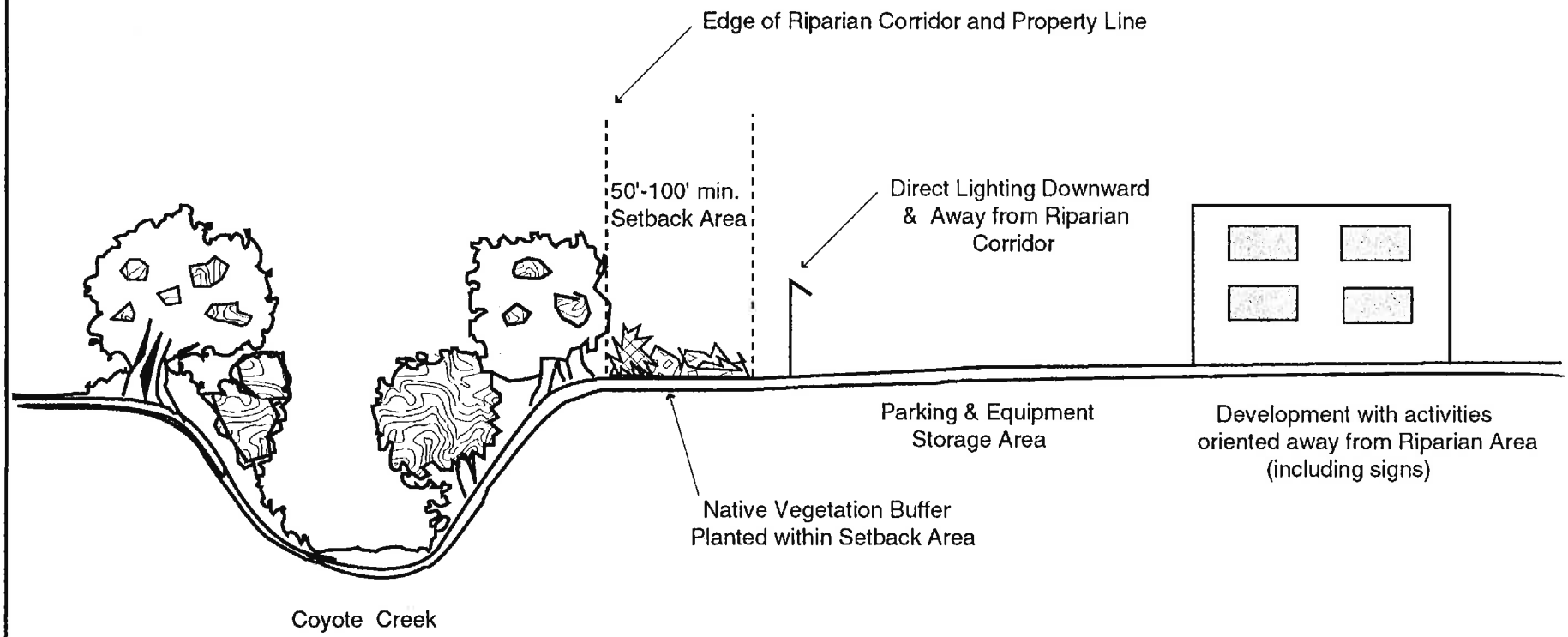
- Be incompatible with surrounding land uses or with the general character of the surrounding area; or
- Affect the Coyote Creek Riparian Corridor.

Continuing industrial development of the area of New Edenvale along Coyote Creek could potentially impact the riparian habitat. However, as discussed in Section II of this SEIR, the Riparian Corridor Policy Study has been adopted since certification of the EIR for expansion of the Edenvale Redevelopment Plan. With the implementation of this Study, the likelihood of adverse impacts to the riparian corridor associated with continued development under the Edenvale Redevelopment Plan are reduced. Implementation of development standards contained within the Riparian Corridor Policy Study help insure that new development takes the corridor into consideration during the design phase for new construction. Figures 3 and 4 show design standards for new development with a frontage road, and with development adjacent to the Creek. New development will be required to meet these standards.

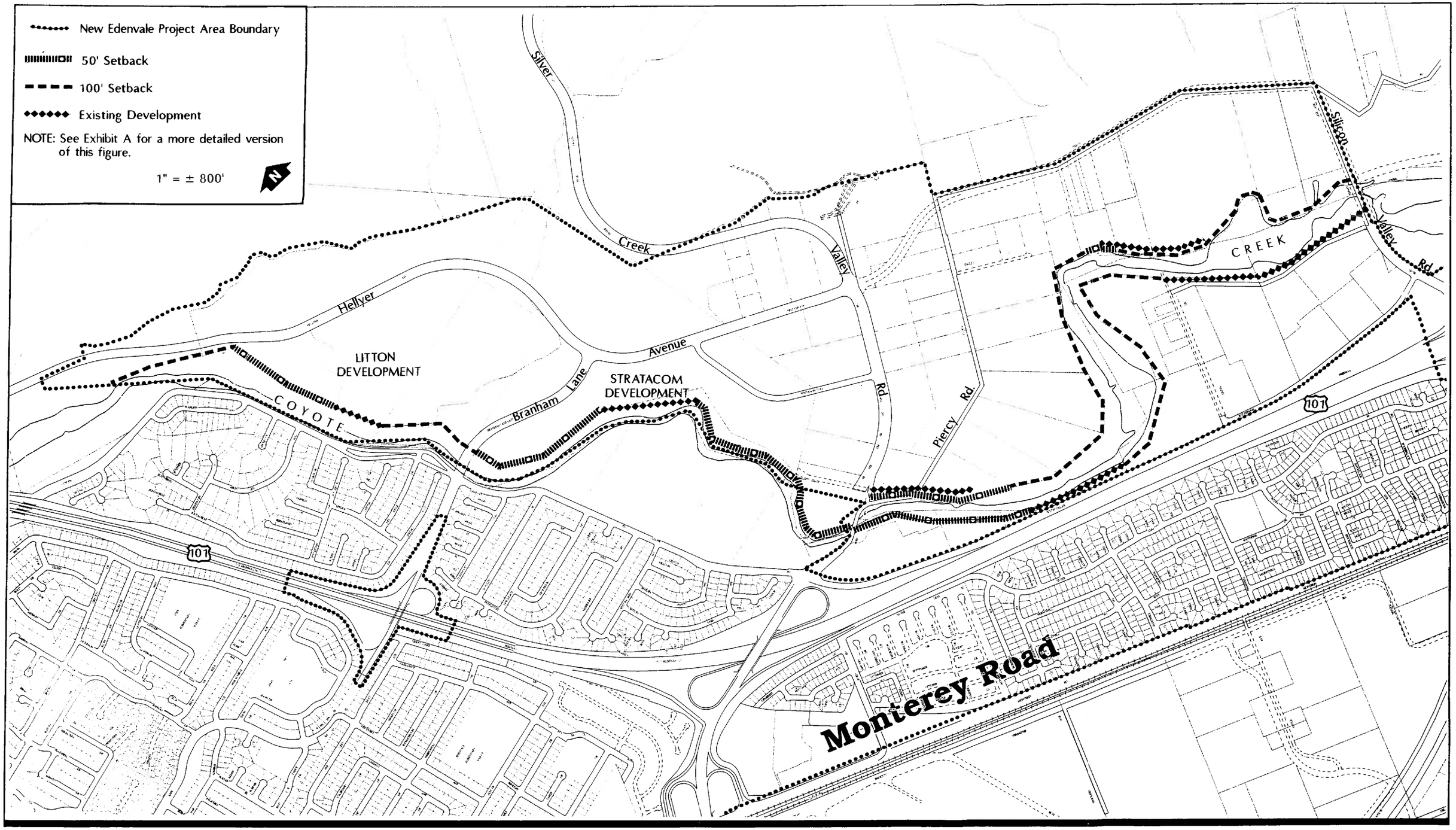
Development will also be required to meet the setbacks outlined in the Riparian Corridor Policy Study. Figure 5 depicts minimum expected setbacks for new development in the New Edenvale area adjacent to Coyote Creek. It should be noted that the exact riparian corridor line has not been ground truthed. The exact line of the riparian corridor will need to be determined on a case by case basis, verified by a biologist.



SETBACKS FOR NEW INDUSTRIAL DEVELOPMENT WITH FRONTAGE ROAD FIGURE 3



SETBACKS FOR INDUSTRIAL DEVELOPMENT ADJACENT TO COYOTE CREEK FIGURE 4



RIPARIAN SETBACKS

FIGURE 5

Large parcels which do not have unusual circumstances will be required to meet the 100 foot setback. Parcels which meet the setback exceptions outlined in the Riparian Corridor Study such as unusual geometric characteristics and/or disproportionately long riparian frontages will be required to maintain a 50 foot setback from the riparian corridor.

Without implementation of the Riparian Corridor Policy Study, future development would be more likely to impact the Coyote Creek Riparian Corridor. Urban development could destroy riparian habitat or encroach in habitat areas. Increase in impervious surfaces would result in grease, oil or other debris runoff into the stream system. Urban development would also increase noise and glare which could disturb sensitive species ability to forage and/or nest in the area.

Future development within the Edenvale Redevelopment Area could potentially impact the riparian corridor. This is a significant impact.

c. Mitigation Measures for Coyote Creek Riparian Corridor Impacts

- Implementation of the Riparian Corridor Policy Study will reduce the potential for development encroaching within the Riparian Corridor. Development on parcels adjacent to Coyote Creek will be required to verify the exact riparian corridor line by a qualified biologist.
    - Parcels under normal circumstances would be required to meet a 100 foot setback from the riparian edge.
    - Parcels with unusual shaped lots, long narrow frontages or other circumstances outlined in the Riparian Corridor Policy Study, will be required to verify that they meet the setback criteria. A qualified biologist will be required to confirm in writing that the project will not be detrimental to the riparian habitat. For these parcels a minimum 50 foot setback from the riparian edge is required (refer to Exhibit A for parcels that appear to currently qualify for a reduced setback).

d. Conclusion

Implementation of the Riparian Corridor Policy Study will reduce significant impacts on the Coyote Creek Riparian Corridor from implementation of the Edenvale Redevelopment Plan to a level of non-significance.

2. Hydrology

Since completion of the 1979 EIR more stringent regulations regarding water quality and non-point source pollution have been enacted. Effective October, 1992, the State of California issued a blanket National Pollutant Discharge Elimination System (NPDES) Permit for new construction to all property owners. For properties of five acres or greater, a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) must be filed with the state prior to project approval.

a. Setting

The project site is within the Coyote Creek watershed which drains from the western slopes of the Diablo Range in eastern Santa Clara County northwest to the San Francisco Bay. The major tributaries of Coyote Creek are Fisher Creek, Silver Creek, Upper Penitencia Creek, and Lower Penitencia Creek. Approximately 350 square miles of watershed drains into Coyote Creek and its tributaries.

Upstream from the Edenvale Redevelopment area, stream flows in Coyote Creek are regulated by releases from the Coyote Reservoir and Anderson Reservoir.

Storm Drainage Facilities

The City of San Jose maintains the storm drainage facilities in the project vicinity. The storm drain lines range in size from 12 to 36 inches in diameter.

Stormwater runoff through the project area flows in a northerly direction, discharging into Coyote Creek. Storm water from the creek eventually discharges to the San Francisco Bay. As the stormwater travels across land prior to reaching Coyote Creek it tends to pick up heavy metals such as cadmium, chromium, copper, lead, nickel and zinc which are carried away from industrial, residential and agricultural uses. Suspended sediments and organic materials are also picked up and get discharged into Coyote Creek.

Much of the New Edenvale Redevelopment area is vacant and unpaved. Runoff from the site may contain agricultural chemicals, including pesticides, herbicides, and fertilizers. In the developed areas, concentrations of grease, oil and heavy metals in existing runoff would be expected.

b. Impacts

Threshold of Significance

For the purposes of this project, a hydrology impact is considered significant if the project will:

- significantly increase stormwater pollution discharges to stormwater systems; or
- substantially degrade water quality; or
- cause substantial erosion or siltation into a stream or body of water.

Storm Drainage

Industrial development will increase the impervious surfaces, thereby decreasing the amount of land available for water percolation, increasing surface runoff. This increase in surface runoff would occur as a result of the construction of pavement and buildings over the existing undeveloped and previously cultivated land.

Water Quality

Water quality impacts to Coyote Creek could result from erosion generated during construction of the project and the release of nonpoint source pollutants associated with development.

Continued development of the project area will increase the amount of storm water runoff from the site, particularly in the New Edenvale Area as impervious surfaces are increased by urban development.

Development will increase the potential amount of contamination in stormwater runoff, which could adversely effect the water quality of Coyote Creek.

c. Mitigation Measures for Hydrology Impacts

The following program mitigation measures will reduce potential water quality impacts from implementation of the Edenvale Redevelopment Plan.

To address long term water quality of runoff from developed areas, the City will ensure that specific development includes permanent water quality measures in project design such as:

- Implement regular maintenance activities (sweeping, litter control) at the site to prevent soil and litter from accumulating on the project site and contaminating surface runoff;
- Construct paved area with materials other than asphalt, if feasible. If construction with other materials is infeasible, the paved areas should be designed to permit the maximum amount of stormwater to penetrate the subsoils;
- Phase construction to limit areas and periods of impact;
- Minimize the use of gutters and curbs which concentrate and direct runoff to impermeable surfaces;
- Use existing vegetation to the extent feasible, and install new vegetation areas to promote infiltration of runoff;
- Incorporate low maintenance landscaping; and
- File a Notice Of Intent and Storm Water Pollution Prevention Plan (SWPPP) with the Regional Water Quality Control Board prior to the start of construction for individual projects within the Redevelopment Area. The SWPPP must address mitigation for both the construction and post construction period. The SWPPP would include erosion and sediment control measures, waste disposal controls, post construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls.

  Specific measures of the SWPPP could include:

  1. Limit access routes and stabilize access points;
  2. Stabilize disturbed areas as soon as possible with seeding, mulching, or other effective methods;

3. Protect adjacent properties with vegetative buffer strips, sediment barriers, or other effective methods.
4. Stabilize and prevent erosion from temporary conveyance channels and outlets; and
5. Use sediment controls and filtration to remove sediment from water generated by dewatering or collected on site during construction. For large sites, storm water settling basins could be necessary.

d. Conclusion

Implementation of the above listed mitigation measures will reduce significant hydrology impacts from implementation of the Edenvale Redevelopment Plan to a level of non-significance.

3. Special Status Species

Several plant and animal species which could inhabit the vicinity of the Project Area have been given special status under the Federal or State endangered species legislation since preparation of the 1979 EIR.

Regulatory Overview

Federally listed threatened and endangered species and their habitats are protected from harm or "take" under the Federal Endangered Species Act (FESA). A "take" includes any activities that harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect. Harm specifically includes significant habitat modification or degradation. Activities which may affect endangered species are subject to review and/or permit by the U.S. Fish and Wildlife Service under Sections 7 and 10 of the FESA.

State listed threatened and endangered species are protected by the California Endangered Species Act (CESA). Activities which may "take" a state listed species are regulated by the California Department of Fish and Game. In addition, the CDFG has produced three lists of "species of special concern" which serve as watch lists of animal species which appear to be threatened.

Migratory birds, even if not listed as threatened or endangered are protected under both Federal and state regulations. The Federal Migratory Bird Treaty Act (16 U.S.C., section 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds and includes protection of bird nests and eggs.

The state protects birds of prey under the provisions of the State Fish and Game Code (Section 3503.5, 1992). Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment is considered significant.

a. **Setting**

The following tables list potential special status species that could inhabit the Edenvale Area. Please refer to the legend following the tables for a definition of the status codes.

Discussion of Likely Sensitive Species

Plants

As outlined in Table 1, populations of six sensitive plant species could inhabit the Edenvale area. The Mount Hamilton Thistle is known to occur in the Edenvale Project Area in moist soil, on slopes above 15%. Development under the Edenvale Redevelopment Plan will not affect this plant species due to the fact that it is found in steep terrain, in areas where urban development is prohibited. Therefore, continued implementation of the Edenvale Redevelopment Plan is not expected to impact the Mount Hamilton Thistle.

Other plant species which could be found on lands that may be developed in Edenvale include the Metcalf Canyon Jewelflower, the Most Beautiful Jewelflower, Smooth Lessingia, and Fragrant Fritillary, in areas that support serpentine substratae. Serpentine soil has a high magnesium content and low calcium content which is a limiting factor to most plant species. Species found within the serpentine grassland are specifically adapted to this soil type. Figure 6 outlines areas where these plant species could occur. It is recommended that the areas identified on Figure 6 be surveyed during the spring flowering period by a qualified biologist prior to proposed development to determine the presence of sensitive species. The following paragraphs briefly describe these five plant species.

TABLE 1
SPECIAL STATUS ANIMAL AND PLANT SPECIES
Reported or Expected to Occur Within the Edenvale Redevelopment Area

ANIMALS

Species	Status	Habitat and Potential Occurrence on the Project Site
Federal or State Listed, Proposed, and Candidate Threatened or Endangered Species		
Bay Checkerspot Butterfly *Euphydryas editha bayensis*	FT	Serpentine grassland supporting California plantain and owl;s clover; potential habitat may be present in serpentine areas
California Tiger Salamander *Ambystoma californiense*	FC,CSC	Grassland (water required for breeding); no suitable breeding habitat observed
California Red-legged Frog *Rana aurora draytonii*	FT,CSC	Perennial streams and ponds; potential habitat along Coyote Creek
Willow Flycatcher *Empidonax trailii*	SE	Riparian willow scrub; area is outside breeding range.
Bank Swallow *Riparia riparia*	ST	Nests in colonies in vertical banks and cliffs; no suitable nesting habitat present
San Joaquin Kit Fox *Vulpes macrotis mutica*	FE,ST	Grasslands; this urban site is beyond range of known populations
California Species of Special Concern and Special Animals Listed by the CNDDB		
Southwestern Pond Turtle *Clemmys marmorata pallida*	CSC	Creeks, rivers, reservoirs, and lakes; suitable habitat along Coyote Creek
Cooper's Hawk *Accipiter cooperi*	CSC	Oak and riparian woodlands (Protected stage: Breeding); may forage, potential breeding areas near riparian corridor
Sharp-shinned Hawk *Accipiter striatus*	CSC	Woodlands near open areas (Protected stage: Breeding); may forage, unlikely to breed.
Northern Harrier *Circus cyaneus*	CSC	Breeds in tall grassland and marsh habitats (Protected stage: Breeding); unlikely to breed
White-tailed Kite *Elanus caeruleus*	Protected	Protected stage:Breeding; potential to forage on-site and breed in woodland areas near Coyote Creek
Merlin *Falco columbarius*	CSC	Woodlands near open areas; unlikely winter transient
Prairie Falcon *Falco mexicanus*	CSC	Nests on cliff ledges (Protected stage: Breeding); no suitable breeding habitat
Burrowing Owl *Speotyto cunicularia*	CSC	Grassland with few trees, levees (Protected stage: Burrow sites); potential to nest where suitable burrows are present
Black Swift *Cypseloides niger*	CSC	Breeds in small colonies on cliffs near waterfalls or in sea-bluffs above surf; no suitable breeding habitat
Tricolored Blackbird *Agelaius tricolor*	CSC	Nests in cattails, tules, occasionally mustard or thistle (Protected stage: Nesting colony); no suitable nesting habitat
California Yellow Warbler *Dendroica petechia brewsteri*	CSC	Breeds in riparian woodland; no suitable breeding habitat within project area, suitable habitat along Coyote Creek
Yellow-breasted Chat *Icteria virens*	CSC	Breeds in riparian habitat in the Central Valley; may be found along Coyote Creek, not expected to breed
Pallid Bat *Antrozous pallidus*	CSC	Foothills, open ground; roosts in buildings, caves and crevices; area subject to human disturbance, no suitable roosts observed
Townsend's-Big-eared Bat *Plecotus townsendii townsendii*	CSC	Humid, broadleaf forests; roosts in caves, mines, buildings, and culverts; area subject to human disturbance, no suitable roosts observed
California Mastiff Bat *Eumops perotis californicus*	CSC	Forages in open areas; roosts in tall trees, crevices and cliffs; area subject to human disturbance, no suitable roosts observed
Badger *Taxidea taxus*	CSC	Dry, open areas in grassland, chaparral and woodland; may occasionally forage, limited suitable habitat within developable area

PLANTS

Species	Status	Habitat and Potential Occurrence on the Project Site
Federal or State Listed, Proposed, and Candidate Threatened or Endangered Species		
Santa Clara Dudleya *Dudleya setchellii*	FE,1B	Serpentine rock; possible habitat on serpentine substrate
Contra Costa Goldfields *Lastenia conjugens*	PFT,1B	Grassland, vernal pools; no suitable habitat
Metcalf Canyon Jewelflower *Streptanthus albidus* ssp. *albidus*	FE,1B	Serpentine grassland; potential habitat on serpentine soils
California Native Plant Society's Lists 1A, 1B, and 2 Plant Species		
Mt. Hamilton Thistle *Cirsium fontinale* var. *campylon*	1B	Serpentine seeps and springs; suitable habitat outside of developable area (above 15% slope line)
Santa Clara Red Ribbons *Clarkia concinna* ssp. *automixa*	1B	Moist oak woodlands; no suitable habitat
Fragrant Fritillary *Fritillaria liliacea*	1B	Grasslands, often on serpentine; potential habitat, primarily in serpentine areas
Smooth Lessingia *Lessingia micradenia* var. *glabrata*	1B	Serpentine chaparral and valley and foothill grassland; potential habitat in serpentine areas
Hall's Bush Mallow *Malacothamnus hallii*	1B	Chaparral; no suitable habitat
Hairless Popcorn-flower *Plagiobothrys glaber*	1A	Alkaline meadows and coast salt marshes; presumed extinct in California, no suitable habitat
Most Beautiful Jewelflower *Streptanthus albidus* ssp. *peramoenus*	1B	Rocky, serpentine grasslands, chaparral, and woodland; potential habitat in serpentine areas

Sources: California Natural Diversity Data Base for the San Jose West and San Jose East Quadrangles (April 1995), California Native Plant Society's Electronic Inventory (1995), Federal Register 50 CFR Part 17, February 28, 1996 (Volume 61, Number 40) and March 1, 1996 (Volume 61, Number 42), USFWS Press Release May 20, 1996, Draft EIR San Jose 2020 General Plan Update (1993).

Status Legend:

FE Listed as Endangered by the Federal government.

FT Listed as Threatened by the Federal government.

PFE,PFT Proposed for listing as Endangered or Threatened by the Federal government.

ST Listed as Threatened by the State of California.

FC Listed by the Federal government as a candidate species. Candidate species are those species for which the U.S. Fish & Wildlife Service has on file sufficient information to support listing and development and publication of proposed rules for such candidate taxa is anticipated. The USFWS encourages agencies to give consideration to these taxa in environmental planning.

CSC California Department of Fish and Game "Species of Special Concern"

The following designations refer to species and subspecies listed in the California Native Plant Society's *Inventory of Rare and Endangered Vascular Plants of California* (1995). The designations listed below are from the *Inventory*.

1A Plants presumed extinct in California

1B Plants, rare, threatened, or endangered in California and elsewhere.

2 Plants Rare, Threatened, or Endangered in California, but more common elsewhere.

Metcalf Canyon Jewelflower (*Streptanthus albidus ssp. albidus*) The Metcalf Canyon Jewelflower is listed as Federally Endangered and is on list 1B of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants in California. This plant can be found in disturbed areas such as road cuts, on rocky serpentine outcrops, and on steep slopes of relatively thin serpentine derived soils.

Most Beautiful Jewelflower (*Strepthanthus albidus ssp. peramoenus)* This species is is listed as a CNPS 1B species. It is a close relative of the Metcalf Canyon Jewelflower and is found in similar serpentine habitats. It is known to inhabit serpentine areas in the Oakland hills and in Santa Clara County, primarily west of Coyote Creek. The flowering period is from April to May.

Fragrant Fritillary (*Fritillaria lilacea*) The Fragrant Fritillary is a CNPS Inventory list 1B species. It is a small bulbous plant, found in widely scattered places in central California. It often grows on serpentine soils, especially at locations away from the coast. It is in bloom in the spring from February to April.

Santa Clara Valley Dudleya (*Dudleya setchellii*) This species is listed as Federally endangered and is on list 1B of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants in California. This Dudleya grows on rocky serpentine out slopes in valley and foothill grasslands. The flowering period is May through June.

Smooth Lessignia (lessingia micradenia glabrata) Smooth Lessingia is a CNPS List 1B species. It is an annual plant in the sunflower family which grows on serpentine soils in chaparral and grassland habitats. It also is found along roadsides. Its flowering period is August through November.

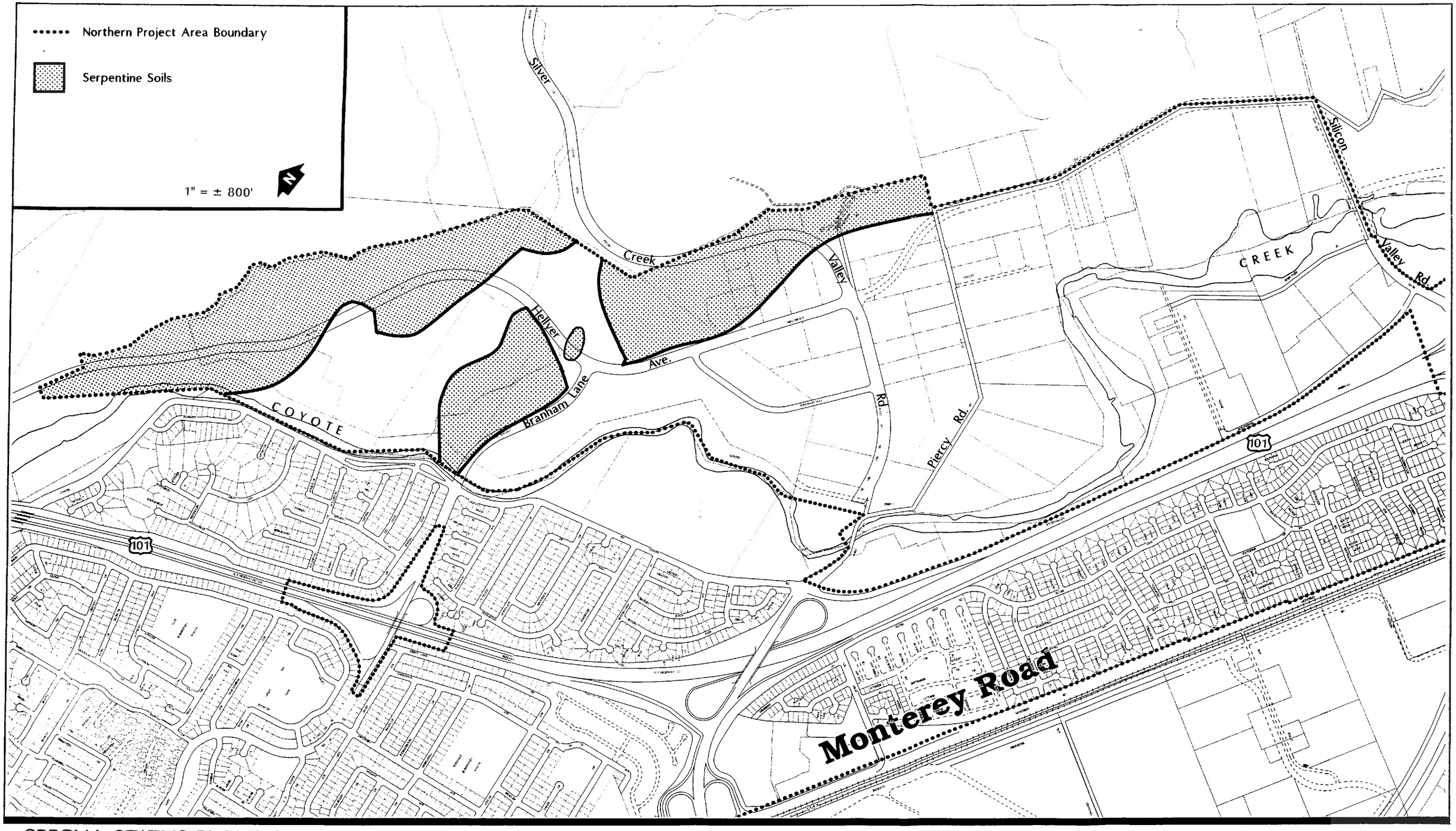
Insects

Areas of serpentine grasslands may also support the Bay Checkerspot Butterfly. Although not observed onsite, populations of the Bay Checkerspot Butterfly are known to inhabit areas in the vicinity of Edenvale.

Bay Checkerspot Butterfly (*Euphydryas editha bayensis*) The Bay Checkerspot is Federally listed as Threatened. It is medium in size and is black and cream colored with orange spots. The larvae are host specific to two serpentine plant species (*Plantago erecta* and *Orthocarpus sp.).* Nearby populations are known to occur at Kirby Canyon and the Silver Creek hills, north and east of the project area.

Burrowing Owls

Although unlikely to be in the project area, there is potential habitat to support Burrowing Owls. Burrowing Owls prefer short, open, flat grasslands, and areas with ground squirrel burrows. The nearest known population of Burrowing Owls is at the Ohlone-Chynoweth Light Rail Station. Populations are also north of the project area (Reid-Hillview Airport, Lake Cunningham Park, and San Jose International Airport).



SPECIAL STATUS PLANT SURVEY AREAS

FIGURE 6

Another reported smaller population is in the Morgan Hill area. No burrowing owls have been observed in the project area.

Other Species

Several sensitive bird species are likely to visit or inhabit the Coyote Creek riparian corridor including; Cooper's hawk, yellow warbler, yellow-breasted chat and willow flycatcher. The potential also exists for other species to live or forage along the creek: red-legged frog, and the southwestern pond turtle.

b. Impacts

Threshold of Significance

For the purposes of this project, a vegetation and wildlife impact is considered significant if the project will:

- directly affect or indirectly affect (i.e. through habitat loss) a candidate or listed, threatened or endangered species; or
- directly affect species protected under the provisions of the Migratory Bird Treaty Act or Endangered Species Act

Impacts to wildlife species are assumed to be directly correlated with the loss or disturbance of habitats that support sensitive species. In particular, impacts to serpentine grassland, and riparian habitats within the Edenvale Redevelopment Area could potentially affect Federally listed threatened or endangered species. Disturbance of grassland that support Burrowing Owls, and trees where raptors may nest are also of concern, throughout the entire project area. The impact on these habitats would result from site grading, road building, infrastructure installation and urban development.

Development in serpentine grassland areas, including construction activities and grading, could disturb sensitive plant species such as the Metcalf Canyon Jewelflower, Santa Clara Valley Dudleya, the Most Beautiful Jewelflower, and Fragrant Fritillary. In addition, serpentine grassland areas could support the Bay Checkerspot Butterfly. Disturbance to these plant or animal species would be considered a significant impact.

Clearing and grading activities for new development could impact nesting raptors such as eagles, hawks and owls that may nest in mature trees in the project area and are protected by the Migratory Bird Treaty Act. Grading activities within grassland areas could also impact burrowing owl nests. This is a significant impact.

c. Mitigation Measures for Vegetation and Wildlife Impacts

Implementation of the following programs and policies will provide mitigation for future potential biological impacts:

- Specific development will be required to conform to existing Federal and state regulations including the Migratory Bird Treaty Act, the Federal Endangered Species Act and the California Endangered Species Act regarding sensitive species.

- At the time specific development is proposed, areas containing serpentine grassland will be surveyed by a qualified biologist, preferably during the spring flowering period, to determine the presence of sensitive species including: the Metcalf Canyon Jewelflower, the Most Beautiful Jewelflower, Fragrant Fritillary, Santa Clara Valley Dudleya, Smooth Lessingia, and the Bay Checkerspot Butterfly. If sensitive species are found, the developer would be required to prepare a detailed mitigation plan subject to approval from the appropriate regulatory agencies such as the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

- At the time specific development is proposed, areas containing open, flat grassland will be surveyed 30 days prior to construction to determine the presence of burrowing owls. If owls are present, the California Department of Fish and Game will be contacted, following the Department's protocol, appropriate measures will be taken such as protection of the burrows, or relocation of the birds. No disturbance will be allowed if owls are nesting/ or young have not fledged.

- In order to protect impacts to bird species prior to site approval a biologist shall determine whether any trees on individual project sites have active nests of migratory birds. If active nests are present, no disturbance would be allowed until after the nesting season.

d. **Conclusion**

Implementation of all mitigation measures identified above will reduce the impacts to sensitive species in the vicinity, to a level of non-significance.

B. TRAFFIC AND CIRCULATION

Since completion of the previous EIR in 1979 significant land use and transportation improvements have occurred in the project area. The following summarizes these improvements

1. Setting

Existing Roadway Network

Regional Facilities

U.S. Highway 101

Since adoption of the 1979 EIR U.S. Highway 101 was completed and runs in a north/south direction through New Edenvale. Highway 101 provides regional access throughout California, linking Los Angeles and San Francisco. It also has been widened in the project area since completion of the 1979 EIR, and now includes three lanes plus a high occupancy vehicle (HOV) lane in each direction. There are interchanges at Hellyer Avenue, Blossom Hill/Silver Creek Valley Road and Silicon Valley Boulevard/ Bernal Road.

State Route 85

State Route 85 was completed in 1994. It is a six lane freeway, including two HOV lanes that connects with Highway 101 within the Edenvale Project Area and extends northwest to the City of Mountain View where it again connects with Highway 101. Access to SR 85 in the project area is provided via interchanges with Highway 101, Cottle Road and Great Oaks Boulevard.

State Route 87

State Route 87 was completed in 1993. It is a four lane freeway that connects State Route 85 with Interstate 280 and extends north to Highway 101, providing a connection between south San Jose, and areas to the north. North of downtown, Route 87 is a 4-lane expressway, with plans to upgrade to a 6-lane freeway in the near term.

Light Rail

The Santa Clara Valley Transportation Authority constructed a 21 mile light rail system which serves the project area in Old Edenvale. Stations are located at Santa Teresa Boulevard, Cottle Road, Snell Avenue and Blossom Hill Road. The Light Rail connects passengers in south San Jose to north San Jose and the City of Santa Clara. The County has approved plans to extend Light Rail to Sunnyvale and Mountain View.

CalTrain

A commuter rail system has begun operating since completion of the 1979 EIR. CalTrain service runs through the project area from Gilroy, up the Peninsula to San Francisco. CalTrain makes a stop at Blossom Hill Road and Ford Road twice daily during peak traffic hours..

Project Area Facilities

Silver Creek Valley Road

Construction of Silver Creek Valley Road was completed and is a four-lane facility. It extends throughout New Edenvale and connects to Highway 101 and Blossom Hill Road. This road serves the Silver Creek development and country club which is northeasterly of New Edenvale.

Silicon Valley Boulevard

Formerly Tenant Avenue, Silicon Valley Boulevard is currently under construction and will provide access to the southern corner of New Edenvale. Half of the proposed four lane bridge across Coyote Creek has been installed by the Levin development. Future improvements will be needed to complete the bridge and roadway system.

Existing Transit Services

Bus service is provided by the Santa Clara Valley Transportation Authority and is currently only available in Old Edenvale. It is anticipated that as New Edenvale continues to build out sufficient demand will be created to justify expansion of transit services to serve that area.

Existing Conditions

Generally, traffic circulation in the both New and Old Edenvale is currently operating at acceptable levels. A recent traffic study was prepared for a specific development proposal in the Edenvale Redevelopment Area (*Site Traffic Analysis for Edenvale- King Ranch R & D).* Thirteen intersections in the project area were analyzed. Only one intersection (Chynoweth and Monterey Highway) is operating below a level of service (LOS) D. The following table outlines the information for each of the 13 intersections.

TABLE 2
EXISTING INTERSECTION LEVELS OF SERVICE

Intersection	Peak Hour	V/C	LOS
Blossom Hill and Lean Avenue	AM	0.680	B
	PM	0.707	B
Blossom Hill Road and Beswick Drive	AM	0.508	A
	PM	0.468	A
Blossom Hill Road and Poughkeepsie Road	AM	0.543	A
	PM	0.535	A
Blossom Hill Road and Monterey Road (N)	AM	0.425	A
	PM	0.637	B
Blossom Hill Road and Monterey Road (S)	AM	0.522	A
	PM	0.536	A
Blossom Hill Road and U.S. 101 (E)	AM	0.816	D
	PM	0.646	B
Blossom Hill Road and U.S. 101 (W)	AM	0.344	A
	PM	0.447	A
Cottle Road and Concord Drive	AM	0.737	A
	PM	0.835	D
Cottle Road and Poughkeepsie Road	AM	0.244	A
	PM	0.410	A
Cottle Road and Beswick Drive	AM	0.465	A
	PM	0.772	C
Cottle Road and SR 85 (N)	AM	0.377	A
	PM	0.538	A
Cottle Road and SR 85 (S)	AM	0.758	C
	PM	0.696	B
Chynoweth and Monterey Highway	AM	0.747	C
	PM	0.969	E

Notes: Table based on information from Barton Ashman Associates, 1995.

2. Impacts

Transportation impacts for the continued implementation of the Edenvale Redevelopment Project were evaluated for this SEIR using San Jose's subregional computer traffic model called TRANPLAN. This computer traffic model provides projections of future traffic circulation on the future upgraded and improved roadway system, taking into account the traffic from future development planned in the General Plan. The TRANPLAN traffic model is used to evaluate the overall impacts to the roadway transportation system and also to examine how well transportation corridors will perform in the future.

Commute corridors are evaluated by calculating the total traffic demand on several parallel roadways and comparing the demand to capacity of the roadways. The parallel roadways are compared across a single line called a "screenline" that runs across (perpendicular to) the roadways. The collective demand (expressed as traffic volumes) across a screenline is compared to the collective capacity of the roadways crossing the screenline.

Thresholds of Significance

For purposes of this project, a transportation/circulation impact is considered significant if the project would:

- On a TRANPLAN system-wide basis, cause all three of the following to occur:
  - a 1.5% increase in Vehicle Miles Traveled (VMT);
  - a 1.5% increase in Vehicle Hours Traveled (VHT); and
  - a one mile per hour decrease in average speeds

- cause the Level of Service of a screenline to decrease from D or better to E or F, or cause a screenline operating at E or F to deteriorate by 1% or more.

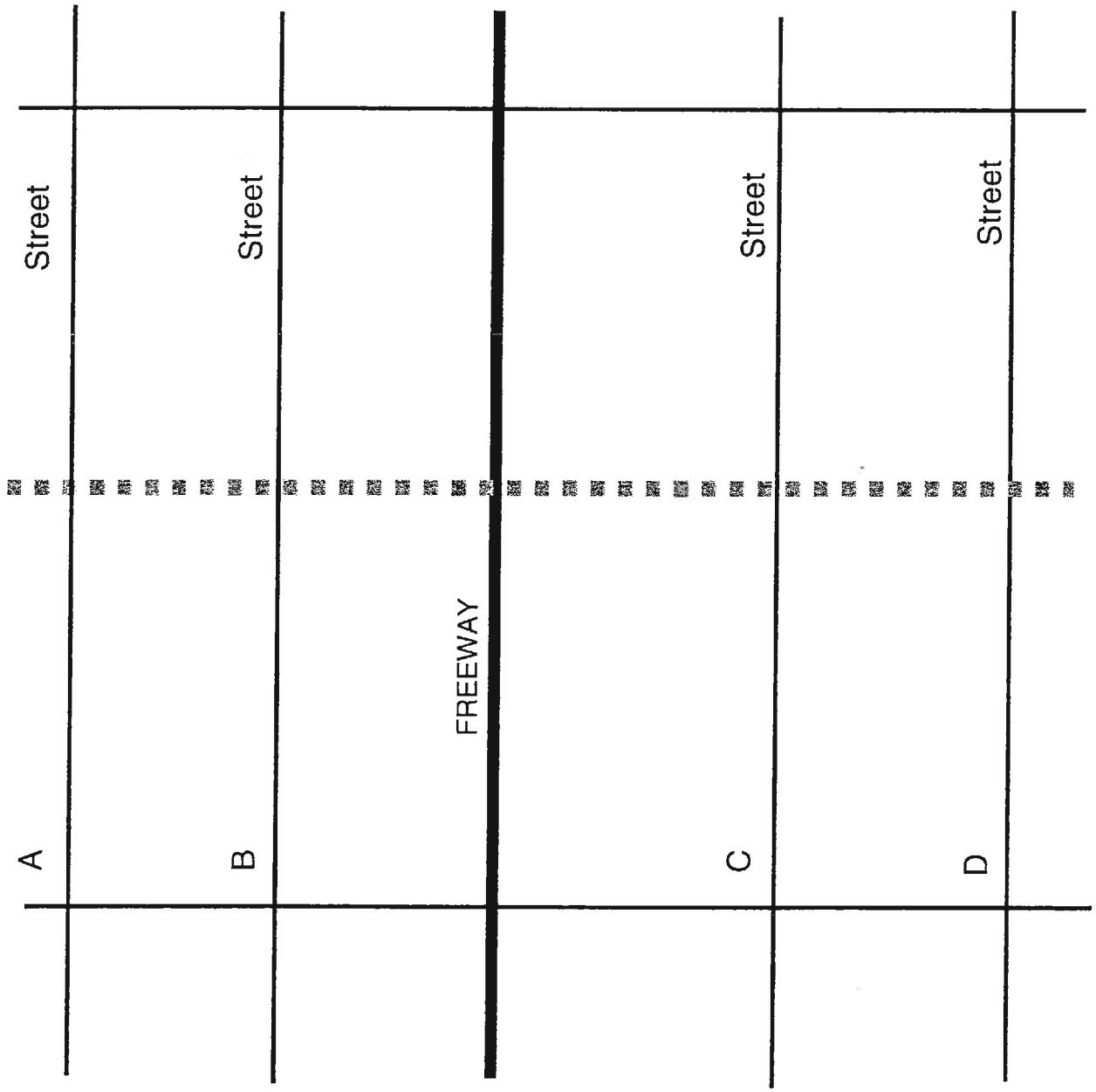
The thresholds listed above are indicators which can be derived from the city-wide transportation model, and serve as either quantitative measures of potentially adverse changes in the performance of the City's transportation system, or as indicators of potentially significant localized congestion.

Methodology

The City of San Jose currently uses the computerized traffic model, TRANPLAN, to forecast the traffic conditions of the adopted General Plan and to evaluate proposed land use changes. TRANPLAN models the P.M. peak hour traffic circulation to the Year 2010 roadway network with traffic generated by land uses designated on the General Plan Land Use/Transportation Diagram. The TRANPLAN model was used for the Environmental Impact Report and environmental review for adopting the San Jose 2020 General Plan, and has been used to evaluate subsequent amendments to the 2020 General Plan. The TRANPLAN model includes the land uses anticipated to develop in the Edenvale Project area by the year 2010 as a part of continuing implementation of the Edenvale Redevelopment Plan.

Future Systemwide Traffic Condition Impacts

The impacts of adding new project trips to TRANPLAN can be measured in a number of different ways. These include potential systemwide increases in vehicle miles traveled (VMT) and vehicle hours traveled (VHT), and decreases in average speed overall, as well as localized increases in congestion and impacts to the average levels of service at screenline intersections (discussed in greater detail in the next section). The City's policy has been to define increases of 1.5% (above the adopted General Plan condition) as potentially significant changes to the system. Since the general performance criteria (VMT, VHT and average speeds) each measure a single aspect of the system, all three must register potentially significant adverse changes for the overall impact to be classified as significant. Each of these criteria are applied to the results of the TRANPLAN run.



SCREENLINE

NOTE: The capacity of the screenline illustrated above consists of the total number of lanes on streets A, B, C, D and the Freeway at the screenline location. The demand would be the total number of vehicles crossing the screenline at a particular time.

GENERIC SCREENLINE DESCRIPTION FIGURE 7

Vehicle Miles Traveled (VMT)

The VMT statistic reflects the magnitude of vehicle traffic that is served during the PM peak hour by the roadway system. It is developed by multiplying the forecast volume on each link in the modeled highway network by its link length in miles.

Adding trips to a specific planning area will increase VMT in that planning area. However, depending on the characteristics of the trips being added, there may be increases or decreases in VMT in other planning areas. Placing jobs in a predominately residential planning area may decrease commute distances with a resulting slight decrease in VMT. Conversely adding housing to a predominately residential area generally increases VMT. If the additional trips must travel in the peak direction of a heavily traveled traffic corridor, there will be an additional increase in VMT, as trips divert from more desirable shorter routes which are congested to longer, less congested alternative routes.

Vehicle Hours Traveled (VHT)

The VHT statistic, like the VMT, refers to the magnitude of vehicle traffic that is served during the PM peak hour by the roadway system. It is developed by multiplying the forecast volume on each link in the modeled highway network by its travel time in minutes, and is then converted to hours. It should be kept in mind that the travel time for a particular link reflects its level of congestion.

Adding trips to a specific planning area will increase VHT in that planning area. However, depending on the characteristics of the trips being added, there may be increases or decreases in VHT in other planning areas. Similar to VMT, placing jobs in a predominately residential planning area, may decrease commute distances and, therefore, decrease travel time, with a resulting decrease in VHT.

Because the Edenvale Redevelopment Plan encourages industrial development in close proximity to residential areas, no increase in VMT or VHT is expected from continued implementation of the Edenvale Redevelopment Plan.

Project Impact

Because the continued implementation of the Edenvale Redevelopment Plan does not propose either specific development or land use changes to the General Plan, a new traffic study was not required. Land use in the Edenvale Redevelopment area has been previously designated as primarily industrial and is already included in the City's land use information data bases for the TRANPLAN model.

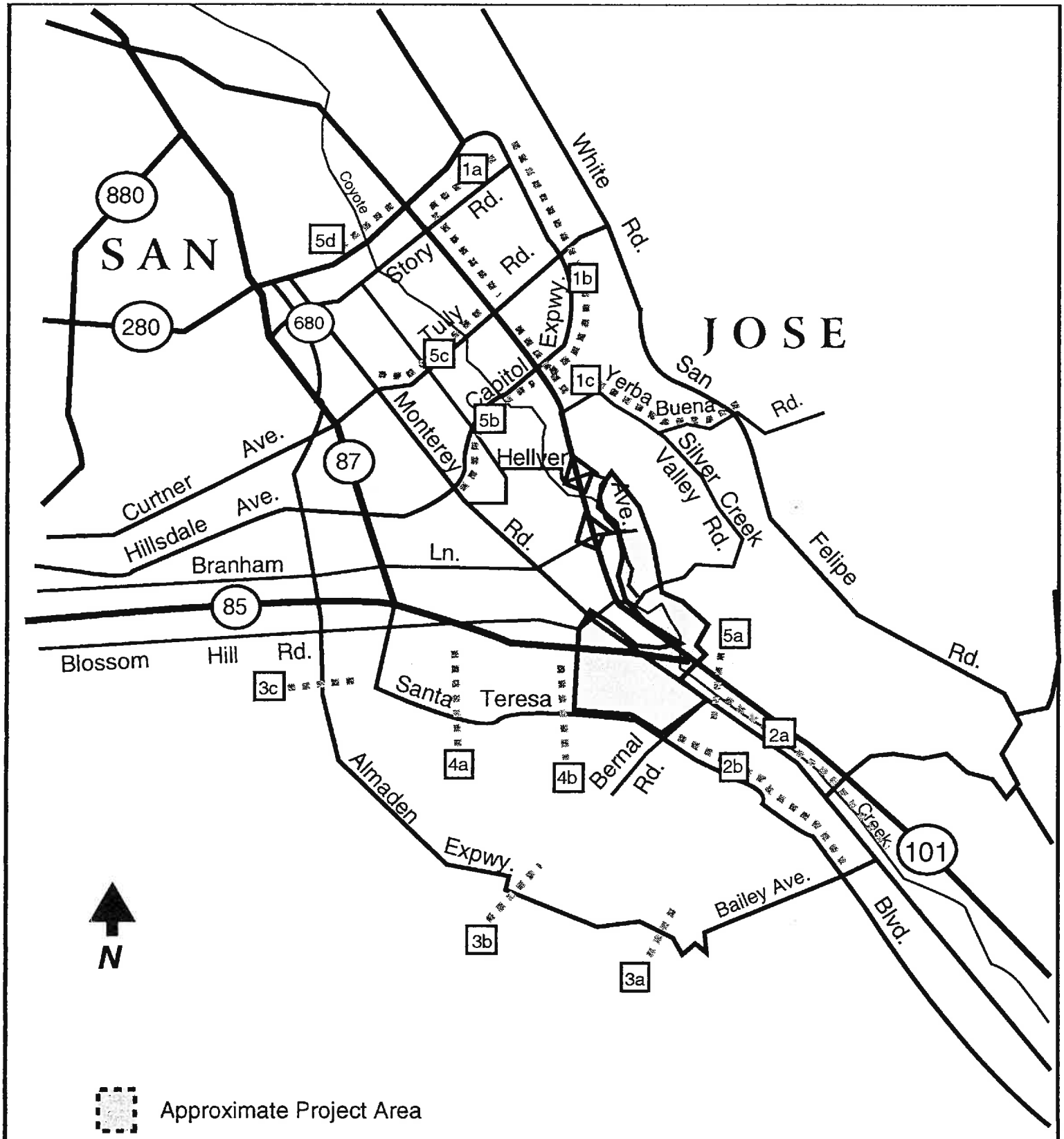
For the purposes of this analysis, however, the SEIR includes recent screenline information to ensure that traffic levels are projected to operate at acceptable levels. The following two tables show screenlines (in the general area of the City where the Edenvale Redevelopment Area is located) from traffic reports prepared for the *Final Environmental Impact Report (Revised) San Jose 2020 General Plan* update and the *Revised Draft Environmental Impact Report on a General Plan Amendment Agnews East Campus.*

TABLE 3
2020 SUMMARY OF SREENLINES IN SOUTH SAN JOSE
(see Figure 8)

Number		Corridor/ Screenline	Existing Volume	General Plan Volume	Capacity	V/C[1] General Plan	LOS General Plan
1.	a.	Evergreen/King Road/ Silver Creek/ Story Road	17,040	15,330	17,760	0.86	D
	b.	Capitol Expressway	2,860	7,370	10,860	0.67	B
	c.	Yerba Buena Road	980	2,550	3,440	0.74	C
2.	a.	Bailey/ U.S. 101	0	810	6,030	0.13	A
	b.	Santa Teresa Blvd.	650	1,020	11,360	0.09	A
3.	a.	Almaden/Bailey	N/A[2]	170	1,890	0.09	A
	b.	Avenue McKean	N/A	1,700	6,350	0.27	A
	c.	Road Guadalupe Creek	7,110	6,120	8,880	0.69	B
4.	a.	Santa Teresa/Canoas Creek	960	5,200	13,700	0.38	A
	b.	Cottle Road	2,090	3,400	11,900	0.29	A
5.	a.	Coyote/Bernal Road	4,440	7,410	23,080	0.32	A
	b.	Capitol Expressway	13,060	10,980	14,730	0.75	C
	c.	Tully Road	16,730	13,890	18,250	0.76	C
	d.	I-280	16,150	13,980	19,660	0.71	C

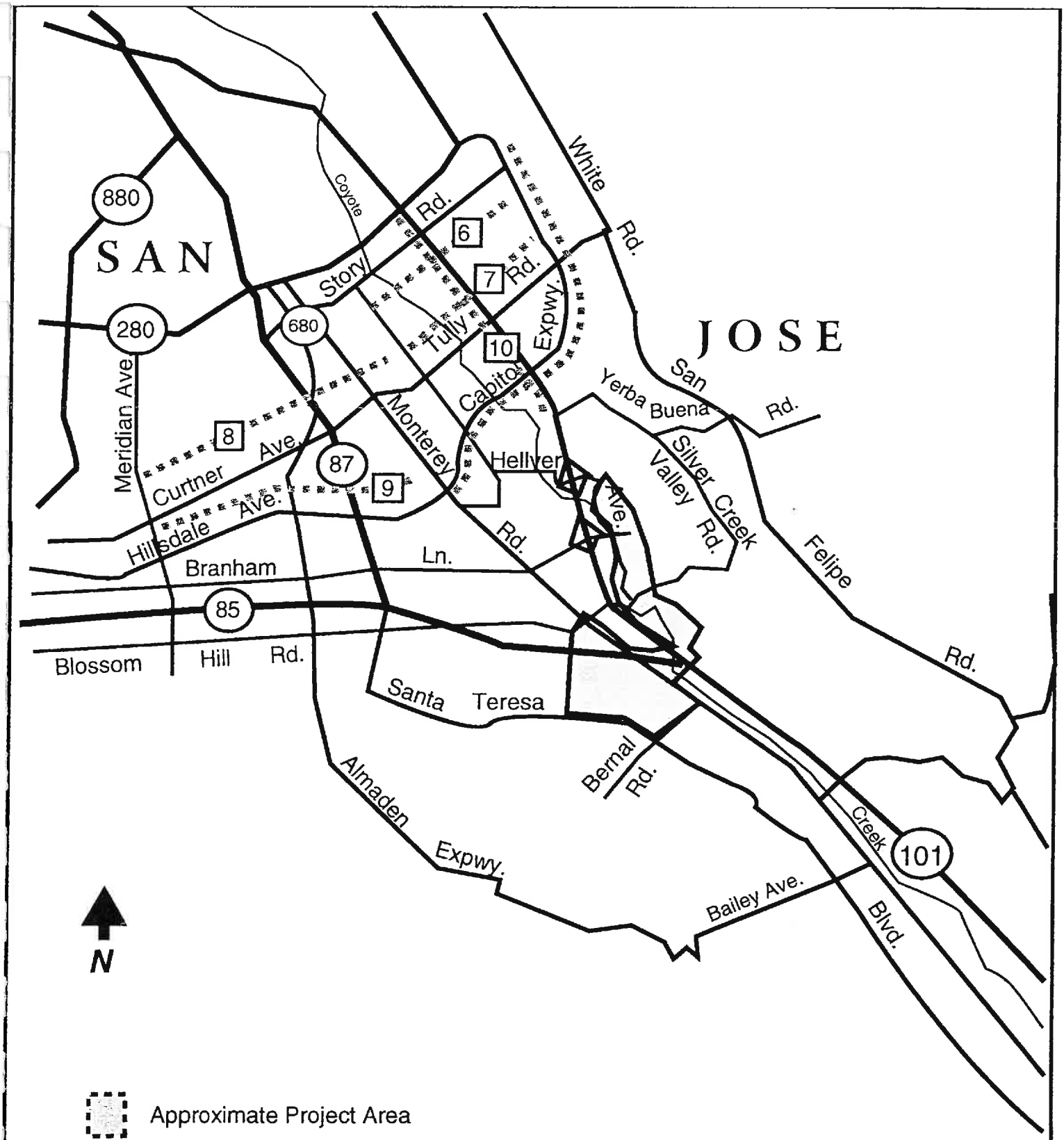
Source: San Jose 2020 General Plan Final Environmental Impact Report (Revised),page 85, 1995.

Notes: 1. V/C= Volume to Capacity Ratio
2. N/A= Not Available



2020 GENERAL PLAN SUMMARY OF SCREENLINES IN SOUTH SAN JOSE

FIGURE 8



1995 GENERAL PLAN AMENDMENT SCREENLINES IN THE EDENVALE AREA

FIGURE 9

TABLE 4
1995 AGNEWS EAST CAMPUS GENERAL PLAN AMENDMENT
SCREENLINES FOR THE EDENVALE AREA
(see Figure 9)

Number	Corridor/Screenline	Existing General Plan V/C	Proposed General Plan V/C	Existing General Plan LOS	Proposed General Plan LOS
6.	North of Ocala, Senter to Capital Expressway	0.830	0.840	D	D
7.	North of Tully Senter to Capital Expressway	0.813	0.820	D	D
8.	North of Curtner , Meridian to 10th	0.755	0.755	C	C
9.	North of Foxworthy/ Hillsdale, Meridian to Monterey Highway	0.702	0.698	C	B
10.	West of U.S. Highway 101, Story Road to Yerba Buena	0.841	0.838	D	D

Source: Agnews East Environmental Impact Report, 1996

As can be seen from a comparison of both tables, long term transportation systems are adequate to support the proposed land uses designated in the Edenvale Area. All identified screenlines are projected to operate within their capacity.

On a long term basis traffic is projected to operate at acceptable levels with the continued implementation of the Edenvale Redevelopment Plan

3. Mitigation Measures for Transportation and Circulation Impacts

No mitigation is required for long term traffic conditions. The following mitigation measures would ensure that new development takes into consideration potential near term impacts.

Program Mitigation Measures

Prior to approval of a development proposal, the City will require that project specific studies be done, including a near-term traffic analysis. Individual projects will be required to conform to the Santa Clara Valley Transportation Authority Congestion Management policies, and the City Council's adopted Level of Service policy. Such conformance will involve maintaining level of service D at designated regional and local intersections. Mitigation will be required when necessary to ensure that the level of service does not deteriorate below D.

Appropriate mitigation determined at the time a specific development is proposed could include intersection improvements, implementation of Transportation Demand Management (TDM) measures, shuttle bus service to local light rail stations, funding major infrastructure improvements, construction of transportation improvements and/ or dedication of right-of-way for frontage roads or access roads within the project area.

4. Conclusion

No significant transportation impacts are anticipated from continued implementation of the Edenvale Redevelopment Plan.

C. HAZARDOUS MATERIALS

Since implementation of the 1979 EIR, many regulations have been enacted regarding the control and use of hazardous materials.

The use, storage, transport, and disposal of hazardous materials are regulated by a number of local, state, and Federal regulations. The major focus of these regulations has been the risks associated with locating facilities that use, transport, and store acutely hazardous materials near sensitive populations.

1. Setting

The following section addresses the use, storage, transport, and disposal of hazardous materials in the Edenvale area.

Because the Edenvale Redevelopment Area is planned for industrial uses there is a likelihood that hazardous materials will be used. Hazardous materials cover a broad range of substances such as motor oil, pesticides, cleaners, paint, solvents, and gases. Due to its chemical and physical properties, a substance may be considered hazardous if it poses a substantial hazard to human health or the environment. Substances can also present a hazard when they are improperly treated, stored, transported or disposed.

Hazardous Materials Regulations for Industrial and Commercial Uses

State regulations, locally administered by Santa Clara County and the Bay Area Air Quality Management District (BAAQMD), limit siting of hazardous materials users, and require special plans for any facilities which store, handle and/or emit certain quantities of hazardous materials. The thresholds for facilities which are regulated are set in Section 25536 of the Sate of California Health and Safety Code.

The Federal government regulates the use and storage of hazardous materials. The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. Facilities are required to track and report generation, storage, transportation, treatment and/or disposal of hazardous waste.

The *Risk Management and Prevention Program* (specified in the Health and Safety Code Section 25534) requires certain businesses that handle acutely hazardous materials to prepare and submit a Risk Management and Prevention Program (RMPP) for their facility. The RMPP must consider the proximity of the facility to specified populations including schools, residential areas, general acute care hospitals, and child day care facilities. If any of these sensitive uses are within one-quarter mile (1,380 feet), the Santa Clara County Department of Environmental Health, which administers the program locally, will require an RMPP.

Existing Contamination

Past hazardous material storage practices have led to soil and groundwater contamination in San Jose and throughout Santa Clara County. Many of the contaminated sites have been caused by leaking underground fuel storage tanks. Several governmental agencies are responsible for overseeing cleanup depending on the source and level of contamination identified onsite. Regulations are in place that deal with responsibilities of clean up. Contaminated sites are identified on various Federal, state and local lists including:

National Priorities List (NPL)

Sites that may pose the greatest potential threat to human health and the environment are on the NPL and are commonly referred to as "Superfund sites". The Environmental Protection Agency (EPA) is responsible for maintaining the database of hazardous waste sites identified for priority remedial actions under the Superfund Program. Sites on the NPL must be cleaned up in accordance with Federal regulations and are eligible for Superfund monies for investigation and cleanup.

CERCLIS List

The CERCLIS list is a compilation of sites the EPA has investigated or is currently investigating which may have had a release or threatened release of hazardous substances pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or Superfund Act.)

Emergency Response Notification System (ERNS)

The ERNS is a national database used to collect information on reported accidental releases of oil and hazardous substances. The database contains information from spill reports made to Federal authorities including the EPA, U.S. Coast Guard, the National Response Center and the Department of Transportation.

State Priority List (SPL)

The California Environmental Protection Agency (Cal EPA) and the Department of Toxic Substances and Control (DTSC) maintain an inventory of facilities subject to investigation concerning likely or threatened releases of hazardous substances. Sites which are required to prepare Annual Work Plans and Preliminary Environmental Assessments are included in the inventory.

Leaking Underground Storage Tanks (LUST) Information Systems

A leaking underground storage tank information system is maintained by the California EPA. Sites with known underground storage tank leaks are tracked by this system.

Santa Clara Valley Water District (SCVWD) Fuel Leak Site Activity Report

The Regional Water Quality Control Board (RWQCB) oversees underground cleanup on the local level. The Santa Clara Valley Water District (SCVWD), under contract to the RWQCB, has instituted a Fuel Leak Program to evaluate the extent of reported fuel leaks and provide cleanup guidance to the responsible parties. As part of its activities, SCVWD maintains an inventory of all reported fuel leak sites in Santa Clara County.

Listed Sites Within Edenvale

According to a Site Assessment Report prepared by *VISTA Information Services,* February 1996, several facilities in the vicinity of the Edenvale Redevelopment area have known contamination. Table 5 lists businesses in the area that have known soil and/or ground water contamination or are known users of hazardous materials

TABLE 5
LIST OF RECORDED CONTAMINATED SITES AND/OR GENERATORS
WITHIN OR ADJACENT TO THE
EDENVALE REDEVELOPMENT PROJECT AREA

Site Name	Site Address	Database
Monterey Mini Mart	5498 Monterey Hwy.	UST
Arco	5498 Monterey Hwy.	LUST
Dry Clean USA	5540 Monterey Hwy.	Sm. Generator
IBM	5600 Cottle Rd	SCL, TSD, CERCLIS, UST, AST, Lg Generator, ERNS
Kaiser Permanente	5755 Cottle Rd	Sm. Generator
XES	5853 Rue Ferrari	AST, Sm. Generator
Unknown	474 Piercy Rd	ERNS
CALTRANS	225 Cottle Rd	LUST
Viking Tech	6448 Via Del Oro	Lg. Generator, ERNS
EXAC Corp.	6410 Via Del Oro	Lg. Generator
Cybernex Advanced	6580 B Via Del Oro	Sm Generator
Silicon Video Corp	6580 Via Del Oro	Sm Generator
Aydin Corp West	30 Great Oaks Blvd.	Lg Generator
Aydin Radar	32 Great Oaks	Sm Generator
PG&E	6402 Santa Teresa Blvd.	CERCLIS, UST, Lg Generator
Fairchild	101 Bernal Rd	NPL, SCL, CERCLIS, LUST, Lg Generator
Valence Technologies	6781 Via Del Oro	Sm Generator
United Tech. Corp	6830 Via Del Oro	Sm Generator
GSS Array Tech.	6835 Via Del Oro	Lg Generator
Magnex Corp	6850 Santa Teresa Blvd.	CERCLIS, UST
Integrated Substrate	181 Martinvale Ln	Lg. Generator
Tosco Northwest	7022 Santa Teresa Blvd.	LUST
BP Oil	7022 Santa Teresa Blvd.	UST
Mobil	7022 Santa Teresa Blvd.	LUST
Maison Property #1	6240 Monterey Hwy.	LUST
Kaufman & Broad	63000 Monterey Hwy.	LUST

Source: Vista Information Systems, 2/96
Notes: NPL= National Priorities List CERCLIS=EPA Investigation SPL= State Priority List, ERNS= Reported accidental releases LUST= Leaking Underground Storage Tank

Fairchild Site

The Fairchild site within Old Edenvale is on the National Priorities List. Fairchild Semiconductor Corporation manufactured semiconductors in the 1970s and 1980s. Contamination was attributed to an underground tank which stored solvents (1,1,1 Trichlorethane). A soil venting system was installed and remedial action has taken place. The Regional Water Quality Control Board has indicated that due to ongoing cleanup efforts

the site contamination does not pose a threat to human health and meets the standards for commercial development. The site is currently unoccupied at this time. However, a development proposal is currently pending for neighborhood commercial uses.

IBM

The IBM manufacturing facility located in Old Edenvale has used and stored a wide variety of hazardous chemicals since development of the site in the 1970's. Soil and groundwater were contaminated over the years by a variety of chemicals, especially hydrocarbons and chlorinated solvents. Soil remediation activities occurred between 1980-1987. Groundwater remediation began in 1982. IBM is currently not listed on the NPL. However, it has been identified on the Federal and state equivalent CERCLIS lists and by the Cal EPA LUST inventory.

Hazardous Waste Generators

Several companies within the Edenvale Redevelopment Project Area have been identified as hazardous waste generators. Eight companies are registered as large generators, and 6 companies are identified as small generators. A large generator is defined as a facility which generates, stores, transports or disposes of more than 1,000 kg/ month of non-acutely hazardous waste or more than 1 kg/month of acutely hazardous waste.

Companies in proximity to, or within the Edenvale Redevelopment Area, in the large generator classification include: IBM, Pacific Bell, Santa Teresa Community Hospital, EXAC Corporation, Aydin Corporation, Western Digital, Pacific Gas and Electric, GSS Array Technology, and Integrated Substrate Tech.

2. Impacts

Threshold of Significance

For the purposes of this project, a public health and safety impact from hazardous materials is considered significant if the project will:

- Expose the public to a significant risk associated with the storage, use and disposal of hazardous materials on the site, or from existing hazardous materials contamination on a property; or
- Pose a hazard to people or animal and plant populations.

Hazardous Materials Impacts

Hazardous materials constraints within the Edenvale Area are related to both historic and current land uses. Past land uses have resulted in the contamination of some sites with fuels, solvents and other chemicals. Current and future industrial uses have the potential to emit hazardous and acutely hazardous materials during their use, storage, transport, disposal or handling within the Edenvale Redevelopment Area.

As shown in Table 7 several areas in Edenvale have experienced soil and/or groundwater contamination. If remediation has not occurred, or contamination is suspected, it may be

advisable at the time specific development is proposed, to perform soil and groundwater analysis to determine if contamination is present. If contamination is found, clean up may be required prior to site development.

Development encouraged by the Edenvale Redevelopment Plan could result in potentially significant hazardous materials impacts associated with future industrial uses on potentially contaminated sites. In addition, industrial companies may utilize hazardous materials which could create a public health hazard by their use, storage and/or disposal.

3. Mitigation Measures for Hazardous Materials Impacts

Program Mitigation Measures

The following program mitigation measures will reduce potential Hazardous Materials impacts from implementation of the Edenvale Redevelopment Plan.

- *Hazardous Materials Management Plan, Chapter 17.68, San Jose Municipal Code*states that any person, firm or corporation which stores any regulated hazardous material shall obtain and keep current a Hazardous Materials Storage Permit and that a Hazardous Materials Management Plan must be submitted to the San Jose Fire Department. Facilities which generate hazardous wastes, must also submit a Hazardous Waste Generator Permit Application to the Santa Clara County Health Department, Office of Toxics Enforcement.

- *Toxic Gas Ordinance Chapter 17.78, San Jose Municipal Code* outlines a uniform, countywide program for the prevention, control and mitigation of dangerous conditions, to provide for building standards and for emergency response to protect the public from acute exposure due to accidental releases of toxic gases.

- *AB 3205 (Risk Management)* requires businesses which use extremely hazardous materials to submit a Risk Management and Prevention Plan to the administering agency upon request. The Santa Clara County Department of Health Services, Toxic Substances Control unit is the administering agency for the local implementation of AB 3205. The plan for each site should identify specific risk associated with the use and storage of extremely hazardous materials, along with the identification of potential populations that may be at risk.

- The intent of the *Federal Hazardous Material Transportation Act* is to reduce the likelihood and minimize the impact of transportation accidents involving hazardous materials. This law specifies packaging requirements for different types of hazardous materials, and detailed manifest requirements to inform responders to a transportation accident of the contents of the materials involved.

- Emergency response plans assist local agencies in preparing for a hazardous materials spill. Emergency plans identify the potential for accidents in a community, define a chain of command in the event of an emergency, outline evacuation routes if necessary, and provide other emergency procedures. The City of San Jose Office of Emergency

Services is responsible for maintaining the City's Emergency Response Plan. The Plan provides the overall framework for emergency response to various types of hazards and contains a specific response action plan for hazardous materials incidents that is implemented by the responsible agencies. Each responsible agency maintains detailed operation procedures for responses to hazardous materials problems.

4. Conclusion

Incorporation of all the above listed mitigation, will reduce all potential adverse impacts associated with hazardous materials to a level of non-significance. Specific mitigation measures will be addressed as part of the development review process at the time specific development is proposed.

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