

# Initial Study

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## **485 South Monroe Street** General Plan Amendments and Planned Development Zoning

File Nos. GP10-06-01 and PDC10-018

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Prepared by the



October 2010

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

The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to address the environmental impacts which might reasonably be anticipated to result from the proposed 485 South Monroe Street General Plan Amendments (GPAs) and Rezoning project. The project site is 7.4 acres in size and consists of two parcels [Assessor's Parcel Numbers (APN) 277-38-006 and 277-38-002]. The proposed GPA would change the land use designation on APN 277-38-006 from *Office* to *Medium High Density Residential* [12-25 dwelling units per acre (du/ac)]. The project also proposes a General Plan text amendment to increase the maximum allowable building height on APN 277-38-002 to 90 feet. The proposed rezoning of the entire project site would allow development of 104 residential units on APN 277-38-006 (hereinafter Parcel 1) and a 89,342 square foot office building, an extension of Hatton Street, and dedication of parkland on APN 277-38-002 (hereinafter Parcel 2).

## **SECTION 2.0**

## **PROJECT INFORMATION**

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### **2.1 PROJECT TITLE**

485 South Monroe Street General Plan Amendments and Planned Development Zoning Project

### **2.2 PROJECT LOCATION**

The 7.4-acre project site is located at 485 South Monroe Street in central San José. The site is located north of Interstate 280 (I-280) and Tisch Way, west of South Monroe Street and South Baywood Avenue, and east of Dudley Avenue.

The project site consists of two parcels: APNs 277-38-006 (Parcel 1), which is rectangular shaped, and 277-38-002 (Parcel 2), which is L-shaped. Parcel 1 is currently developed with a two-story office building and a paved surface parking lot. Parcel 2 is developed with paved surface parking lots. Regional and vicinity maps of the project site are shown on Figures 1 and 2.

The surrounding land uses include multi-family residential uses to the north and southwest of the site, high-density business offices to the west of the site, single-family residences to the east of the site, a public park (Frank Santana Park) and I-280 to the south of the site, and the Santana Row mixed-use development to the northeast of the project site. An aerial photograph of the project area with the surrounding land uses is shown on Figure 3.

### **2.3 PROPERTY OWNER/PROPONENT**

Silverstone Development  
John McMorrow  
1733 Woodside Road, Suite 125  
Redwood City, CA 94061  
(650) 556-9593

### **2.4 LEAD AGENCY CONTACT**

City of San José  
Lesley Xavier, Project Planner  
200 East Santa Clara Street  
Tower, 3<sup>rd</sup> Floor  
San José, CA 95113  
(408) 535-3555

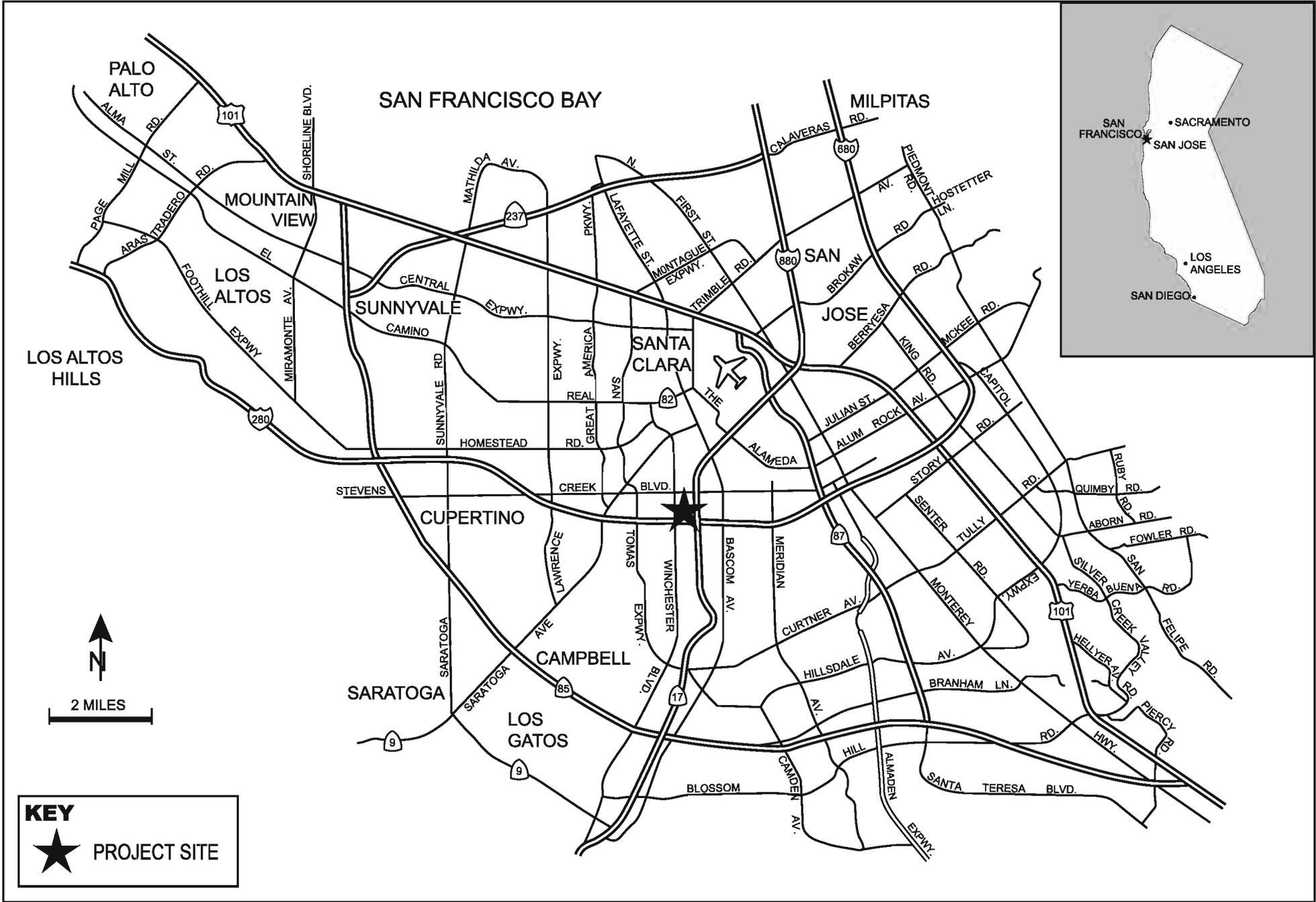
### **2.5 ASSESSOR'S PARCEL NUMBERS**

277-38-006 (Parcel 1)  
277-38-002 (Parcel 2)

**2.6 GENERAL PLAN LAND USE AND ZONING DISTRICT DESIGNATIONS**

General Plan Land Use Designation: Parcel 1 (277-38-006): *Office*  
Parcel 2 (277-38-002): *Regional Commercial*

Zoning District: Parcel 1 (277-38-006): *CG – General Commercial*  
Parcel 2 (277-38-002): *R-M – Multi-Family Residential*



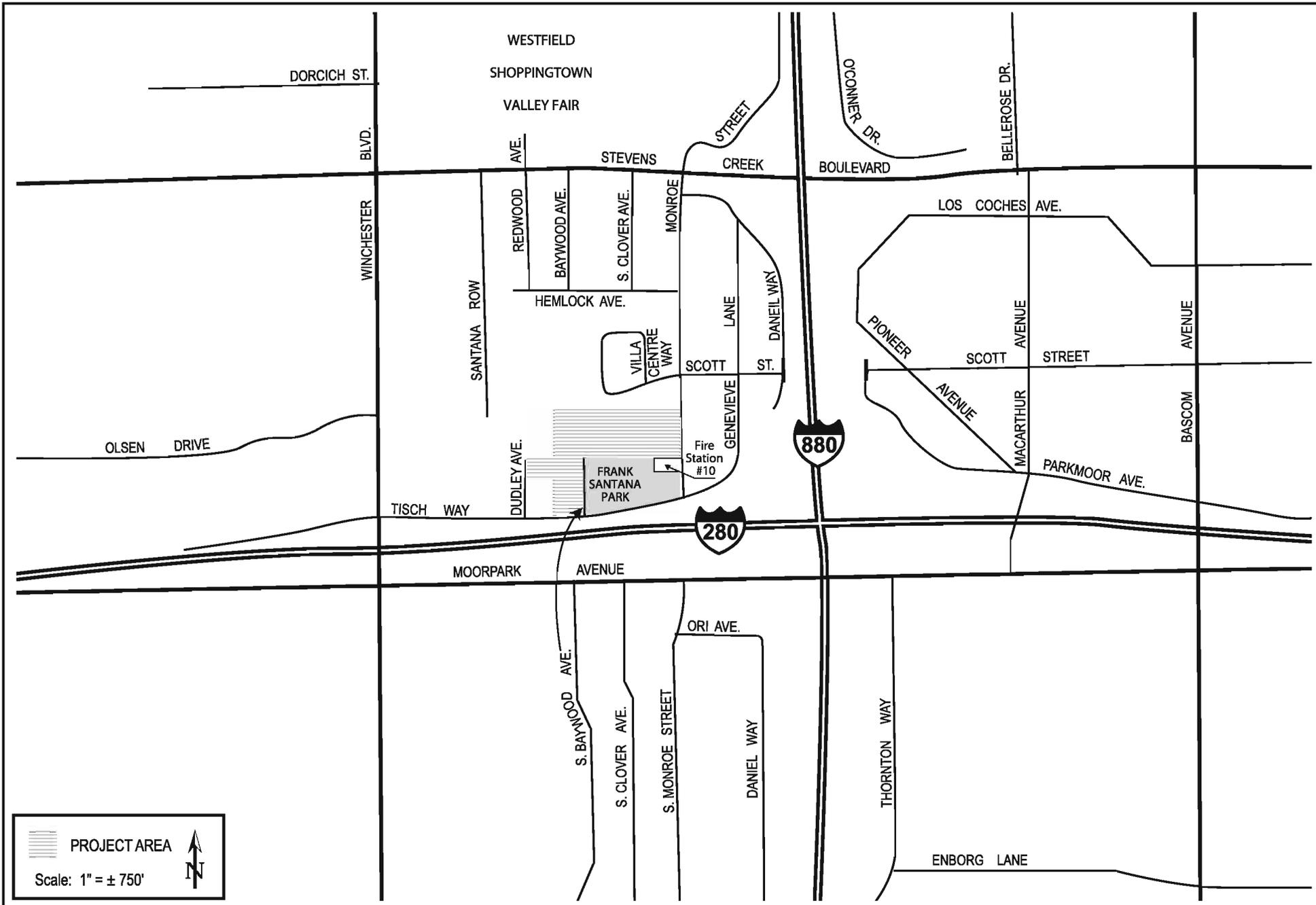
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**KEY**

★ PROJECT SITE

REGIONAL MAP

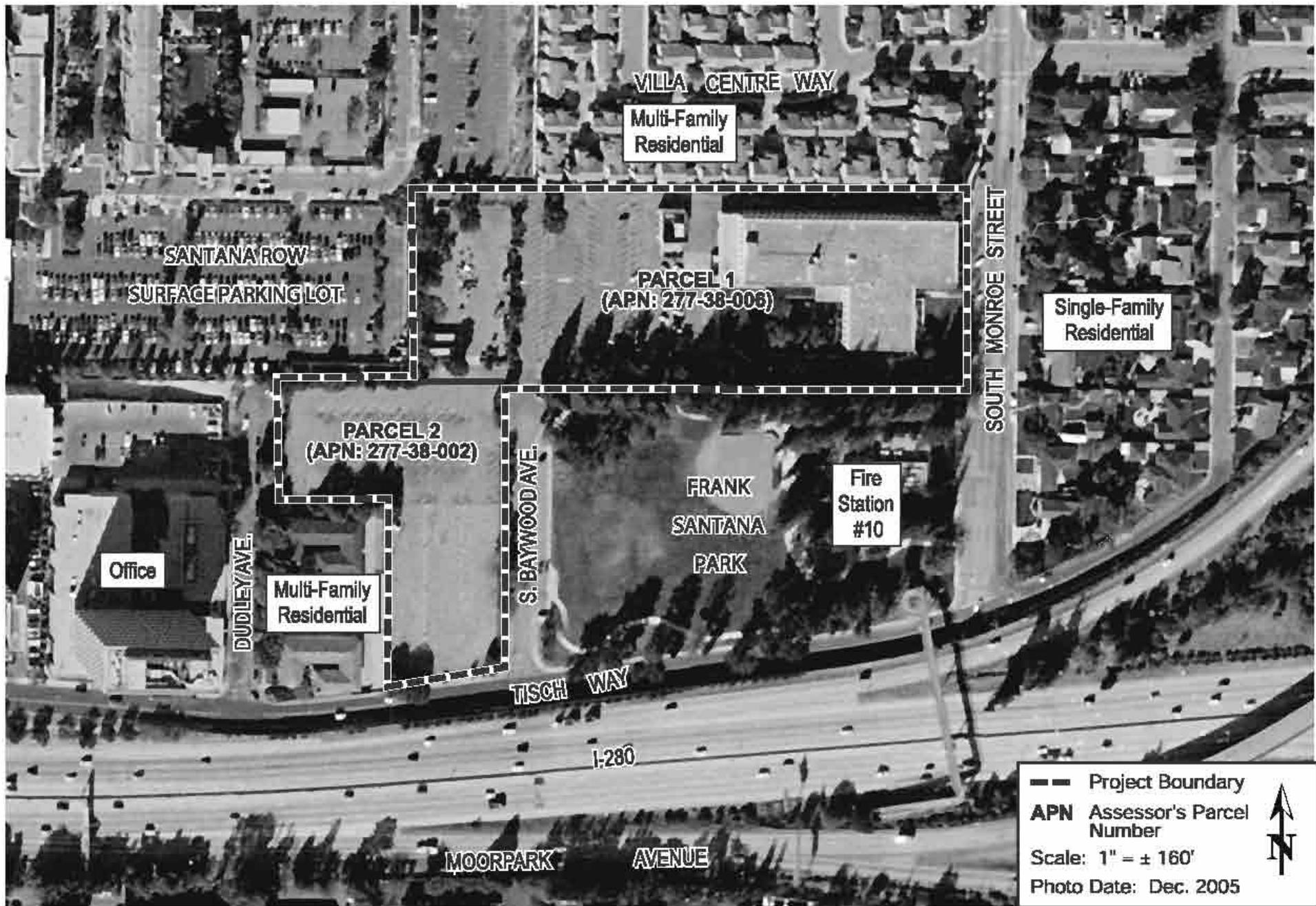
FIGURE 1



 PROJECT AREA  
 Scale: 1" = ± 750'  


VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES

FIGURE 3

## SECTION 3.0

## PROJECT DESCRIPTION

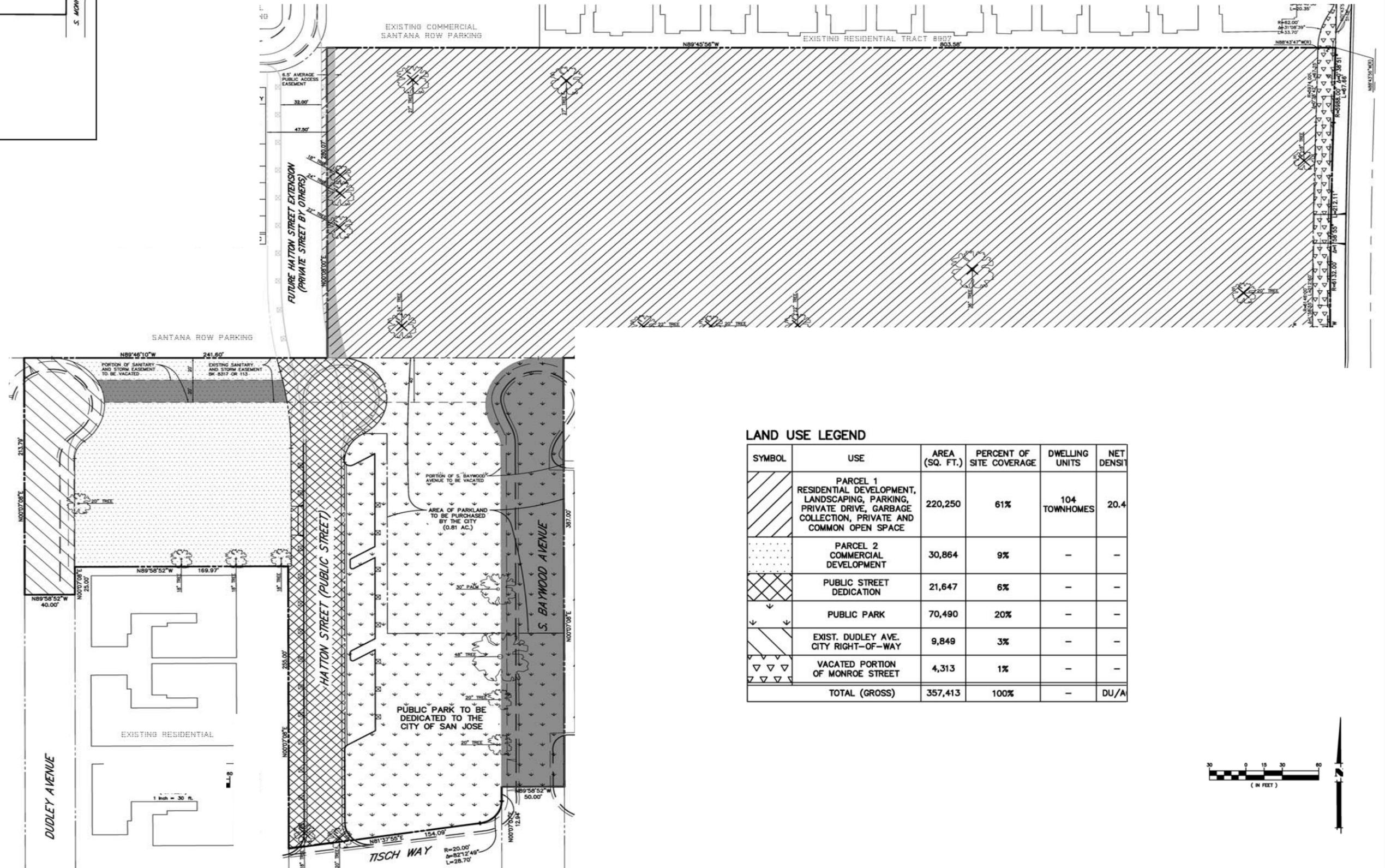
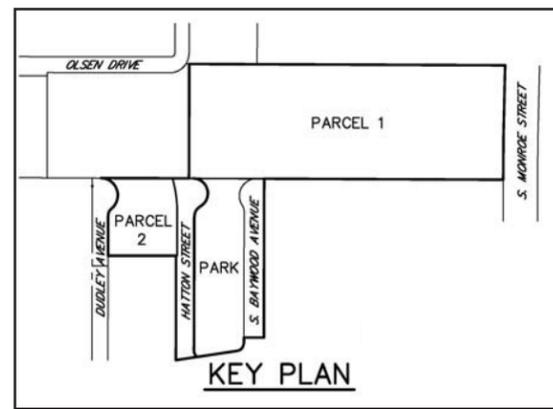
The project proposes General Plan Amendments (GPAs) and a rezoning. The project proposes to amend the City of San José's San José 2020 General Plan Land Use/Transportation Diagram to change the land use designation on Parcel 1 of the project site from *Office* to *Medium High Density Residential* (12-25 du/ac). This proposed GPA would allow for the development of between 61 and 126 residential dwelling units on Parcel 1. The land use designation on Parcel 2 would remain *Regional Commercial*.<sup>1</sup> The existing and proposed General Plan land use designations are shown in Figure 4. The proposed land uses on the site are shown in Figure 5. In addition, the project proposes a General Plan text amendment to change the maximum allowable building height on Parcel 2 from 50 to 90 feet.

The project also proposes to rezone the site from *CG – Commercial General* (Parcel 1) and *R-M – Multi-Family Residential* (Parcel 2) to *A(PD) – Planned Development* to allow for the development of residential and office uses. The existing and proposed zoning designations are shown on Figure 6. The proposed PD zoning would allow for the development of 104 two- to three-story multi-family townhouses on Parcel 1 and three uses on Parcel 2: office, roadway, and parkland. A five-story 89,342 square foot office building is proposed on the western 0.70-acres of Parcel 2. A roadway extension of Hatton Street is proposed on 0.50 acres east of the proposed office building on Parcel 2 and the remaining 1.16 acres of Parcel 2, immediately west of South Baywood Avenue, is proposed as future parkland. Of the 1.16 acres of Parcel 2 proposed for future parkland, the project would dedicate 0.81 acres to the City and the remaining 0.35 acres, as well as 0.45 acres of South Baywood Avenue, would be purchased by the City. South Baywood Avenue would be vacated. As part of the project, 0.10 acres of the existing Monroe Street frontage will be vacated and added to the project site. A breakdown of the site acreage and uses are provided in Table 1 below. A conceptual site plan is shown in Figure 7.

<b>Pre-Project Conditions</b>		<b>Post-Project Conditions</b>	
<b>Land/Land Use</b>	<b>Acreage</b>	<b>Land/Land Use</b>	<b>Acreage</b>
Parcel 1	5.06	Residential development	5.16
Parcel 2	2.37	Commercial development	0.70
Monroe Street frontage (to be vacated and added to the project site)	0.10	Public street dedication (Hatton Street)	0.50
Existing Dudley Avenue City right-of-way	0.23	Existing Dudley Avenue City right-of-way	0.23
South Baywood Avenue City right-of-way	0.45	Land dedicated for future parkland	0.81
		Land purchased by the City for future parkland	0.81
<b>TOTAL</b>	<b>8.21</b>	<b>TOTAL</b>	<b>8.21</b>

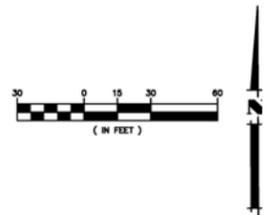
<sup>1</sup> Note that the *Regional Commercial* land use designation is the City's broadest commercial designation and allows for a variety of uses including commercial, retail, and office uses.





**LAND USE LEGEND**

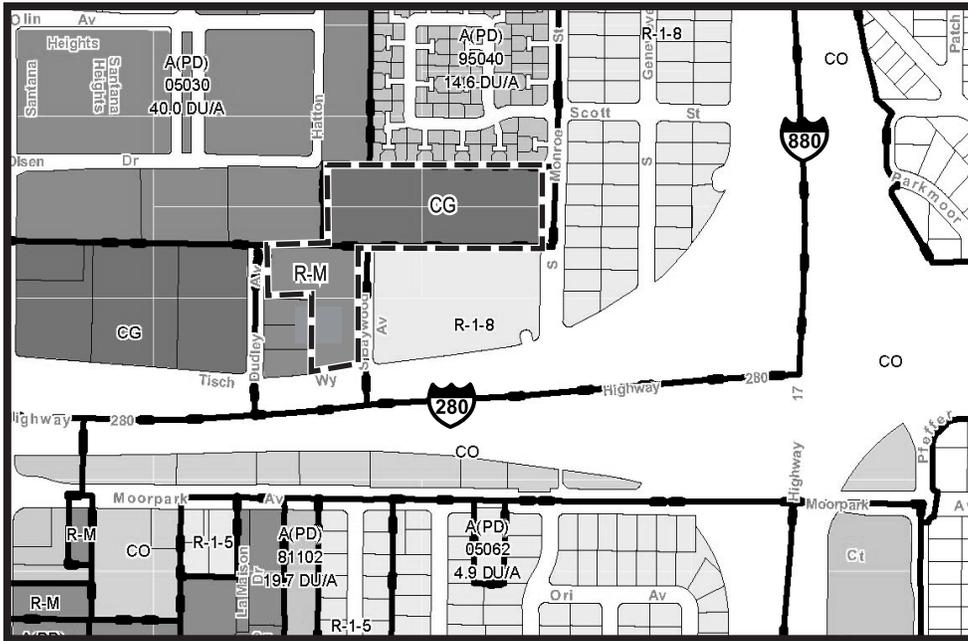
SYMBOL	USE	AREA (SQ. FT.)	PERCENT OF SITE COVERAGE	DWELLING UNITS	NET DENSIT
	PARCEL 1 RESIDENTIAL DEVELOPMENT, LANDSCAPING, PARKING, PRIVATE DRIVE, GARBAGE COLLECTION, PRIVATE AND COMMON OPEN SPACE	220,250	61%	104 TOWNHOMES	20.4
	PARCEL 2 COMMERCIAL DEVELOPMENT	30,864	9%	-	-
	PUBLIC STREET DEDICATION	21,647	6%	-	-
	PUBLIC PARK	70,490	20%	-	-
	EXIST. DUDLEY AVE. CITY RIGHT-OF-WAY	9,849	3%	-	-
	VACATED PORTION OF MONROE STREET	4,313	1%	-	-
	<b>TOTAL (GROSS)</b>	<b>357,413</b>	<b>100%</b>	-	<b>DU/A</b>



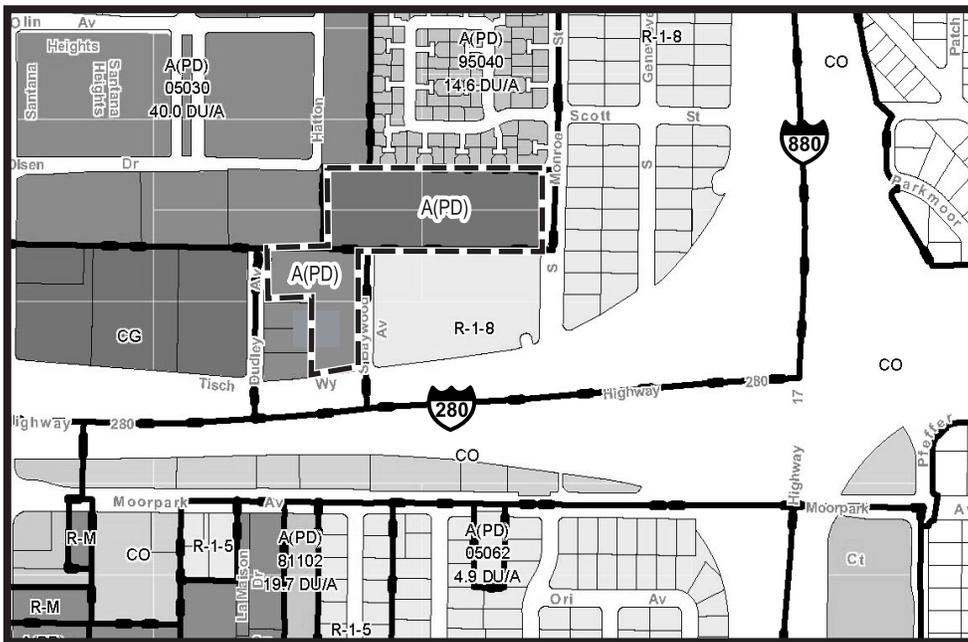
Source:CEA, 6/16/10.

PROPOSED LAND USE PLAN

FIGURE 5



**EXISTING**



**PROPOSED**

--- Project Boundary

R-1-8  
R-1-5  
R-1-2  
R-1-1

.....Single-Family Residential

R-2.....Two-Family Residential  
R-M.....Multi-Family Residential  
A(PD).....Planned Development Zoning District  
CG.....Commercial General



**EXISTING & PROPOSED ZONING DESIGNATIONS**

**FIGURE 6**



The proposed project height is 45 feet for Parcel 1 and 65 feet for Parcel 2. The maximum building heights allowed by the General Plan on the project site is 50 feet. For this reason, as discussed previously, the project proposes a General Plan text amendment to change the maximum allowable building height on Parcel 2 to 90 feet.

It is anticipated that the project would take 18 months to complete. The project includes the demolition of the existing building on Parcel 1. Construction of the project would require approximately 37,500 cubic yards of cut for excavation for one level of below grade parking for the proposed office building on Parcel 2.

Additional project details are provided below.

### **3.1 PUBLIC RIGHT-OF-WAY DEDICATIONS AND ABANDONMENT, FUTURE PARK EXPANSION**

The project proposes to dedicate 0.81 acres of the project site located west of the existing South Baywood Avenue and north of Tisch Way to the City of San José to extend Frank Santana Park.

The project proposes City abandonment of the existing South Baywood Avenue public right-of-way located immediately west of Frank Santana Park and north of Tisch Way (refer to Figure 5). The City of San José would facilitate conversion of the existing South Baywood Avenue right-of-way to further expand Frank Santana Park. The proposed City-initiated westerly expansion of Frank Santana Park would provide continuous parkland from the existing Frank Santana Park to the 0.81-acre proposed park dedication on Parcel 2. Upon approval of the proposed project, the park expansion would include reconfiguration of the existing and new parkland. Reconfiguration may include sports fields and outdoor lighting surrounding the park. Improvements to the proposed park extension would require separate environmental review when proposed.

The project proposes to dedicate public right-of-way to extend Hatton Street along an approximately 45 foot wide swath of Parcel 2. Twenty-one diagonal public parking spaces are proposed on the east side of the proposed Hatton Street extension, adjacent to the park dedication area. The proposed Hatton Street extension would end as a 60-foot diameter cul-de-sac.<sup>2</sup> Figure 5 shows the proposed parkland and public right-of-way dedication.

### **3.2 SITE ACCESS AND PARKING**

Parcel 1 would be accessed from a driveway on South Monroe Street (refer to Figure 6). Parcel 1 would have an internal two-lane driveway extending from South Monroe Street to the western border of Parcel 1. A fire truck turn-around would be provided near the west end of the Parcel 1 driveway. A total of 287 parking spaces would be provided for the proposed residential units, including 208 covered parking spaces, 69 on-site parking spaces, and 10 parking spaces on South Monroe Street.

Parcel 2 would be accessed from one driveway on the proposed Hatton Street extension and one driveway on Dudley Avenue (refer to Figure 7). The proposed extension of Hatton Street would be

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<sup>2</sup>The proposed Hatton Street may be extended northward in the future to connect to Olsen Drive within the Santana Row development. Such an extension was previously identified in the Town and Country (Santana Row) EIR dated June 1998, and would be completed by others; the proposed project would not preclude this future extension.

30 feet wide and extend from Tisch Way to the northern boundary of Parcel 2, where it would terminate in a 60-foot diameter cul-de-sac. The proposed driveway on the Hatton Street extension would be the parking entrance and the driveway on Dudley Avenue would serve as the parking exit. Parcel 2 would have one level of below ground parking and one level of at-grade parking under the proposed five-story office building. The office parking garage would provide a total of 306 parking spaces. As discussed previously, 21 parking spaces would be provided along the east side of the proposed Hatton Street extension.

### **3.3 STORM DRAINAGE EASEMENTS**

In the event all local storm drainage infrastructure failed during a severe storm event, Parcel 1 currently drains via an overland release across the adjacent private property to the northwest (Santana Row). The project proposes to continue to utilize the overland release across the adjacent private property to the northwest (Santana Row), in the event all local storm drainage infrastructure failed during a severe storm event. As described in **Section 4.9 Hydrology and Water Quality** of this Initial Study, the proposed project would reduce the amount of impervious surfaces on the project site by 33 percent, which would also reduce the amount of storm runoff from the site. The project, therefore, would result in a decrease in the volume of possible overland flow that would occur under an overland release. The project will secure new rights through an easement with Federal Realty, the property owner of the adjacent property, prior to receipt of the PD Permit for the project. Stormwater easements to be obtained will include separate easements for private use and public use. In the event the project applicant is unable to obtain an easement, if it is required, then an alternative storm drainage solution would need to be proposed by the project applicant and the alternative solution would be subject to additional environmental review.

### **3.4 MEASURES PROPOSED TO REDUCE GREENHOUSE GAS EMISSIONS**

Green building measures, including energy and water conservation measures, would reduce the project's greenhouse gas emissions. Per the City's Private Sector Green Building Policy, the proposed residential development would be required to achieve Leadership in Energy and Environmental Design (LEED) Certification or GreenPoint Rated 50 point requirements and the proposed office development would be required to achieve LEED Silver requirements. The project proposes to implement measures, including the following, to achieve the required LEED certification or GreenPoint rating for the proposed residential development:

- Design for walking and biking;
- Design for passive solar heating;
- Provide convenient recycling centers;
- Recycle all possible onsite building materials;
- Install high performance windows with dual glazing and low e coatings;
- Install high efficiency heating systems;
- Not using VOC paint;
- Use engineered lumber;
- Use formaldehyde free insulation;
- Install raised truss heels for extra insulation;
- Use high volume fly-ash concrete products;
- Use FSC certified wood products certifies grown using sustainable forestry techniques;

- Use light colored paving materials and cool roof designs to reduce urban heat;
- Install high efficiency tankless hot water heaters;
- Use florescent lighting throughout, dimmer switches & LED exit signing;
- Install energy star appliances;
- Install water efficient faucets, showers, and toilets;
- Use zero VOC sealants; and
- Pre-wire for solar panels on roofs.

To ensure the above measures are implemented, the project proponent proposes to take the following steps:

- Supply complete maintenance manuals to each homeowner;
- Supply complete maintenance manuals to HOA;
- Re-inspect with homeowners at 30 days and one year;
- Re-inspect with HOA each year; and
- Have an 800 number if homeowners need help or have questions.

The project proposes to implement measures, including the following, to achieve the required LEED certification for the proposed office development:

- Design for walking and biking;
- Provide convenient recycle facilities;
- Recycle all possible onsite building materials;
- Install high performance windows with dual glazing and low e coatings;
- Use low VOC paint, zero VOC sealants;
- Install steel framing with recycled content;
- Use formaldehyde free insulation;
- Use high volume fly-ash concrete products;
- Use light colored paving materials and cool roof designs to reduce urban heat;
- Install high efficiency tankless hot water heaters;
- Install water efficient faucets, showers and toilets;
- Exceed Title 24 energy requirements by 10 percent;
- Use florescent lighting throughout, dimmer switches & LED exit signing;
- Provide individual lighting controls for 90 percent of occupants (task lighting);
- Install zoned, efficiency heating, HVAC system;
- Install electrical sub-meter for tenant space; and
- Use regionally manufactured building materials and products.

To ensure the above measures are implemented, the project proponent proposes to take the following steps:

- Supply maintenance manuals to Landlord for operations and maintenance;
- Re-inspect with landlord/tenant at 30 days and one year; and
- Re-inspect with landlord/tenant owner each year.

The project also proposes to participate in the City's Construction & Demolition Diversion Deposit Program (CDDD) to reduce construction and demolition (C&D) debris being landfilled.

## SECTION 4.0

## ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

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This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are required by law or are City standard conditions of approval are categorized as “Standard Measures.”

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ – 1**, denotes the first impact discussed in the hazards and hazardous materials section. Mitigation measures (MM) are also numbered to correspond to the impacts they address. For example, **MM NOI – 2.3** refers to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are as follows:

Letter Code	Environmental Issue
AES	Aesthetics
AG	Agricultural and Forest Resources
AQ	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
EN	Energy
GEO	Geology and Soils
GHG	Greenhouse Gas
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use
MIN	Mineral Resources
NOI	Noise
POP	Population and Housing
PS	Public Services
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

## **4.1 AESTHETICS**

### **4.1.1 Setting**

#### **4.1.1.1 *Existing Conditions***

The 7.4-acre project site is located at 485 South Monroe Street in central San José. The project site consists of two parcels (refer to Figure 3). Parcel 1 is approximately five acres in size and rectangular in shape. Parcel 2 is approximately 2.4 acres in size and L-shaped.

The project site is currently developed with an 110,000 square foot pre-case concrete office building, paved surface parking lots, trees, and landscaping. The office building is two stories tall and located at the eastern portion of Parcel 1, fronting onto South Monroe Street. A surface parking lot is located behind the existing office building on the western portion of Parcel 1. The office building and surface parking lots are surrounded by trees and landscaping. Parcel 2 consists of paved, surface parking lots surrounded by six-foot chain-link fencing and minimal streetscaping.

The office building currently occupying Parcel 1 of the site is shown in Photo 1. The parking lot to the rear of the building is shown in Photo 2. Views of the surface parking lot on Parcel 2 are shown in Photos 3 and 4.

The site is bound by South Monroe Avenue, a two-lane street, to the east; Tisch Way, a two-lane street, and Interstate 280 (I-280) to the south; Dudley Avenue, a two-lane dead end street, to the west; and three-story multi-family residences to the north. A mixed-use development (Santana Row) is located northeast of the project site (see Photo 5). The nearest building within the Santana Row development to the site is approximately 80 feet tall.

Frank Santana Park is located south of Parcel 1 and east of Parcel 2. The park consists of a baseball diamond surrounded by an open turf playing field, with picnic tables and a play structure (see Photos 6 and 7). Tall evergreen trees line the northern edge of the parking adjacent to Parcel 1. City of San José Fire Station 10 is located to the east of Frank Santana Park, adjacent to South Monroe Street.

Three, two-story, multi-family residential apartment buildings with stucco exteriors are located to the southwest of the site, fronting onto Dudley Avenue. A 10-foot concrete wall runs along the western edge of the Parcel 2, separating the existing surface parking lot and the multi-family residential buildings (see Photo 8). A 12-story office building is located beyond the three apartment buildings, across Dudley Avenue, to the west of the site (see Photo 3).

The project site is mostly flat and is not located within a scenic viewshed or along a scenic highway.



Photo 1 - View of eastern facade of existing SBC office building, looking west across South Monroe Street.



Photo 2 - View of surface parking lot at rear of Parcel 1 with existing multi-family residential in the background, looking north from South Baywood Avenue cul-de-sac.

## PHOTOS 1 AND 2



Photo 3 - View of southern surface parking lot on Parcel 2, concrete divider wall, multi-family residential and 12-story office tower across Dudley Avenue to the west.



Photo 4 - View of northern surface parking lot on Parcel 2, looking west from South Baywood Avenue.

## PHOTOS 3 AND 4



Photo 5 - View of Santana Row surface parking lot, looking northwest from Dudley Avenue cul-de-sac.



Photo 6 - Frank Santana Park and playground, looking west.

PHOTOS 5 AND 6



Photo 7 -View of softball field in Frank Santana Park, facing north. Project site is beyond trees.



Photo 8 - View of two-story multi-family residential adjacent to Parcel 2, looking east from Dudley Avenue.

## PHOTOS 7 AND 8

**4.1.1.2 General Plan Policies**

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the visual and aesthetic policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Urban Design Policy #1: Apply Strong Architectural & Site Design Controls on Development.
- Urban Design Policy #2: Private Development should include Adequate Landscaped Areas.
- Urban Design Policy #7: Designs should consider Security, Aesthetics and Public Safety.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designation would be required to comply with the following City policies and guidelines:

- Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- Residential Design Guidelines

**4.1.2 Environmental Checklist and Discussion of Impacts**

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

#### **4.1.2.1            *Change In Visual Character***

Implementation of the proposed project would result in the demolition of the existing office building and surface parking lots and development of 104 two- to three-story (up to 45 foot tall) townhouses on Parcel 1 and a five-story (up to 65 foot tall) 89,342 square foot office building on the western portion of Parcel 2. Although the proposed General Plan text amendment would allow for buildings of up to 90 feet tall on Parcel 2, the project proposes a 65-foot tall office building. The project also includes the development of roadways, parking, landscaping, and the dedication of parkland.

The proposed residential development on Parcel 1 would be of similar mass, density, and height as the multi-family residential use located north of the site. Townhouses would be arranged in groupings of four to eight units, with two blocks of units facing onto landscaped paseos.

The proposed five-story, 65-foot tall office building would be a mid-rise building that would transition the height from the one story east of South Monroe Street to the 12-story to the west of the site. The remainder of Parcel 2 (east of the proposed office building) would be constructed with a new north-south public street (Hatton Street) and future parkland. The future parkland would be the extension of the existing Frank Santana Park located east of Parcel 2 and South Baywood Avenue.

Existing single-family residential uses across South Monroe Street are separated from the project site by the two-lane roadway, and the mass and scale of the proposed buildings would not overshadow or conflict with existing single-family residential uses to the east. The proposed development on Parcel 1 would be no taller than the existing office building on the site.

The design and materials used for the proposed development will be subject to review and approval to ensure that the proposed development meets local design and aesthetic standards. The project will undergo architectural and site design review by City Planning Staff to ensure compatibility with the surrounding neighborhood. In addition, the proposed residential development would be required to conform to the City's *Residential Design Guidelines*. For these reasons, the project would not substantially degrade the existing visual character or quality of the site or its surroundings.

The project site is not within a scenic view corridor and would not block scenic views of foothill areas from a scenic highway. The proposed project, therefore, would not result in a significant aesthetic impact to scenic views.

#### **4.1.2.2            *Light and Glare Impacts***

Outdoor security lighting from the proposed project would incrementally increase the level of illumination in the area, but would be similar to the existing security lighting for the on-site office building and parking lots, as well as security lighting at adjacent properties.

The City's Outdoor Lighting Policy (Policy 4-3) requires that exterior lighting of residences and any additional lighting on the site be designed so that lighting is not directed onto adjacent properties and the light source is shielded from direct off-site viewing. The project would conform to the City's Outdoor Lighting Policy (Policy 4-3). In addition, the project is anticipated to use standard window glazing and would not be a source of substantial, new daytime glare. For these reasons, the project would not result in significant light and glare impacts.

#### **4.1.2.3        *Shade and Shadow Impacts***

The project proposes a General Plan text amendment to allow for a maximum building height of 90 feet on Parcel 2. A shade and shadow analysis was completed for the project, including the proposed General Plan text amendment, and is included in Appendix A. The results indicate that during the time period of greatest potential impact (December 21, afternoon, 2 PM) a 90-foot structure on Parcel 2 would not shade the adjacent Frank Santana Park. The 2 PM shadow would extend to the northeast slightly onto the proposed multi-family residential units on Parcel 1. The 65-foot tall office building proposed on Parcel 2 would have a shorter shadow that would slightly shade the residences proposed on Parcel 1. Therefore, the proposed project would not result in a significant shade and shadow impact on a public park.

#### **4.1.3        Conclusion**

The proposed project, in conformance with applicable General Plan policies and the City’s Outdoor Lighting Policy and *Residential Design Guidelines*, would not result in significant aesthetic impacts. **(Less Than Significant Impact)**

**4.2 AGRICULTURAL AND FOREST RESOURCES**

**4.2.1 Setting**

According to the Santa Clara County Important Farmland map, the project site is designated as *Urban and Built-Up Land*. The project site is designated in the City’s General Plan for office and commercial uses and zoned for commercial and residential uses. The project site is currently developed with an office building and surface parking. The project site is not designated, zoned, or used for agricultural or forest land/timberland purposes, nor is it subject of a Williamson Act contract.

**4.2.2 Environmental Checklist and Discussion of Impacts**

AGRICULTURAL AND FOREST RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4

As described above, the project site is not designated or used for agricultural purposes or forest land/timberland. Therefore, the development of the project site would not result in the loss of agricultural land or forest land/timberland. In addition, the project site is located in an urban area and there are no adjacent properties used for agricultural or forest land/timberland purposes. For this reason, the proposed project would not result in conversion of off-site farmland or forest land/timberland to urban uses.

**4.2.3            Conclusion**

The proposed project would not result in impacts to agricultural or forest resources. **(No Impact)**

## **4.3 AIR QUALITY**

### **4.3.1 Setting**

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

The project is located in San José, which is in Santa Clara Valley. The project site is in proximity to both the Pacific Ocean and San Francisco Bay, which have moderating influence on the climate. The valley is bound to the north by the San Francisco Bay and by mountains to the east, south, and west. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southeast axis. During the afternoon and early evening, a north-northwesterly sea breeze often flows from the Bay through the valley, and a light south-southeasterly drainage flow often occurs during the late evening and early morning hours.

#### **4.3.1.1 *Regional and Local Criteria Pollutants***

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants have health effects such as respiratory impairment and heart/lung disease symptoms.

Areas that do not violate ambient air quality standards are considered to have attained the standard. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and state standards for particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The area is considered attainment or unclassified for all other pollutants.

#### **4.3.1.2 *Sensitive Receptors***

The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). The BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas. Sensitive receptors near the project site include residences to the north, southwest, and east; and park users at the public park located southeast of the site (refer to Figure 3).

#### **4.3.1.3 *Community Risk Contaminants and their Health Effects***

##### **Fine Particulate Matter (PM<sub>2.5</sub>)**

Particulate matter pollution consists of very small particles suspended in the air, which can include smoke, soot, dust, salts, acids, and metals. Particulate matter also forms when industry and gaseous pollutant undergo chemical reactions in the atmosphere. Respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) represent fractions of particulate matter. PM<sub>10</sub> refers to particulate matter less than 10 microns in diameter and PM<sub>2.5</sub> refers to particulate matter that is 2.5 microns or less in diameter. Major sources of PM<sub>2.5</sub> results primarily from diesel fuel combustion (from motor vehicles, power generation, industrial facilities), residential fireplaces, and wood stoves. PM<sub>10</sub>

includes all PM<sub>2.5</sub> sources as well as emissions from dust generated by construction, landfills, and agriculture; wildfires and brush/waste burning, industrial sources, windblown dust from open lands, and atmospheric chemical and photochemical reactions. PM<sub>10</sub> and PM<sub>2.5</sub> pose a greater health risk than larger-size particles, because these tiny particles can penetrate the human respiratory system's natural defenses and damage the respiratory tract increasing the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Whereas larger particles tend to collect in the upper portion of the respiratory system, PM<sub>2.5</sub> are so tiny that they can penetrate deeper into the lungs and damage lung tissues. Suspended particulates also damage and discolor surfaces on which they settle, as well as produce haze and reduce regional visibility.

### Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants discussed above. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). According to the CARB, diesel exhaust is a complex mixture of gases, vapors and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the state's Proposition 65 or under the federal Hazardous Air Pollutants programs.

CARB reports that recent air pollution studies have shown an association that diesel exhaust and other cancer-causing toxic air contaminants emitted from vehicles are responsible for much of the overall cancer risk from TACs in California. Diesel particulate matter (DPM) emitted by diesel-fueled engines was found to comprise much of that risk. DPM can be distributed over large regions, thus leading to widespread public exposure. Diesel engines emit particulate matter at a rate about 20 times greater than comparable gasoline engines. The vast majority of diesel exhaust particles (over 90 percent) consist of PM<sub>2.5</sub>, which are particles that can be inhaled deep into the lung. Like other particles of this size, a portion will eventually become trapped within the lung possibly leading to adverse health effects. While the gaseous portion of diesel exhaust also contains TACs, CARB's 1998 action was specific to DPM, which accounts for much of the cancer-causing potential from diesel exhaust. California has adopted a comprehensive diesel risk reduction program to reduce DPM emissions 85 percent by 2020. The USEPA and CARB adopted low sulfur diesel fuel standards in 2006 that reduce diesel particulate matter substantially.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations.

In December 2008 the CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles. The regulation requires affected vehicles to meet specific performance requirements between 2011 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

Non-diesel vehicles also emit TACs, primarily in the form of organic compounds. A fraction of the total organic gas (TOG) emissions from vehicles are TACs. Organic compounds that have been identified as TACs associated with the emissions from vehicles include acetaldehyde, benzene, 1,3-butadiene, ethyl benzene, formaldehyde, hexane, naphthalene, toluene, and xylenes. These TACS are emitted from vehicle exhaust and from evaporative emissions that emanate from hoses, fittings or canisters, while the vehicle is being operated.

#### **4.3.1.4 Regulatory Overview**

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act of 1988 and its subsequent amendments). Regional air quality management districts such as BAAQMD must prepare air quality plans specifying how state standards would be met. BAAQMD's most recently adopted Clean Air Plan (CAP) is the *2010 Clean Air Plan (2010 CAP)*.

The Bay Area 2010 CAP provides an updated comprehensive plan to improve Bay Area air quality and protect public health, taking into account future growth projections to 2035. The 2010 CAP was adopted by BAAQMD's Board of Directors in September 2010. The population projections used in the 2010 CAP were based on the Association of Bay Area Government (ABAG) *2007 Projections*. ABAG's *Projections 2007* forecasts San José's population to be 1,422,800 residents in 2035.

#### **BAAQMD Buffer Zones**

The BAAQMD recommends that general plans include buffer zones to separate sensitive receptors from sources of air toxic contaminants and odors. In April 2005, CARB released the final version of the *Air Quality and Land Use Handbook*, which is intended to encourage local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors (e.g., schools, homes or daycare centers) near sources of air pollution. The primary purpose of the handbook is to highlight the potential health impacts associated with proximity to common air pollution sources, so that those issues are considered in the planning process. CARB makes recommendations regarding the siting of new sensitive land uses near freeways, truck distribution centers, dry cleaners, gasoline dispensing stations, and other air pollution sources. These advisory recommendations include minimum setbacks of 500 feet between new residences and freeways. The setbacks are based primarily on modeling information and are not reflective of site-specific conditions in San José. Siting of new sensitive land uses within these recommended setback distances may be possible, but only after site-specific studies are conducted to identify the actual health risks. CARB acknowledges that land use agencies have to balance other siting considerations such as housing and transportation needs, economic development priorities and other quality of life issues.

## BAAQMD Significance Thresholds

### Plan-Level

Based on the BAAQMD-adopted thresholds of significance, a GPA is determined to be inconsistent with the most current Clean Air Plan (CAP), and therefore have a significant air quality impact, if the GPA would:

- Not incorporate current Air Quality Plan control measures as appropriate to the plan area; or
- Cause the rate of increase in vehicle miles traveled (VMT) or vehicle trips (VT) to be greater than the rate of increase in population.

### Project-Level

According to the adopted BAAQMD thresholds of significance, a project that generates 54 pounds per day of reactive organic gases (ROG), nitrogen oxide (NO<sub>x</sub>), or fine particulate matter (PM<sub>2.5</sub>); or 82 pounds per day of particulate matter (PM<sub>10</sub>) would result in significant operational and/or construction-related air quality impacts.

The draft BAAQMD *CEQA Air Quality Guidelines* (June 2010) identifies a screening threshold of 451 condo/townhouse units for a potentially significant operational air quality impact and a screening threshold of 240 condo/townhouse units for a potentially significant construction-related air quality impact. The draft BAAQMD *CEQA Air Quality Guidelines* identifies a screening threshold of 346,000 square feet of office space for a potentially significant air quality impact and a screening threshold of 277,000 square feet of office space for a potentially significant construction-related air quality impact.

The BAAQMD-adopted thresholds of significance for local community risk and hazard impacts apply to both the siting of a new source and to the siting of a new receptor. Local community risk and hazard impacts are associated with TACs and PM<sub>2.5</sub> because emissions of these pollutants can have significant health impacts at the local level.

If emissions of TACs or PM<sub>2.5</sub> exceed any of the thresholds of significance listed below, the proposed project would result in a significant impact.

- Non-compliance with a qualified risk reduction plan;
- An excess cancer risk level of more than 10 in one million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be a cumulatively considerable contribution; or
- An incremental increase of greater than 0.3 micrograms per cubic meter (µg/m<sup>3</sup>) annual average PM<sub>2.5</sub> would be a cumulatively considerable contribution.

**General Plan Policies**

In connection with the implementation of the CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development allowed by the proposed land use designation would be subject to the air quality policies listed in Chapter 4, Goals and Policies, of the General Plan, including the following:

- Air Quality Policy #1: Establish Appropriate Land Uses & Regulations to Reduce Air Pollution.
- Air Quality Policy #5: Design Development near Transit Stations to Promote Transit Usage.
- Transportation Policy #17: Encourage Pedestrian Travel.
- Transportation Policy #19: Encourage Walking, Bicycling, and Public Transportation.
- Transportation Policy #23: Street & Sidewalk Designs should Promote Transit Access.
- Transportation Policy #28: Promote Implementation of Transportation Demand Management.
- Transportation Policy #51: Develop a Safe & Direct Bicycle Network.

In addition to the policies of the City’s General Plan, all future development allowed by the proposed land use designations would be subject to the City’s Grading Ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

**4.3.2 Environmental Checklist and Discussion of Impacts**

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6,7,8

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,6,8
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8

The project proposes a GPA and rezoning to allow for the development of 104 townhouses and an 89,342 square foot office building on the project site.

**4.3.2.1 Consistency with the Clean Air Plan**

Determining consistency with the CAP involves assessing whether Transportation Control Measures (TCMs) contained in the 2010 CAP are implemented. The TCMs were designed to reduce emissions from motor vehicles by reducing vehicle trips and vehicle miles traveled. TCMs may also reduce vehicle use, vehicle idling, or traffic congestion. Applicable TCMs are listed in Table 2 below. Individual projects can not individually implement the listed measures. Most TCMs, however, are implemented through the City’s General Plan policies, which are the basis of mitigation for land use impacts in San José.

While the proposed project would intensify the use of the project site and increase vehicle trips compared to existing conditions, the proposed General Plan Amendment would allow medium density residential development on an infill site near transit which is consistent with the 2010 CAP goals to reduce auto trips. In addition, the project would not cause the rate of increase in VMT to be greater than the rate of increase in population. For these reasons, the proposed project, in conformance with applicable General Plan policies, is consistent with the regional air quality plan.

<b>Control Measures</b>	<b>Description</b>
Goods Movement	This measure will reduce diesel PM and GHG emissions from goods movement in the Bay Area through targeted enforcement of CARB diesel ATCMs in impacted communities, partnerships with ports and other stakeholders, increased signage indicating truck routes and anti-idling rules, shifts in freight transport mode, shore-side power for ships, and improvements in the efficiency of engine drive trains, distribution systems (roadways, logistic systems) and land use patterns.
Land Use Guidelines	This measure will provide guidance to local governments regarding 1) air quality and greenhouse gases in General Plans, and 2) how to address and mitigate population exposure related to land use development.
Reduce Risk in Impacted Communities	This measure will establish a system to track cumulative health risks from all emissions sources in impacted communities (as identified by the District’s CARE program) in order to monitor progress in reducing population exposure.
Energy Efficiency	This measure will provide 1) education to increase energy efficiency; 2) technical assistance to local governments to adopt and enforce energy efficient building codes; and 3) incentives for improving energy efficiency at schools.
Renewable Energy	This measure will promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities.
Urban Heat Island Mitigation	This measure will mitigate the “urban heat island” effect by promoting the implementation of cool roofing, cool paving, and other strategies.
Tree-Planting	This measure will promote planting of low VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO2 and other air pollutants.
Voluntary Employer Based Trip Reduction Programs	This measure will support voluntary efforts by Bay Area employers to encourage their employees to use alternative commute modes, such as transit, ridesharing, bicycling, walking, telecommuting, etc.
Local and Areawide Bus Service Improvements	This measure will improve transit by sustaining and improving existing service, including new Express Bus or Bus Rapid Transit on major travel corridors, funding the replacement of older and dirtier buses, and implementing the Transit Priority Measures (TPMs) component of the Transportation Climate Action Campaign.
Local and Regional Rail Service Improvements	This measure will improve rail service by sustaining and expanding existing services and by providing funds to maintain rail cars, stations, and other rail capital assets. Specific projects for implementation include BART

<b>Control Measures</b>	<b>Description</b>
	extensions, Caltrain electrification, Transbay Transit Center Building and rail foundation, Capital Corridor intercity rail service, and Sonoma Marin Area Rail Transit (SMART) District commuter rail project.
Transit Efficiency and Use Strategies	This measure will improve transit efficiency and make transit more convenient for riders.
Bicycle Access and Facilities Improvements	This measure will expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities. This TCM also includes improving bicycle access to transit and supporting the annual Bike to Work event.
Freeway and Arterial Operations Strategies	This measure will improve the performance and efficiency of freeway and arterial systems through operational improvements.
Local Land Use Strategies	This measure will support and promote land use patterns, policies, and infrastructure investments that support higher density mixed-use, residential and employment development near transit in order to facilitate walking, bicycling and transit use.
Pedestrian Access and Facilities Improvements	This measure will improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment and major activity centers. Improvements may include sidewalks/paths, benches, reduced street width, reduced intersection turning radii, crosswalks with activated signals, curb extensions/bulbs, buffers between sidewalks and traffic lanes, and street trees.

**4.3.2.2 Impacts from the Proposed Project**

**Short-Term Construction-Related Impacts**

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

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere. Construction activities would increase dustfall and locally elevated levels of PM<sub>10</sub> downwind.

As discussed previously, the draft BAAQMD *CEQA Air Quality Guidelines* (June 2010) has a screening threshold of 240 condo/townhouses for a potentially significant construction-related air quality impact and a screening threshold of a 277,000 square foot office building for a potentially significant construction-related air quality impact. The project proposes 104 townhouses and an 89,342 square foot office building. Given the BAAQMD screening thresholds and the amount of development proposed, it is not anticipated that the project would result in significant construction-related impacts.

**Standard Measures:** The project proposes to implement the following standard BAAQMD measures during all phases of construction to reduce construction-related air quality impacts:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out on to adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in property conditions prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

#### ***Emissions of Toxic Air Contaminants from Disturbance of Asbestos Containing Materials***

The office building that would be demolished may include materials containing asbestos that would have to be removed. Asbestos is a fibrous mineral which is both naturally-occurring in ultramafic rock (a rock type commonly found in California), and used as a processed component of building materials. Because asbestos has been proven to cause serious adverse health effects, such as asbestosis and lung cancer, it is strictly regulated in its use as a building material. The BAAQMD regulates the demolition of buildings and structures that may contain asbestos. The provisions that cover these operations are found in BAAQMD Regulation 11, Rule 2: *Hazardous Materials*;

*Asbestos Demolition, Renovation and Manufacturing.* Construction contractors would be required to implement standard State and federal procedures for asbestos containment and worker safety. The BAAQMD's rule requires special handling of asbestos containing materials (e.g., by keeping materials continuously wetted). The rule prohibits any visible emissions of asbestos containing materials to outside air. The project proponent would be required to consult with BAAQMD's Enforcement Division prior to commencing demolition of a building containing asbestos materials. If the project adheres to this requirement, asbestos-related impacts would be considered less than significant.

**Standard Measure:** The project proposes to implement the following standard measure during construction to reduce construction-related air quality impacts related to asbestos-containing materials:

- During demolition activities, removal or disturbance of any materials containing asbestos or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.

### **Odors**

During construction, the various diesel powered vehicles and equipment in use on the site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries; therefore, diesel odor impacts are less than significant. It is not anticipated that the proposed residential and office uses on the project site would produce any offensive odors.

## **Long-Term Air Quality Impacts**

As discussed previously, the draft BAAQMD *CEQA Air Quality Guidelines* identifies a screening threshold of 451 condo/townhouse units for a potentially significant operational air quality impact and a screening threshold of 346,000 square feet of office space for a potentially significant air quality impact. The proposed project would result in a net increase of 104 townhouses and a net decrease in 21,658 square feet of office space on the site (after demolition of the existing 111,000 square foot office building on-site). Given the BAAQMD screening thresholds and the amount of development proposed, it is not anticipated that the project would result in significant operational air quality impacts.

### **4.3.2.3 Impacts to the Proposed Project**

#### **Air Contaminant Exposure**

Since identifying diesel particulate matter as a toxic air contaminant, the CARB has conducted studies to identify existing health effects from exposure to DPM. The CARB identified the average year 2000 statewide potential cancer risks at 540 excess cases per million people.<sup>3</sup> The potential risk near high volume freeways was found to be much higher. The risk is predicted to decrease in the future due to plans to reduce diesel particulate matter emissions from a variety of sources. The 2000 CARB report predicts an average statewide risk at 360 excess cancer cases per million people in

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<sup>3</sup> California Air Resources Board. *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel Fueled Engines and Vehicles*. 2000.

2020. Modeling information compiled by BAAQMD indicates that the cancer risk in the San Jose area in the vicinity of the project is about 100 to 250 excess cases per million people.

### TAC Cancer Risk Analysis

In order to evaluate whether siting a new sensitive population would result in a significant TAC cancer risk, an analysis was completed that involved the development of future DPM and organic TAC emissions for traffic on Interstates 280 and 880 using the latest version of the CARB EMFAC2007 emission factor model with defaults for Santa Clara County. A complete copy of this air quality analysis is included in Appendix B of this Initial Study.

EMFAC2007 is the most recent version of the CARB motor vehicle emission factor model. DPM emissions are predicted by the model to decrease in the future. However, the current version of EMFAC2007 does not incorporate the effects of the recent on-road diesel vehicle regulations, which will substantially reduce DPM emissions even further.

CARB recently adopted new regulations that will require on-road diesel trucks to be retrofitted with particulate matter controls or replaced to meet new 2010 engine standards that have much lower DPM and PM<sub>2.5</sub> emissions. This regulation will substantially reduce these emissions between 2011 and 2023, with the greatest reductions occurring in 2013 through 2015. While new trucks and buses will meet strict federal standards, this measure is intended to accelerate the rate at which the fleet either turns over so there are more cleaner vehicles on the road, or is retrofitted to meet similar standards. With this regulation, older, more polluting trucks would be removed from the roads much quicker. CARB anticipates a 68 percent reduction in PM<sub>2.5</sub> (including DPM) emission from trucks in 2014 with this regulation.

The requirements for diesel trucks are phased in for future years and depend on the model year of the trucks. Since this analysis assesses the risk of proposed residences to future exposures, the lower future emissions were taken into account. The diesel truck age distribution used in the EMFAC2007 model was adjusted to reflect the effects of the new regulations. The EMFAC2007 results were then adjusted to the traffic volume and mix on I-280 and I-880 reported by Caltrans. Average daily traffic volumes were assumed to increase by one percent per year to account for future traffic conditions. Dispersion modeling of DPM and organic TAC emissions was conducted using the CAL3QHCR model, which is recommended by the BAAQMD for this type of analysis. Additional detail about the models, including model inputs and outputs, are provided in Appendix B.

Based on the modeling, the maximum long-term concentrations of DPM and organic TACs in the proposed residential development would occur in the southeast corner of Parcel 1 and the maximum concentrations for the proposed office building would occur in the southeast corner of the proposed building. TAC concentrations are slightly lower at second story or higher receptors.

Using the modeled long-term average DPM concentrations, the individual cancer risks were computed using the most recent methods recommended by BAAQMD<sup>4</sup> and the California Office of Environmental Health Hazard Assessment (OEHHA),<sup>5</sup> which assume almost continuous exposure over a 70-year lifetime.

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<sup>4</sup> Bay Area Air Quality Management District. *Air Toxics NSR Program Health Risk Screening Analysis (HSRA) Guidelines*. January 2010.

<sup>5</sup> Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. August 2003.

According to the adopted BAAQMD CEQA thresholds of significance, an incremental risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual (MEI) would result in a significant impact. Over the course of a 70-year lifetime exposure, the maximum incremental residential cancer risk at the project site is calculated to be 7.0 excess cancer cases per million people. For worker exposure, the maximum incremental residential cancer risk at the proposed office building is calculated as an increase of 0.8 excess cancer cases per million people. This analysis computes cancer risk based on lifetime exposure to I-280 and I-880 traffic (i.e., almost constant exposure over a 70-year period for residents and exposure for eight hours per day for 40 years of a 70-year exposure period for office workers). Since the maximum incremental cancer risk predicted for the proposed project is less than 10 in a million, the health risks are considered less than significant.

### Non-Cancer Health Impacts

The non-cancer health effects from DPM and organic TACs were analyzed in the air quality assessment. The total Hazard Index (HI) for DPM and organic TACs would be lower than the significance criterion of a HI greater than 1.0. Refer to Appendix B for more detail about the assessment.

In addition, potential health impacts from PM<sub>2.5</sub> emissions from vehicles traveling on I-280 and I-880 were evaluated. PM<sub>2.5</sub> concentrations from I-280 and I-880 were modeled to evaluate the potential impact of exposure to exhaust produced from traffic near the project site. The maximum annual average PM<sub>2.5</sub> concentrations occurred in areas

In the proposed residential development, the maximum annual average PM<sub>2.5</sub> concentration occurred in the southeast corner of Parcel 1 and the maximum concentration for the proposed office building occurred in the southeast corner of the building. The maximum long-term average annual concentrations in the residential and commercial areas were 0.13 µg/m<sup>3</sup> and 0.15 µg/m<sup>3</sup>, respectively. Concentrations at all other receptor locations in the project site would be less than the values. These concentrations are lower than the BAAQMD PM<sub>2.5</sub> threshold of greater than 0.3 µg/m<sup>3</sup>. For this reason, the project would not result in significant non-cancer health impacts from DPM, organic TACs, or PM<sub>2.5</sub>. Refer to Appendix B for more detail about the PM<sub>2.5</sub> analysis.

## **Global Climate Change**

Global climate change can result in an increase in summer temperatures and the number of days ozone pollution levels are exceeded, which can contribute to adverse health effects ranging from minor restricted activity days and work loss days, to hospitalizations due to asthma-related, bronchitis, and other respiratory or cardiovascular symptoms, to premature deaths. The proposed residential project would house sensitive populations. Like other residential uses in San José, new residents could be subject to effects of higher temperatures and air pollution if warming temperatures occur locally. Due to the proximity to San Francisco Bay, new residents would not be subject to effects as severe as in inland areas, and the effect is considered less than significant.

### **4.3.3 Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above standard construction measures, would not result in significant air quality impacts. **(Less Than Significant Impact)**

## **4.4 BIOLOGICAL RESOURCES**

### **4.4.1 Setting**

The project site is located within a developed area of the City of San José. The project site is currently developed with an 111,000 square foot office building and paved surface parking areas.

Most of the project site is paved, with some landscaped areas surrounding the surface parking lots, and between the fence lines and the sidewalk on South Baywood Avenue. At the front of the existing office building, on South Monroe Street, there is a landscaped area with trees along the sidewalk. There are no sensitive habitats or wetlands on the project site. The project site is not part of an adopted Habitat Conservation Plan.

#### **4.4.1.1 *Special-Status Plants and Animals***

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

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

#### **4.4.1.2 *City of San José Tree Ordinance***

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

A tree survey for the project site was completed by *Concentric Ecologies* and a copy of the report is included as Appendix C of this Initial Study. There are 18 different species of trees on the project site of varying health. There are a total of 91 trees on the site, 17 of which are ordinance-size. Table 3 below summarizes the species, size, and condition of the ordinance-size trees on-site. Figure 8 shows the location of all the trees surveyed on the site.

#### 4.4.1.3 City of San José Heritage Trees

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

<b>Table 3: Summary of Ordinance-Size Trees On-Site</b>				
<b>Tree #<sup>1</sup></b>	<b>Common Name</b>	<b>Diameter (inches)<sup>2</sup></b>	<b>Condition<sup>3</sup></b>	<b>Preservation Suitability<sup>4</sup></b>
17	Monterey Pine	30	1	Poor
18	Monterey Pine	31	1	Poor
19	Eucalyptus	19	3	Moderate
20	Eucalyptus	25	3	Moderate
22	Eucalyptus	27	3	Poor
27	Monterey Pine	28	1	Poor
48	Chinese Elm	18	3	Good
49	Chinese Elm	18	3	Good
50	Chinese Elm	19	3	Good
52	Scrub Oak	18	3	Poor
70	Monterey Pine	24	1	Poor
71	Monterey Pine	26	1	Poor
72	Brazilian Pepper	29	2	Poor
73	Brazilian Pepper	33	2	Poor
81	Eucalyptus	24	1	Poor
82	Eucalyptus	21	2	Poor
83	Eucalyptus	38	2	Poor

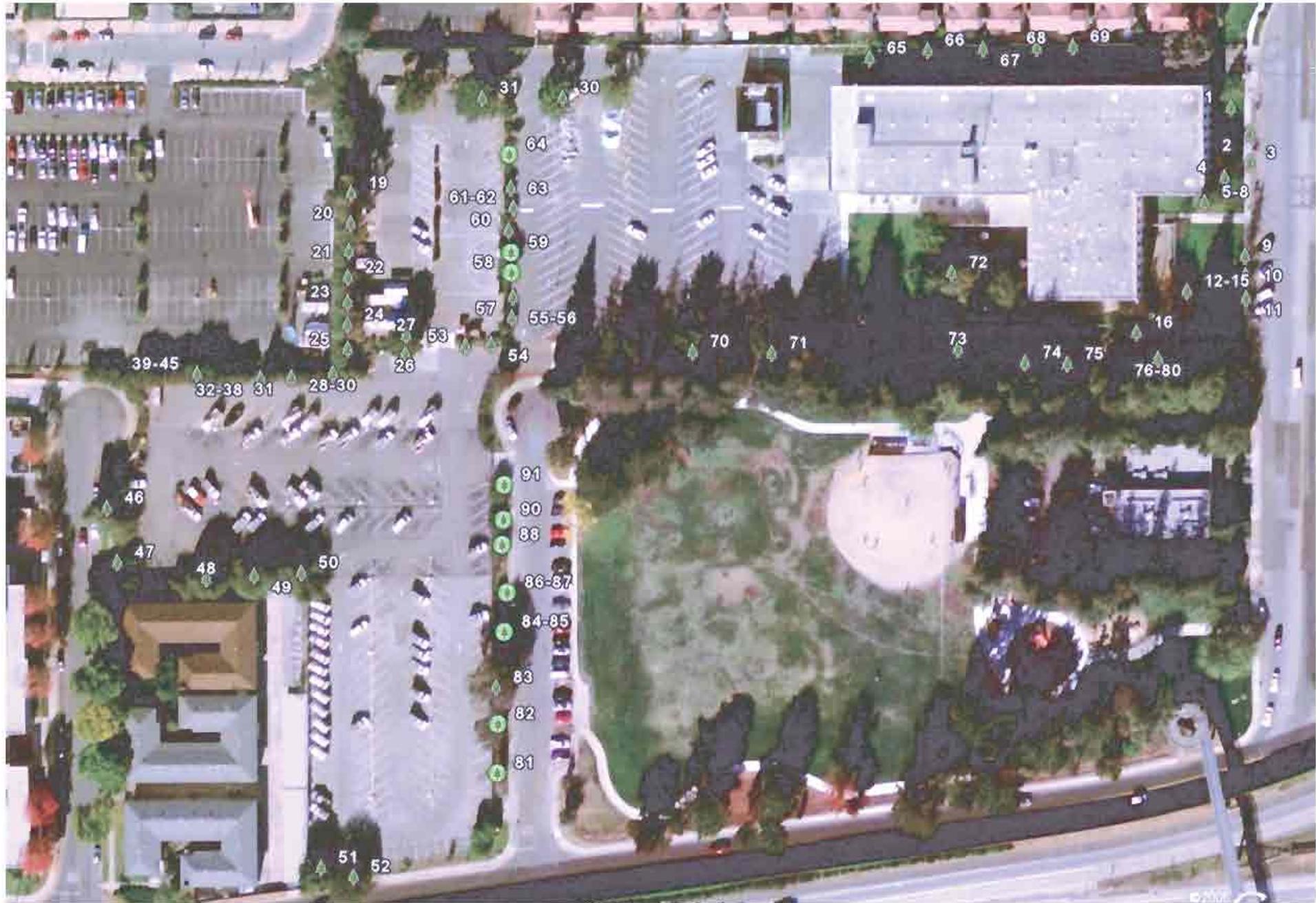
Notes:

<sup>1</sup> For location of trees, refer to Figure 8.

<sup>2</sup> Diameter of trees measured at two feet above grade.

<sup>3</sup> 1 = Poor Health, 4 = Good Health

<sup>4</sup> A rating of “Good” means that trees are in good or excellent health, have good or excellent structure, and have a reasonable chance to survive construction. Trees categorized as having “Moderate” preservation suitability have average or fair health and structure, and with adequate care, may survive construction. Trees categorized as having “Poor” preservation suitability are trees that, either because of poor health or poor structure, are not good candidates for survival.



TREE LOCATIONS

FIGURE 8

#### 4.4.1.4 *General Plan Policies*

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating biological impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the biological policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Species of Concern Policy #2: Habitat areas that support Species of Concern should be retained to the greatest extent feasible.
- Urban Forest Policy #2: Development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should: 1) Continue to implement the Heritage Tree program and the Tree Removal Ordinance and 2) Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.
- Urban Forest Policy #3: The City encourages the maintenance of mature trees on public and private property.
- Urban Forest Policy #4: In order to realize the goal of providing street trees along all residential streets, the City should require the planting and maintenance of street trees as a condition of development.
- Urban Forest Policy #5: The City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby powerlines, and root characteristics.
- Urban Forest Policy #6: Trees used for new plantings in urban areas should be selected primarily from species with low water requirements.
- Urban Forest Policy #7: Where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.
- Urban Design Policy #23: New development projects should include the preservation of ordinance-sized and other significant trees. Any adverse affect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

**4.4.2 Environmental Checklist and Discussion of Impacts**

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,9
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

#### 4.4.2.1 *Special-Status Plants and Animals*

Since the entire project site has been previously disturbed by human use and there are no wetlands or other sensitive habitats on the project site, the presence of any special-status plants or animals on site is unlikely. For this reason, the project would not result in significant impacts special-status species or sensitive habitats.

There could be nesting birds present in on-site trees prior to project construction. Nesting birds, including raptors, are protected under the provisions of the Migratory Bird Treaty Act and the California Department of Fish and Game Code 3503 and 3503.5. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or could otherwise lead to nest abandonment. Nest abandonment and/or loss of reproductive effort caused by disturbance are considered “take” by the CDFG, and therefore would constitute a significant impact.

**Impact BIO – 1:** The project would result in significant impacts to nesting birds, if present on-site prior to project construction. **(Significant Impact)**

**Mitigation Measure:** The project proposes to implement the following standard measure to reduce impacts to nesting birds to a less than significant level:

**MM BIO – 1.1:** If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the California Department of Fish and Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City’s Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

#### 4.4.2.2 *Ordinance Size Trees*

Based on the conceptual site plan, the development of the proposed project could result in the removal of all on-site trees (74 non-ordinance size trees and 17 ordinance size trees). The project proposes to plant new landscaping, including new trees, as part of the project, and plant replacement trees to offset the project’s impact from removing existing trees. For these reasons, the project would not result in a significant impact to ordinance size trees.

**Standard Measures:** The project proposes to implement the following standard measures to reduce impacts to trees:

- All trees that are to be removed shall be replaced at the following ratios:

<b>Diameter of Tree to be Removed</b>	<b>Native Replacement Ratio</b>	<b>Non-Native Replacement Ratio</b>	<b>Minimum Size of Each Replacement Tree</b>
18 inches or greater	5:1	4:1	24-inch box
12 - 18 inches	3:1	2:1	24-inch box
less than 12 inches	1:1	1:1	15-gallon container
Notes: X:X = tree replacement to tree loss ratio Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.			

- Trees that would be removed as part of the project, but are located off-site, shall be removed with the property owner’s permission.
- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjoining properties for screening purposes to the satisfaction of the Director of Planning, Building, and Code Enforcement.
  - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

**Pre-Construction Treatments**  
(required if any trees would be preserved)

- The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be six feet chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.

- Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture and the most recent editions of the American National Standard for Tree Care Operations and Pruning. Any pruning of off-site trees shall be done with the property owner's permission.

**During Construction**

(required if any trees would be preserved)

- Prior to the issuance of any approval or permit, the consulting arborist shall inventory all trees on-site as to their size, species and location on the lot and the inventory shall be submitted on a topographical map to the Director of Planning, Building, and Code Enforcement.
- Damage to any tree during construction shall be reported by the person causing the damage, the responsible to the Director of Planning, Building, and Code Enforcement, and the contractor or owner shall treat the tree for damage in the manner specified by the consulting arborist.
- No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline.
- Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering.
- Wires, signs and other similar items shall not be attached to trees.
- Cutting and filling around the base of trees shall be done only after consultation with the consulting arborist and then only to the extent authorized by the consulting arborist.
- No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process.
- Barricades shall be constructed around the trunks of trees as directed by the Director of Planning, Building, and Code Enforcement so as to prevent injury to trees making them susceptible to disease causing organisms.
- Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots (San José Municipal Code 13.32.130).
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

**4.4.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above mitigation and standard measures, would not result in significant impacts to biological resources. **(Less Than Significant Impact with Mitigation Incorporated)**

## 4.5 CULTURAL RESOURCES

The following discussion is based upon an archaeological literature review prepared by *Holman & Associates* in May 2007 and a historical and architectural evaluation prepared by *Urban Programmers, Inc.* in May 2007. The archaeological report can be viewed at the City of San José, Department of Planning, Building, and Code Enforcement during normal business hours. The historical and architectural evaluation is located in Appendix D of this report.

### 4.5.1 Setting

#### 4.5.1.1 *Archaeological Resources*

An archaeological literature review at the Northwest Information Center (NWIC) was completed for the project site. The archaeological literature review did not find any historic or prehistoric archaeological sites recorded on or within 0.5 miles of the site. The project area is considered to be located in a zone of low archaeological sensitivity.

There have been two previous archaeological surveys prepared for sites in the project area. One study was of the adjacent 15-acre parcel northeast of the project site. There were no findings for the project site in the report. The other study was for a less than one acre parcel located at 440 Winchester Boulevard. No recorded or physical evidence of historic or prehistoric archaeological materials was found on the site.

#### 4.5.1.2 *Historic Resources*

Beginning in 1876, the project site was once a part of a larger 160-acre property owned by JN Laedrich, a gold miner. The property was a fruit orchard for many years, until the mid-century when the area was subdivided and developed primarily for residential use. In 1963, building permits were issued to build the existing two-story building for Pacific Telephone and Telegraph. In 1972, the building was sold to Pacific Bell Company to continue use for telephone service equipment and offices. Southwest Bell Company merged with Pacific Bell Company and the building became known as SBC, but the property was never sold. This site was one of several sites SBC occupied throughout San José and Santa Clara Valley.

### **Building Description**

The building on-site is a two-story concrete structure with pre-cast panels, some with metal frame windows, others blank, covering most of the facade. The building is a good example of the panelized system of construction. The pre-cast white rock-faced concrete panels are articulated with the windows recessed to create an angled effect beneath a straight cornice. The ground floor facades not covered with large windows are covered with anodized metal frames used as sun blinds, hinged on the sides.

The facade facing east towards South Monroe Street appears to be the secondary facade because the large ground floor windows are covered with exterior metal sun blinds. The west facade, off the parking lot, appears to be the primary facade. The ground level is a wall of windows and a double door leads into the main open area of the building.

**Historical Significance**

The Pacific Telephone and Telegraph Building (circa 1964) was one of several developed by Pacific Telephone and Telegraph Company to spread phone exchange throughout the areas of increasing usage in Santa Clara Valley. The building was evaluated and rated using the City of San José Historic Evaluation Criteria and Tally and was determined to be ineligible for the California Register of Historic Resources and the National Register of Historic Places. The building is also not significant to San José history or architectural history and it does not appear to have been associated with any significant events that contributed to the history of telephone service.

**4.5.1.3 General Plan Policies**

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating geology and soil impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the cultural resources policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Historic, Archaeological and Cultural Resources Policy #1: Preservation of historically or archaeologically significant sites should be a key consideration in the development review process.
- Historic, Archaeological and Cultural Resources Policy #8: For archaeologically sensitive sites, the City should require investigation during the planning process and should also require that appropriate mitigation measures be incorporated into the project design.
- Historic, Archaeological and Cultural Resources Policy #9: Requirement on all development permits and tentative subdivision maps that upon discovery of Native American burials development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

**4.5.2 Environmental Checklist and Discussion of Impacts**

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11

The project proposes GPAs and a rezoning to allow for the development of up to 104 townhouses and an 89,342 square foot office building. The proposed office building would include one level of at grade parking and one level of below ground parking. The project would require the demolition of the existing office building and excavation for one level of below ground parking for the proposed office building.

**4.5.2.1 Prehistoric Resources**

The project site is located within a low archaeological sensitivity zone. No previous archaeological field inspections in the area have discovered prehistoric archaeological deposits. The construction of proposed project is not anticipated to affect buried cultural resources. Although it is unlikely that buried cultural materials would be encountered, standard conditions for excavation activities would be applied to the project as described below.

**Standard Measure:** The project proposes to implement the following standard measure to reduce impacts to prehistoric resources:

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

A final report shall be submitted to the City’s Environmental Principal Planner when mitigation is completed. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City’s Environmental Principal Planner.

#### **4.5.2.2          *Historic Resources***

CEQA defines historic resources as those that are listed in, or determined eligible for listing in, the California Register or the National Register of Historic Places. The property has been determined ineligible for the California Register of Historic Resources, the National Register of Historic Places, and as a San José Historic Landmark. In addition, as discussed previously, the existing building on-site is not considered significant in the history of communications in San José. For these reasons, the demolition of the existing building on-site would not result in significant impacts to historic resources.

#### **4.5.3          Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above standard measure, would not result in significant impacts to cultural resources. **(Less Than Significant Impact)**

## 4.6 GEOLOGY AND SOILS

The following discussion is based on a geotechnical due diligence report prepared by *Treadwell & Rollo, Inc.* in January 2007. The report is provided in Appendix E of this Initial Study.

### 4.6.1 Setting

The City of San José is located in the eastern portion of Santa Clara Valley. The Santa Clara Valley is surrounded by the Santa Cruz Mountains to the west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The geology consists of Franciscan-Knoxville, marine sedimentary rocks, and Pliocene strata. The valley floor consists mostly of Quaternary clay, sand, and gravel with isolated areas of Tertiary volcanic rock.

The project site is located on the Valley floor which was formed in the Holocene period approximately 11,000 years ago by the sediment runoff of the many rivers and streams that entered the Valley from both mountain ranges, creating alluvial fans and flood plains. The Valley floor is mostly flat. The alluvial fans are diversely defined as moderately to poorly sorted silt and clay rich in organic material containing fresh-water and aboriginal artifacts; a resource that provides deposits good for agriculture; and a potential hazard from shrink-swell problems and periodic flooding. Drainage from the valley floor runs mostly north into the San Francisco Bay. The drainage is well developed, yet there are areas where poorly drained soils occur.

San Tomas Aquinas, Saratoga, and Calabazas Creeks flow north, 0.2, 0.7, and 2.3 miles west of the project site, respectively. Los Gatos Creek flows north 2.2 miles east of the project site and the Guadalupe River flows northwest 3.8 miles north of the project site.

#### 4.6.1.1 *Geologic and Soil Conditions*

The project site consists of Yolo silty clay loam (YeA) soils.<sup>6</sup> The surface layer of soil is grayish, brown, massive, hard, mildly alkaline, and reaches to 26 to 32 inches below the ground surface. The subsoil on the site is brown, silty clay loam, massive, hard, mildly alkaline and reaches from 20 to 30 inches below the surface soil. Beneath the alluvial deposits it is expected that the site has approximately 30 feet of dense to very dense sandy gravel, underlain by moderately overconsolidated clays and dense gravelly sand. Bedrock is expected at a depth greater than 100 feet.<sup>7</sup>

The soils on-site exhibit moderate potential for expansion. Expansion potential is directly correlated to the clay content of the soil. Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavements and structures found on shallow foundations.

Historic groundwater depths in the project area range from approximately 40 to 50 feet below the ground surface (bgs).

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<sup>6</sup> USDA Soil Conservation Service. *Soils of Santa Clara County*. 1968.

<sup>7</sup> Treadwell & Rollo. *Geotechnical Due Diligence Report*. January 22, 2007.

#### **4.6.1.2            *Seismicity and Liquefaction***

The project site is not located within an earthquake fault zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site. The project site, however, is located within the seismically active San Francisco Bay Area. The major active faults in the area are the Monte Vista-Shannon, San Andreas, Hayward, and Calaveras faults. The Monte-Vista-Shannon fault lies approximately five miles southwest of the project site, the San Andreas Fault lies approximately nine miles southwest of the project site, the Hayward Fault lies approximately nine miles east of the project site, and the Calaveras Fault lies approximately 11 miles northeast of the project site.

During a major earthquake on one of the nearby faults, strong to very strong shaking is expected to occur at the project site. Strong shaking during an earthquake can result in ground failure such as that associated with soil liquefaction, lateral spreading, and cyclic densification.<sup>8</sup>

Liquefaction is a transformation of soil from a solid to a liquefied state during which saturated soil temporarily loses strength resulting from the buildup of excess pore water pressure, especially during earthquake-induced cyclic loading. When soil liquefies it experiences a temporary loss of shear strength due to a transient rise in excess pore pressure generated by strong ground motion. There are many variables that contribute to liquefaction including the age of the soil, soil type, soil cohesion, soil density, and ground water level.

The project site is not within a designated liquefaction hazard zone. Based on available subsurface data, the risk of liquefaction and lateral spreading is low at the project site, and the risk of seismically induced densification is also low.

#### **4.6.1.3            *General Plan Policies***

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating geology and soil impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the geology and soil policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Soils and Geologic Conditions Policy #1: Development should be required to evaluate and mitigate for geologic hazards.
- Soils and Geologic Conditions Policy #6: Development should adequately mitigate soils and geologic hazards.
- Soils and Geologic Conditions Policy #8: Development should not cause or be affected by geological hazards on adjoining properties.
- Earthquake Policy #1: New buildings required to be designed and constructed to resist stress produced by earthquakes.
- Earthquake Policy #3: Approval of development requires mitigation of seismic hazards.

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<sup>8</sup> Cyclic densification is a phenomenon in which non-saturated, cohesionless soil is densified by earthquake vibrations, causing ground-surface settlement.

- Earthquake Policy #5: New development should be required to evaluate and mitigate for seismic hazards.

**4.6.2 Environmental Checklist and Discussion of Impacts**

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,13
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12,13
4) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12,13
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

#### 4.6.2.1 *Soil Conditions*

The project site is underlain by expansive soils, with moderate shrink-swell potential, which may expand and contract as a result of seasonal or man-made soil moisture content changes. The potentially expansive soil conditions could damage future structures and improvements on the site. Damage to structures and improvements from this soil hazard will be avoided or minimized through standard engineering and design techniques, including the use of selected grading and deep building foundations.

Future development is not expected to be exposed to significant impacts from slope instability, erosion, or landslide related hazards due to the flat topography of the site. Site preparation for the project site will require grading for flatwork and to install the infrastructure, and excavation for the below grade parking on Parcel 2. Groundwater is expected to be at a lower elevation than the below grade parking. However, because it would have a substantial effect on the foundation design, the groundwater level should be specifically studied during a design-level geotechnical investigation of the site. Foundation recommendations and construction considerations for the project site are provided in further detail in the geotechnical report found in Appendix E.

**Standard Measures:** The project proposes to implement the following standard measures to reduce soil impacts to a less than significant level:

- Buildings shall be designated and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage and pavement design. The geotechnical investigation shall be reviewed and approved by the City Public Works Department prior to issuance of a building permit for the project.
- The project shall implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

#### 4.6.2.2 *Seismicity and Seismic Hazards*

As previously discussed, the project site is located in a seismically active region, and strong ground shaking is expected during the lifetime of any development. While no active faults are known to cross the project site, ground shaking on the site could damage buildings and threaten occupants of the proposed residential and office development. The liquefaction and lateral spreading potential at the project site is low.

**Standard Measure:** The project proposes to implement the following standard measure to reduce seismic-related impacts to a less than significant level:

- The proposed project shall be designed and constructed in conformance with the 2007 California Building Code to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the site.

**4.6.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and the above standard measures, would not result in significant geology and soil impacts. **(Less Than Significant Impact)**

## 4.7 GREENHOUSE GAS EMISSIONS

### 4.7.1 Setting

The project site is currently developed with an 111,000 square foot office building and paved surface parking lots.

#### 4.7.1.1 *Background Information*

This section provides a general discussion of global climate change and focuses on emissions from human activities that alter the chemical composition of the atmosphere. The discussion on global climate change and greenhouse gas emissions is based upon the California Global Warming Solutions Act of 2006 [Assembly Bill (AB) 32], the 2006 and 2009 Climate Action Team (CAT) reports to Governor Schwarzenegger and the Legislature, and research, information and analysis completed by the International Panel on Climate Change (IPCC), the United States Environmental Protection Agency (EPA), California Air Resources Board (CARB), and the CAT.

Global climate change refers to changes in weather including temperatures, precipitation, and wind patterns. Global temperatures are modulated by naturally occurring and anthropogenic (generated by mankind) atmospheric gases such as carbon dioxide, methane, and nitrous oxide.<sup>9</sup> These gases allow sunlight into the Earth's atmosphere but prevent heat from radiating back out into outer space and escaping from the earth's atmosphere, thus altering the Earth's energy balance. This phenomenon is known as the greenhouse effect.

Naturally occurring greenhouse gases include water vapor,<sup>10</sup> carbon dioxide, methane, nitrous oxide, and ozone. Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but are for the most part solely a product of industrial activities.

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change; however, in California a multi-agency "Climate Action Team," has identified a range of strategies and the Air Resources Board, under AB 32, has approved the *Climate Change Scoping Plan*. AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. The ARB and other state agencies are currently working on regulations and other initiatives to implement the *Scoping Plan*. By 2050, the state plans to reduce emissions to 80 percent below 1990 levels.

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<sup>9</sup> IPCC, 2007: Summary for Policymakers. In: *Climate Change 2007: The Physical Science Bases*. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor, and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at: <http://ipcc.ch/>.

<sup>10</sup> Concentrations of water are highly variable in the atmosphere over time, with water occurring as vapor, cloud droplets and ice crystals. Changes in its concentration are also considered to be a result of climate feedbacks rather than a direct result of industrialization or other human activities. For this reason, water vapor is not discussed further as a greenhouse gas.

#### **4.7.1.2 BAAQMD Air Quality CEQA Thresholds of Significance**

According to the adopted BAAQMD *Air Quality CEQA Thresholds of Significance* (June 2010), if a project would result in operational-related greenhouse gas emissions of 1,100 metric tons of carbon dioxide equivalents a year or more or 4.6 metric tons of carbon dioxide equivalents per service population per year, it would make a cumulatively considerable contribution to greenhouse gas emissions and result in a cumulatively significant impact to global climate change. The BAAQMD does not have an adopted threshold of significance for construction related greenhouse gas emissions.

The BAAQMD recommends using the URBEMIS model to estimate direct carbon dioxide emissions from the area and mobile sources. To estimate a project's carbon dioxide equivalent emissions from direct and indirect emission sources, BAAQMD recommends using the BAAQMD Greenhouse Gas Model (BGM). The BAAQMD developed the BGM model to calculate greenhouse gas (GHG) emissions not included in URBEMIS such as indirect emissions from electricity use and waste and direct fugitive emissions from refrigerants.

#### **4.7.1.3 General Plan Policies**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating climate change impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Solid Waste Goal #2: Extend the life span of existing landfills by promoting source reduction, recycling, composting, and transformation of solid wastes.
- Solid Waste Goal #5: Achieve a high level of public awareness of solid waste issues and alternatives to landfilling.
- Air Quality Policy #2: Expansion and improvement of public transportation services and facilities should be promoted, where appropriate, to both encourage energy conservation and reduce air pollution.
- Air Quality Policy #6: Continue to actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds in packaging and in building construction and remodeling to help reduce damage in the global atmospheric ozone layer.
- Energy Policy #9: the City should encourage the development of renewable energy sources and alternative fuels and cooperate with other public and quasi-public agencies.

In addition, the San José Green Vision adopted in October 2007, is a 15-year plan to transform the City into a world center of Clean Technology, promote cutting-edge sustainable practices, and demonstrate that the goals of economic growth, environmental stewardship and fiscal responsibility are inextricably linked. The 10 goals of the Green Vision are as follows:

1. Create 25,000 Clean Tech jobs as the World Center of Clean Tech Innovation;
2. Reduce per capita energy use by 50 percent;
3. Receive 100 percent of our electrical power from clean renewable sources;

4. Build or retrofit 50 million square feet of green buildings;
5. Divert 100 percent of the waste from our landfill and convert waste to energy;
6. Recycle or beneficially reuse 100 percent of our wastewater (100 million gallons per day);
7. Adopt a General Plan with measurable standards for sustainable development;
8. Ensure that 100 percent of public fleet vehicles run on alternative fuels;
9. Plant 100,000 new trees and replace 100 percent of our streetlights with smart, zero-emission lighting; and
10. Create 100 miles of interconnected trails.

The City of San José has also adopted a Green Building Policy, which fosters long-term social, economic, and environmental sustainability in public building and development. The Green Building Policy goals center on five main categories: sustainable sites, energy and atmosphere, water efficiency, materials and resources, and indoor environmental quality.

In October 2008, the City Council adopted the Private Sector Green Building Policy (Policy 6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The proposed project would be subject to this policy. A residential project of greater than 10 units, such as the proposed project, would be required to achieve LEED Certified rating or Build it Green (BIG) rated 50 points.

In addition, the City of San José is currently preparing a *Greenhouse Gas Reduction Strategy* for San José that will identify current and projected greenhouse gas emissions and measures for local government and the community to implement to reduce and avoid greenhouse gas emissions. The Greenhouse Gas Reduction Strategy will include community input and is anticipated to be completed in 2010.

**4.7.2 Environmental Checklist and Discussion of Impacts**

GREENHOUSE GAS EMISSIONS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,6
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,6

#### **4.7.2.1 Greenhouse Gas Emissions from the Project**

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernable effect on global climate change. It is more appropriate to conclude that the greenhouse gas emissions generated by the proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

Greenhouse gas emissions from the proposed project would include emissions from constructing and operating the project. The greenhouse gas emissions from the project include:

- construction emissions from equipment and vehicles used for demolition, grading, and construction;
- mobile emissions (e.g., emissions from combustion of fossil fuels for vehicle trips to and from the project site);
- emissions from the generation of electricity to operate the residences and office building;
- emissions from the decomposition of organic materials in solid waste generated by the project;
- emissions from the manufacture and transport of building materials;
- emissions produced from conveying water to the project site; and
- emissions released from removing existing trees.

The URBEMIS2007 and BGM models were used to estimate the project's direct and indirect greenhouse gas emissions from construction, transportation, area sources, electricity, natural gas, water and wastewater, and solid waste. Reductions in the electricity, area source, and mobile source emissions were applied to reflect the measures that the project proposes (as well as the project's compliance with the City's Private Sector Green Building Policy) to reduce energy (e.g., electricity and fuel) consumption. The specific measures the project is incorporating that will reduce greenhouse gas emissions are listed in **Section 3.4**. Refer to Appendix F for a summary of the model outputs.

#### **Estimated Generated Greenhouse Gas Emissions**

##### Construction Impacts (Short-Term Emissions)

As discussed previously, the BAAQMD does not have an adopted threshold of significance for construction related greenhouse gas emissions. Construction of the project would involve emissions associated with equipment and vehicles used to construct the proposed office building and residential units, as well as emissions associated with manufacturing materials used to construct the project. The URBEMIS2007 model was used to estimate the emissions associated with construction equipment and vehicle activity. There are, however, no reliable methods to estimate construction-related emissions associated with the manufacturing of project materials.

Using URBEMIS2007, the construction of the proposed project was calculated to generate a total of about 435 metric tons of CO<sub>2</sub> equivalent emissions. The project would participate in the City's Construction and Demolition Debris Recycling Program by recycling or diverting at least 50 percent of materials generated for discards by the project in order to reduce the amount of demolition and construction waste going to the landfill.

In order to estimate the project's construction greenhouse gas emissions over the lifetime of the project, the emissions were amortized over 30 years. The construction emissions amortized over 30 years would result in about 15 metric tons of CO<sub>2</sub> equivalents per year.

#### Operational Impacts

It is estimated that the project's net annual operational greenhouse gas emissions, including emissions from transportation, area sources, electricity use, natural gas use, water use, wastewater generation, and solid waste generation would be approximately 500 metric tons of CO<sub>2</sub> equivalents a year. The project would be below the BAAQMD threshold of significance of 1,100 metric tons of CO<sub>2</sub> equivalents of greenhouse gas emissions, even when taking into consideration the project's amortized construction greenhouse gas emissions. For this reason, the project is considered to have a less than significant greenhouse gas emissions impact.

#### **4.7.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and the City's Private Sector Green Building Policy, would not have a significant greenhouse gas emissions impact. **(Less Than Significant Impact)**

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Phase I and Phase II Environmental Site Assessment Report prepared by *Green Environment, Inc.* in February 2007. This report is located in Appendix G of this Initial Study.

### 4.8.1 Setting

Hazardous materials are commonly used by large institutions, commercial, and industrial businesses. Hazardous materials include a broad range of common substances such as motor oil and fuel, pesticides, detergents, paint, and solvents. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident.

#### 4.8.1.1 *Site Conditions*

Parcel 1, located at the north end of the site, is developed with an approximately 111,000 square foot, two-story office building surrounded by a paved parking area and landscape planters as well as an outdoor picnic area. The structure is composed of pre-cast concrete panel tilt-up walls and a concrete basement. Parcel 2 is currently developed with a paved, surface parking lot surrounded by a 10-foot chain link fence to the south, east and north, and a 10-foot concrete wall to the west. The surface parking lot is bordered to the south and east by a 15-foot swath of grass bound by a sidewalk. To the north and west of Parcel 2, various landscaping vegetation is located between the fencing and the sidewalk.

The project site has little or no threat from wildland fires.<sup>11</sup> The project site is not located within an airport land use plan, or in the vicinity of a private airstrip.<sup>12</sup>

#### **On-Site Observations**

Two unlabeled, overpack-drums containing 55-gallon chemical containers and two additional unmarked chemical containers ranging from 30 to 55-gallon capacity were observed in the cooling tower enclosure area on-site. There were several areas where asphalt patching had occurred throughout the central parking area to the west of the existing office building. Patching was also observed adjacent to and north of the building in the area where three underground storage tanks (USTs) were reportedly abandoned in place. A five-gallon container with an illegible hazardous waste label was observed near the north wall of the existing office building.

Vinyl sheeting, ceiling tiles, duct and pipe insulation and other potential asbestos containing material (ACM) were observed inside the existing office building. Two large chiller units, an empty five-gallon container labeled “Freon 22,” and a battery rack containing several battery cells were observed in the basement area of the building. Within the “Generator Room” of the building, a trench constructed in the floor slab was observed and the trench appeared to have contained piping that likely carried fuel from the outdoor UST to the building’s back-up generator.

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<sup>11</sup> Association of Bay Area Governments. *Hazard Maps, Fire Threat*. California Department of Forestry and Fire Protection. 2003. Available at: <http://gis.abag.ca.gov/>.

<sup>12</sup> Airport Land Use Commission. *Land Use Plan for Areas Surrounding San José International Airport*. Adopted September 1992, amended October 2007 and November 19, 2008.

Adjacent properties were observed to be in commercial and residential use with no visual evidence of environmental conditions which could impact the site.

### **Historical Site Condition**

According to historical records, the project site was agricultural orchard land from 1939 until approximately the late 1950's. In 1963, the existing building was constructed on the project site. The building was first occupied by Pacific Bell (which later became SBC, then AT&T) as a telephone call center until AT&T vacated the building in 2005.

San José Fire Department (SJFD) records indicate that three underground storage tanks (USTs), formerly containing diesel fuel, were slurry-filled in place in the property. Limited soil sampling data related to one UST, which was closed in 2004, indicated no detectable total petroleum hydrocarbons as diesel (TPH-D). However, there is no soil or groundwater sampling data related to two remaining UST's reportedly closed in 1986.

#### **4.8.1.2 Potential On-Site Sources of Contamination**

### **Agricultural Use Impacts**

Given the past agricultural use on the site, 30 soil borings were taken and soil samples were analyzed for organochlorine pesticides and metals. The results of the soil testing for organochlorine pesticides showed concentrations of DDE, DDT and DDD throughout the site. According to the Environmental Screening Levels (ESLs) published by the San Francisco Bay Region, California Regional Water Quality Control Board (RWQCB), concentrations of organochlorine pesticides DDT and DDD were below the regulatory screening levels for residential use.

The results of the soil testing for metals showed concentrations of lead, arsenic, beryllium, barium, chromium, cobalt, copper, nickel, vanadium, zinc, and mercury. The concentration of metals in the soil samples were at or below background thresholds, with the exception of arsenic and lead which exceeded their associated background concentrations. While the concentrations of lead exceeded background conditions, the levels of lead detected are below the residential screening level.

Concentrations of DDE and arsenic were found in excess of residential screening levels for samples collected in the northeast portion of the project site.

### **Soil Sampling in Cooling Tower and Chiller Room**

Shallow soil sampling was completed in the cooling tower area and the chiller room in the basement of the existing office building to evaluate possible undocumented releases of volatile organic compounds. Two borings were made beneath the concrete slab-on-grade base in the cooling tower. One boring was made beneath the basement slab-on-grade in the chiller room located in the basement of the main building.

Soil samples from all three borings were collected and analyzed for volatile organic compounds (VOCs). Analytical results indicated no detectable levels of Freon-11, Freon-12, Freon-113 or other VOCs in any of the soil samples.

### **Groundwater Sampling Near Former Diesel Underground Storage Tanks (USTs)**

Three underground storage tanks (USTs) used for diesel fuel were decommissioned and closed in place on the north side of the existing office building. Two of the three USTs were installed in the early 1960's and later closed in 1986. The third UST was installed in the mid 1980's and closed in 2003.

Two borings were taken near the former diesel fuel USTs and a groundwater sample was taken from each boring and analyzed for diesel hydrocarbon constituents. No detectable levels of diesel-range petroleum hydrocarbons or aromatic compounds were reported in either of the groundwater samples.

### **Asbestos-Containing Materials and Lead-Based Paint**

Asbestos containing materials (ACMs) are of concern because exposure to ACMs has been linked to cancer. The EPA defines ACMs as materials containing more than one percent (1%) asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR) however, defines asbestos-containing construction material (ACCM) as any manufactured construction material that contains more than one-tenth of one percent (0.1%) asbestos by weight. An asbestos survey of the project site was conducted in 1988. The survey indicated the presence of ACM within the existing office building on the site; however, it is not known if all potential ACM were identified in the previous survey and/or removed.

Lead-based paint is of concern, both as a source of direct exposure through ingestion of paint chips and as a contributor to lead interior dust and exterior soil. Lead was widely used as a major ingredient in most oil-based paints prior to 1950. In 1978, the Consumer Product Safety Commission banned the use of lead as an additive in paint. Based on the age of the building, painted surfaces and other building materials may contain lead.

#### **4.8.1.4 *Potential Off-Site Sources of Contamination***

##### **Regulatory Database Search**

A records search was completed for the project site. The purpose of the search is to identify all sites within one mile of the project site where there are known or suspected sources of contamination, as well as sites that handle or store hazardous materials. Local, state and federal environmental regulatory lists were searched. The databases searched and the results are provided in Appendix G of this Initial Study. The identification of nearby contaminated or hazardous materials sites is important so that potential land use compatibility and public safety impacts can be avoided and/or mitigated.

Given the type of release, current case status, groundwater flow direction (to the northeast), and distance and direction from the site, nearby sites with reported hazardous substance or petroleum product contamination would not impact the groundwater underneath the project site or the soils on the site.

**4.8.1.5 General Plan Policies**

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. All future development allowed by the proposed land use designation change will be subject to the hazards and hazardous materials policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Hazardous Materials Policy #1: Require proper storage and disposal of hazardous materials.
- Hazardous Materials Policy #3: Evaluate soil and groundwater contamination when considering proposals for new development.
- Hazardous Materials Policy #4: Development located within areas containing naturally occurring asbestos should be required to mitigate any potential impacts associated with grading or other subsurface excavation.
- Fire Hazards Policy #6: Development should provide for adequate emergency access and emergency evacuation routes.
- Soils and Geologic Conditions Policy #9: Residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/remediation for soils contamination as recommended through the Development Review process.

**4.8.2 Environmental Checklist and Discussion of Impacts**

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,14,15
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17

**4.8.2.1 Potential On-Site Sources of Contamination**

**Agricultural Use Impacts**

The proposed site was agricultural land from approximately 1939 until a few years prior to 1963. As discussed previously, soil sampling was performed to evaluate for possible near-surface residues of agricultural use chemicals such as organochlorine pesticides and metals.

Concentrations of DDE and arsenic in soil samples were found in excess of residential screening levels. The presence of chemical concentrations in excess of a regulatory advisory screening level does not necessarily indicate that adverse impacts to human health are occurring or will occur, but rather indicate further evaluation or mitigation is warranted to address potential human health concerns.

Given the developed nature of the project site, it is possible that on-site sources of contamination may be covered by the existing building, pavement, or landscaping.

**Impact HAZ-1:** Elevated concentrations of DDE and arsenic were detected in on-site soils located on the northeastern portion of the project site. In addition, given the developed nature of the project site, it is possible that on-site sources of contamination may be covered by the existing building, pavement, or landscaping. **(Significant Impact)**

**Mitigation Measures:** The project proposes to implement the following mitigation measure to reduce impacts from contaminated soils to a less than significant level:

**MM HAZ-1.1:** A qualified hazardous materials consultant shall be retained by the project proponent to develop a soil management plan for soils impacted by DDE and arsenic. Soils contaminated with DDE and/or arsenic shall either be removed or sequestered to prevent exposure to future residents. Measures to be considered in the soil management plan include the following:

- Determination on whether the contamination and mitigation proposed warrant oversight from the appropriate regulatory agency (e.g., Department of Toxic Substances Control or Regional Water Quality Control Board);
- Implementation of engineering controls such as containment with surface caps of impacted areas;
- Implementation of remedial actions such as limited excavation, in-situ treatment and/or redistribution to reduce or eliminate the potential long-term human health concerns; and
- Implementation of institutional controls such as deed restrictions requiring additional testing and remediation if surface caps are removed.

**MM HAZ – 1.2:** The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that are covered by the existing structure or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed and implemented with measures such as soil testing, removal and/or off-site disposal at a permitted facility. Any storage tanks, wells, drums, and debris shall be removed under the guidance of a qualified environmental professional and in accordance with the San José Fire Department requirements, and a permit shall be obtained from the San José Fire Department as necessary.

### **Cooling Tower and Chiller Room Areas**

The results of the soil analysis from samples taken in the cooler tower area and the chiller room area indicated no detectable levels of Freon-11, Freon-12, Freon-113 or other EPA VOCs. Therefore, no further investigation or remediation with regards to freon compounds below the building footprint is required.

### **Groundwater Sampling Near Former Diesel Underground Storage Tanks (USTs)**

The laboratory analyses results of the groundwater samples collected in the vicinity of the former diesel USTs indicated no levels of diesel constituents. No detectable levels of diesel petroleum hydrocarbons were reported in soil samples collected around and below the USTs, or in composite soil sample from stockpiled fill material that was removed from the USTs area. Therefore, no further investigation or mitigation is warranted in the former USTs area.

### **Asbestos-Containing Materials (ACMs) and Lead-Based Paint**

ACMs and lead-based paint may be present in the building on-site. The National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines require that all potentially friable ACMs be removed prior to building demolition or renovation that may disturb ACMs.

Demolition of buildings containing lead-based paint may create lead-based dust at concentrations which would expose workers and nearby receptors to potential health risks. State regulations require that air monitoring be performed during and following renovation or demolition activities at sites containing lead-based paint. If the lead-based paint is peeling, flaking, or blistered, it shall be removed prior to demolition. It is assumed that such paint would become separated from the building components during demolition activities, and must be managed and disposed of as a separate waste stream. If the lead-based paint is still bonded to the building materials, its removal is not required prior to demolition.

**Standard Measures:** The project proposes to implement the following standard measures to reduce impacts related to ACMs and lead-based paint to a less than significant level:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be completed prior to the demolition of the buildings to determine the presence of asbestos-containing materials and/or lead-based paint.
- All potentially friable asbestos-containing materials shall be removed in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials.
- All demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

**4.8.2.2**      *Potential Off-Site Sources of Contamination*

**Regulatory Database Search**

Based on the records search and the data obtained and reviewed, reported off-site hazardous material users and off-site chemical releases have not impacted and will not significantly impact the groundwater underneath the project site or the on-site soils.

**4.8.3**      **Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above mitigation and standard measures, would not result in significant hazardous materials impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

## **4.9 HYDROLOGY AND WATER QUALITY**

### **4.9.1 Setting**

#### **4.9.1.1 *Drainage and Flooding***

The project site is located within a developed urban area of San José, and there are no streams or waterways present on the site. The nearest waterway to the project site is Los Gatos Creek located approximately 2.2 miles to the east of the project site.

Runoff from Parcel 1 currently enters a 21-inch storm line at the west end of the site that drains northward to Olsen Drive. Parcel 2 currently drains to a 15-inch lateral storm drain linking Baywood Avenue and Dudley Avenue that also connects to the 21-inch storm line in Olsen Drive. In the event all local storm drainage infrastructure failed during a severe storm event, the project site drains via an overland release across the adjacent private property to the northwest (Santana Row).

According to the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM), the project site is located in flood zone D. Zone D is defined as areas having undetermined, but possible flood hazards.

The California Climate Action Team predicts that sea level will rise by 55 inches (about 4.6 feet) by the year 2100. Based on the projected sea level rise and coastal flooding maps for the South Bay, the project site would not be affected by the predicted sea level rise.<sup>13</sup>

The project site is not located within a designated 100-year flood plain.<sup>14</sup> The site is not subject to seiche<sup>15</sup> or tsunami.<sup>16</sup>

#### **4.9.1.2 *Water Quality***

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Storm water runoff from the road is collected by storm drains and discharged into Los Gatos Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

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<sup>13</sup> Sources: 1) San Francisco Bay Conservation and Development Commission. *Shoreline Areas Vulnerable to Sea Level Rise: South Bay*. Map. 2008. Available at: [http://www.bcdc.ca.gov/planning/climate\\_change/climate\\_change.shtml](http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml). 2) California Climate Change Center. *Impacts of Sea-Level Rise on the California Coast*, March 2009.

<sup>14</sup> Federal Emergency Management Agency. *Flood Insurance Rate Map*. Community-Panel Number 060349 0024 D. August 2, 1982.

<sup>15</sup> A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. Seiches are often generated by small oscillations from earthquakes.

<sup>16</sup> Association of Bay Area Governments. *ABAG Geographic Information Systems, Hazard Maps, Tsunami Evacuation Planning Map for San Francisco & San Mateo Counties*. 2005. Available at: <http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html>.

## Water Quality Regulations

The discharge of stormwater from the City’s municipal storm sewer system is regulated primarily under the federal Clean Water Act and California’s Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. New construction in San José is subject to the conditions of the City’s NPDES Permit, which was reissued by the RWQCB in February 2001. Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as “C3” requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling one acres or more to 1) include storm water treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of storm water runoff from the project site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained.

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

The City has developed a policy that implements Provision C.3 of the NPDES Permit, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City’s Post-Construction Urban Runoff Management Policy (6-29) established general guidelines and minimum Best Management Practices (BMPs)<sup>17</sup> and Treatment Control Measures (TCMs)<sup>18</sup> for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. The threshold for requiring numerically sized Post-Construction TCMs is any project that creates, adds, or replaces 10,000 square feet or more of impervious surfaces.

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

In 2005, the City of San José adopted the Post-Construction Hydromodification Management (Policy 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification<sup>19</sup> is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks.

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<sup>17</sup> Post-Construction Best Management Practices (BMPs) are methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Examples of Post-Construction BMPs include proper materials storage and housekeeping activities, public and employee education programs, and storm inlet maintenance and stenciling.

<sup>18</sup> Post-Construction Treatment Control Measures are: site design measures, landscape characteristics or permanent stormwater pollution prevention devices installed and maintained as part of a new development or redevelopment project to reduce stormwater pollution loading from the site; are installed as part of a new development or redevelopment project; and are maintained in place after construction has been completed. Examples of runoff treatment control measures include filtration and infiltration devices (e.g., vegetative swales/biofilters, insert filters, and oil/water separators) or detention /retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of BMPs.

<sup>19</sup> Hydromodification occurs when the total area of impervious surfaces increases resulting in the decrease of rainfall infiltration, which causes more water to run off the surface as overland flow at a faster rate. Storms that previously did not produce runoff from a property under previous conditions can produce erosive flows in creeks. The increase in the volume of runoff and the length of time that erosive flows occur intensifies sediment transport, increasing creek scouring and erosion as well as causing changes in stream shape and conditions, which can, in turn, impair the beneficial uses of the stream channels.

Policy 8-14 requires stormwater discharges from new and redevelopment projects that create or replace one acre (43,560 square feet) or more of impervious surfaces to be designed and built to control project-related hydromodification, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to beneficial uses of local rivers, streams, and creeks. The Policy establishes specified performance criteria for Post-Construction Hydromodification control measures (HCMs) and identifies projects which are exempt from HCM requirements.

The project site is located in a built-out area whose catchment is draining to an exempt channel. For this reason, the project is currently exempt from Policy 8-14.

**4.9.1.3 General Plan Policies**

In addition to the regulations and City policies above, various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts resulting from planned development within the City. All future development addressed by this Initial Study will be subject to the hydrologic policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Level of Service Policy #12: New projects should be designed to minimize damage due to stormwater and flooding.
- Water Resources Policy #12: Require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.
- Flooding Policy #1: New development should be designed to provide protection from impacts of the 100-year flood.
- Flooding Policy #7: Development should provide adequate flood control retention facilities.

**4.9.2 Environmental Checklist and Discussion of Impacts**

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,18
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,18

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,19

**4.9.2.1 Drainage and Flooding Impacts**

Currently, 307,381 square feet (approximately 95 percent) of the site is covered with impervious surfaces. This includes the existing building and surrounding parking areas (refer to Table 5). The project proposes to construct 104 residential units, an 89,342 square foot office building, and roadways/driveways. The project includes new landscaping and trees. The project also proposes to dedicate parkland to Frank Santana Park. With the proposed design, 201,844 square feet (or 62 percent) of the site would be impervious. The proposed project, therefore, would decrease the amount of impervious surface on the site by 33 percent, which would result in a decrease in runoff from the site compared to existing conditions. Since the amount of runoff from the site would decrease under project conditions, it is anticipated that the existing storm drain system has sufficient capacity to accommodate project runoff flows. The specific drainage pattern of the site itself would be slightly altered due to the locations of the proposed residential units and office building.

Site Surface	Existing/Pre-Construction (sf)	%	Project/Post-Construction (sf)	%	Difference (sf)	%
<b>Impervious</b>						
Building Footprint	36,681	11	107,475	33	70,794	22
Parking/Driveways/Sidewalks/Patios/Path	270,700	84	94,369	29	-176,331	-55
<i>Subtotal</i>	<i>307,381</i>	<i>95</i>	<i>201,844</i>	<i>62</i>	<i>-105,537</i>	<i>-33</i>
<b>Pervious</b>						
Landscaping	16,144	5	70,917	22	54,773	17
Parkland Dedication*	NA	---	50,764	16	50,764	16
<i>Subtotal</i>	<i>16,144</i>	<i>5</i>	<i>121,681</i>	<i>38</i>	<i>105,537</i>	<i>33</i>
<b>TOTAL</b>	<b>323,525</b>	<b>100</b>	<b>323,525</b>	<b>100</b>		
Note: * Does not include former South Baywood Avenue right-of-way to be vacated and dedicated as parkland by the City of San José.						

In the event all local storm drainage infrastructure failed during a severe storm event, the project proposes to continue utilizing the overland release across the adjacent private property to the northwest (Santana Row). The project proponent either has an existing legal right to the overland release of storm flow across the adjacent property, or the project proponent will secure new rights through an easement with Federal Realty (the property owner of the adjacent property) prior to receipt of the PD Permit for the project. In the event the project proponent is unable to obtain an easement, if it is required, the project proponent would propose an alternative storm drainage solution that would be subject to additional environmental review.

As discussed previously, the project site is not located within a 100-year flood plain. Therefore, the development of the proposed project would not place housing in an existing or future 100-year flood hazard area or place structures within a 100-year flood hazard area that would impede or redirect flood flows. The project site is not located within an area predicted to be affected by sea-level rise.

The project site is not located within a natural or facility groundwater recharge area.<sup>20</sup> The project does not propose to draw significant amounts from groundwater supplies, which could lead to a draw-down of the groundwater aquifer. For these reasons, the proposed project would not impede groundwater recharge or adversely affect the local groundwater table level.

#### 4.9.2.2 *Water Quality*

##### **Construction Impacts**

Construction activities, including demolition and grading, would disturb soils and could result in off-site deposition of sediments that could clog storm drains or adversely affect Los Gatos Creek. In addition, hazardous materials such as fuel, oil, paint, and solvents are routinely used during construction, and the accidental spill or release of these substances could adversely affect water quality. While construction activities would be temporary in nature, the potential impacts to water quality could last beyond the duration of construction, depending on the extent of degradation.

Development of the project site could increase some contaminants in stormwater runoff during construction, which could adversely affect the water quality of Los Gatos Creek and, ultimately, the San Francisco Bay. The project, with the implementation of the standard measures listed below, would not result in significant water quality impacts during project construction.

**Standard Measures:** The project proposes to implement the following standard measures to reduce and avoid water quality impacts during construction to a less than significant level:

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
  - The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities; and
  - The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

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<sup>20</sup> Santa Clara Valley Water District. *Santa Clara Valley Water District Groundwater Management Plan*. July 2001. Available at: <http://www.valleywater.org/Services/Groundwater.aspx>.

- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works. The Erosion Control Plan may include BMPs as specified in ABAG’s Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City’s storm drainage system from construction activities.
  
- The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
  - Restrict grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season;
  - Utilize on-site sediment control BMPs to retain sediment on the project site;
  - Utilize stabilized construction entrances and/or wash racks;
  - Implement damp street sweeping;
  - Provide temporary cover of disturbed surfaces to help control erosion during construction;
  - Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

### **Post-Construction Impacts**

Under provisions of the NPDES Municipal Permit, projects that disturb more than 10,000 square feet are required to incorporate BMPs for non-point pollution control in new development areas.

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

Stormwater from urban uses (including building rooftops) contain metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from the proposed project may contain increased oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from the landscaped areas. In order to minimize runoff and avoid water quality impacts, the project proposes to capture overland flows with inlets located in landscaping at low points.

The project proposes to utilize a combination of open-space landscaping treatment alternatives (bioswale, porous concrete filtration trench, roof drain release into adjoining planting areas, etc.), and mechanical device treatment (hydrodynamic separation) and/or mechanical filtration systems.

The City of San José has standard measures to reduce stormwater runoff impacts from new development. The project, with the implementation of the standard measures listed below, would not result in significant water quality impacts post-construction.

**Standard Measures:** The project proposes to implement the following standard measures to reduce and avoid water quality impacts post-construction to a less than significant level:

- Prior to the issuance of a Planned Development Permit, the applicant shall provide details of specific BMPs, including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled “No Dumping – Flows to Bay” to the satisfaction of the Director of Planning, Building and Code Enforcement.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
- The project shall comply with applicable provisions of the City’s Post-Construction Urban Runoff Management Policy (Policy 6-29), which establishes guidelines and minimum BMPs for all projects.

#### **4.9.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the standard measures above, would not result in significant hydrology and water quality impacts. **(Less Than Significant Impact)**

## 4.10 LAND USE

### 4.10.1 Setting

The project site is approximately 7.4 acres in size and located at 485 South Monroe Street in central San José. The project site consists of two parcels (refer to Figure 3).

Parcel 1 (APN 277-38-006) is approximately five acres in size and is currently developed with a 111,000 square foot office building, a paved surface parking lot, and landscaping. The office building is currently unoccupied. Parcel 2 (APN 277-38-002) is approximately 2.4 acres in size. The western portion of Parcel 2 is developed with a paved surface parking lot, surrounded by sidewalks, and landscaping. The eastern portion of Parcel 2 is developed with a paved surface parking lot, a roadway (South Baywood Drive), surrounding sidewalks and landscaping.

Parcel 1 is currently designated as *Office* in the City’s General Plan and zoned *CG (Commercial General)*. The *Office* land use designation primary allows for business and professional offices. Retail and other commercial uses may be allowed only as secondary uses in larger office developments. The *CG* zoning designation allows for a full range of retail and commercial uses.

Parcel 2 is designated as *Regional Commercial* in the City’s General Plan and zoned *R-M (Multiple Residence)*. The *Regional Commercial* land use designation is intended for the most part, as regional shopping centers. The *R-M* zoning designation allows for the development of higher density residential, with a maximum allowable density of 25 du/ac. Figures 4 and 6 show the project’s existing (and proposed) General Plan and zoning designations.

Parcel 1 is surrounded by three-story, multi-family residential uses to the north, South Monroe Street and single-family residential to the east, and Frank Santana Park to the south. Parcel 2 is surrounded by two-story, multi-family residential uses and Tisch Way to the south and west, Dudley Avenue and a 12-story office building to the west, the Santana Row mixed-use shopping district to the northwest, and South Baywood Avenue and Frank Santana Park to the east.

#### 4.10.1.1 *General Plan Policies*

Many of the policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the land use policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Balanced Community Policy #2: Construct a variety of housing densities/types.
- Residential Land Use Policy #1: Provide adequate services and facilities.
- Residential Land Use Policy #5: Mitigation of hazards.
- Residential Land Use Policy #9: Neighborhood character and identity and compatibility of land uses.
- Residential Land Use Policy #11: Provide for adequate open space/recreation.

- Residential Land Use Policy #20: Maximize energy efficiency.
- Residential Land Use Policy #24: Create pedestrian-friendly environment.
- Neighborhood Identity Policy #1: Neighborhood groups should have input to the decision-making process in City government.
- Neighborhood Identity Policy #3: Development should be designed to improve the character of existing neighborhoods.
- Urban Design Policy #1: Apply strong architectural and site design controls.
- Urban Design Policy #2: Private development should include adequate landscaped areas.
- Urban Design Policy #10: Limits on building height.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the San José *Residential Design Guidelines*, which includes parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

**4.10.2 Environmental Checklist and Discussion of Impacts**

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The project proposes GPAs and a rezoning to allow for the development of residential uses on Parcel 1 and office uses on the western portion of Parcel 2. The remainder of Parcel 2 would be developed with a new public street (Hatton Street) or parkland.

#### **4.10.2.1      *General Plan and Zoning Ordinance Conformance***

Under the existing General Plan, Parcel 1 is designated as *Office* and Parcel 2 is designated as *Regional Commercial*. The project proposes a GPA to change the land use designation on Parcel 1 from *Office* to *Medium Density Residential* and to rezone Parcels 1 and 2 for the development of 104 townhouses on Parcel 1 and an 89,342 square foot office building, a roadway, and future parkland on Parcel 2.<sup>21</sup> The 89,342 square foot building would be constructed on 0.70 acres of Parcel 2 and the remaining 1.66 acres of Parcel 2 would be developed with a new public street (Hatton Street) and future parkland.

The project also proposes a text amendment to the General Plan to change the maximum allowable building height on Parcel 2 from 50 feet to 90 feet. Although the proposed General Plan text amendment would allow for a building of up to 90 feet on Parcel 2, the project proposes to construct an office building of up to 65 feet tall.

By definition, the project is not consistent with the City’s existing General Plan or Zoning Ordinance because it requires amendments to them. However, future development resulting from the proposed GPA is required to conform to applicable General Plan policies including those listed previously. In addition, future development resulting from the proposed GPA is required to conform to the City’s *Residential Design Guidelines*, which include guidelines for setbacks, parking, landscaping, and building design. The project’s conformance with applicable General Plan policies and the City’s *Residential Design Guidelines* would reduce or avoid land use impacts.

#### **4.10.2.2      *Framework for Preservation of Employment Lands Conformance***

The City of San José’s Framework for Preservation of Employment Lands requires no net loss of job capacity and an extraordinary economic benefit when land use designation for employment uses are converted to non-employment uses. The proposed project would result in the loss of potential jobs from 5.86 acres (5.16 acres from the conversion of Parcel 1 from office to residential use and 0.70 acres from the conversion of the portion of Parcel 2 from commercial to office use). The job capacity of 5.87 acres equates to 89,342 square feet of office or commercial development.

The proposed development of an 89,342 square foot office building on Parcel 2 offsets the loss of potential jobs. Therefore, the project would not result in a loss of potential jobs. According to the Framework, the project is also required to provide an extraordinary economic benefit. The City must receive significant off-setting fiscal benefits, such as revenues, beyond those required or expected from a project that does not result in the net conversion of employment land to other uses. Provision of affordable housing, parks, and related infrastructure improvements are an ordinary component of new development and do not qualify as an extraordinary economic benefit, per the Framework. The project’s extraordinary economic benefit has not been identified at this time. For this reason, the project is partially consistent with the Framework for Preservation of Employment Lands.

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<sup>21</sup> Note that the development of office uses on Parcel 2 is allowed under the existing land use designation of *Regional Commercial*. *Regional Commercial* is the City’s broadest commercial land use designation that allows for a variety of uses including retail, commercial, and office uses.

#### **4.10.2.3      *Other Land Use Impacts***

The project would not place housing in an inappropriate location (refer to **Section 4.8 Hazards and Hazardous Materials**), and would not divide or disrupt an existing community. The project site is not within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction boundaries. The project does not conflict with any applicable airport land use plan, adopted habitat, or other conservation plan.

#### **4.10.3      Conclusion**

The proposed project, in conformance with applicable General Plan policies, would not result in significant land use impacts. (**Less Than Significant Impact**)

**4.11 MINERAL RESOURCES**

**4.11.1 Setting**

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Pursuant to the mandate of SMARA, the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), which is generally bound by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. The project site does not contain mineral resources or mining.

**4.11.2 Environmental Checklist and Discussion of Impacts**

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The project site is outside of the Communications Hill area and will therefore, not result in a significant impact from the loss of availability of a known mineral resource.

**4.11.3 Conclusion**

The project would not result in impacts to mineral resources. **(No Impact)**

## 4.12 NOISE

The following discussion is based upon an environmental noise study prepared by *Illingworth & Rodkin Inc.* in June 2007. This report is located in Appendix H of this document.

### 4.12.1 Setting

#### 4.12.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the “A-weighted” decibel or dBA. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning, or late evening.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods, such as  $L_{eq}$ , DNL, or CNEL.<sup>22</sup> Using one of these descriptors is a way for a location’s overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (e.g., when a jet is taking off from the Airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on I-280 or in the middle of the night). For this report, the DNL will be used as it is consistent with the guidelines for the City of San José and the State of California.

#### 4.12.1.2 *Existing Noise Conditions*

The project site is located just north of I-280, east of South Monroe Street, in San José. Interstate 880/State Route 17 is located 800 feet east of the site and elevated through this portion of the roadway. Single and multi-family residential uses are located north, east, and west of the project site. A park and a fire station are located south of the site between Baywood Avenue and Monroe Street, and commercial uses and parking are located to the northwest. The existing noise environment results primarily from traffic noise on the surrounding local streets and from I-280, which is shielded from the site by a 16 to 18 foot high noise barrier. Noise levels at the site were measured in January 2007 to quantify the existing noise environment.<sup>23</sup> Noise measurement locations are shown in Appendix H.

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<sup>22</sup>  $L_{eq}$  stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. DNL stands for Day-Night Level and is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour  $L_{eq}$ .

<sup>23</sup> Based on the traffic memo prepared for the project in 2010 (refer to Appendix I), traffic volumes have not changed substantially since the noise study was completed in 2007. Therefore, the noise conditions described above are still appropriate.

Noise measurements taken at the northeast corner of the site, along South Monroe Street, indicate a day-night noise average ranging from 65 to 67 dBA DNL including loud events (presumably emergency fire engines departing from the adjacent fire station), and from 63 to 67 dBA DNL excluding loud events. The noise environment at this location resulted primarily from traffic on South Monroe Street during daytime hours with distant freeway traffic (from I-280 and I-880) raising nighttime noise levels. The occasional loud events raised the hourly  $L_{eq}$  by three to 11 dBA above levels typically occurring during those hours.

Noise measurements were taken along Tisch Way, just east of South Baywood Avenue (off-site). The day-night noise average at this off-site location ranged from 72 to 73 dBA DNL including loud events and was 72 dBA DNL excluding loud events. The noise environment at this location resulted primarily from traffic on I-280 and Tisch Way. In the southern portion of the project site, just west of South Baywood Avenue and north of Tisch Way, the noise level was approximately 69 dBA DNL.

#### **4.12.1.3      *Applicable Noise Standards and Policies***

The state of California and the City of San José have established plans and policies designed to limit noise exposure at noise sensitive land uses. These plans and policies are contained in the following documents: (1) the state CEQA Guidelines, Appendix G, (2) the California Building Code, and (3) the City of San José Noise Element of the General Plan.

##### **State CEQA Guidelines**

The California Environmental Quality Act (CEQA), Appendix G, has established guidelines to evaluate the significance of environmental noise attributable to a proposed project. Those guidelines are described below in Section 4.12.2.

##### **2007 California Building Code**

Multi-family housing in the State of California is subject to the environmental noise limits set forth in the 2007 California Building Code (Chapter 12, Appendix Section 1207.11.2). The noise limit is a maximum interior noise level of 45 dBA DNL. Where exterior noise levels exceed 60 dBA DNL, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit.

##### **City of San José General Plan**

The Noise Element of the City of San José's 2020 Plan identifies noise and land use compatibility standards for various land uses. The City's acceptable noise level objectives are 55 dBA DNL as the long-range exterior noise quality level, 60 dBA DNL as the short-range exterior noise quality level, 45 dBA DNL as the interior noise quality level, and 76 dBA DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating noise impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the noise policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Noise Policy #1: City’s short- and long-term noise objectives.
- Noise Policy #8: Use of outdoor appliances, air conditioners, and other consumer products.
- Noise Policy #9: Reduction of noise during construction.
- Urban Design Policy #18: Implement sound attenuation into new development.

In addition to the above General Plan policies, future development allowed by the proposed land use designations would be subject to the following codes, guidelines, and ordinances:

- San José Municipal Code §20.100.450: Limits construction hours within 500 feet of residences to 7 AM – 7 PM weekdays, with no construction on weekends or holidays.
- Title 24 of the State Building Code: Multi-family buildings must be designed to achieve an interior DNL of 45 dBA or less in all habitable residential areas.
- San José Residential Design Guidelines: Specifies setbacks from non-residential uses in order to minimize land use conflicts, including excessive noise.
- City of San José Zoning Ordinance: The City Zoning Ordinance applies specific noise standards to Residential Zoning Districts, which limits the sound pressure levels generated by any use or combination of uses at any property line to a maximum noise level of 55 dBA.

**4.12.2 Environmental Checklist and Discussion of Impacts**

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,20
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

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

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

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

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

**4.12.2.1 Noise Impacts to the Project**

The future traffic noise exposure at proposed residences was calculated based a noise monitoring survey and traffic study completed for the project. Traffic noise levels along South Monroe Street are calculated to increase by about four dBA DNL under long-term (cumulative) conditions. Traffic noise levels generated along I-280 are estimated to increase by one dBA DNL in the future. Proposed residential units fronting South Monroe Street, which would be set back approximately 70 feet from the centerline of the roadway, would be exposed to exterior noise levels of about 69 dBA DNL at ground and upper stories. Proposed residential units fronting the northern or southern limits

of Parcel 1 would be exposed to exterior noise levels of up to 66 dBA DNL. Outdoor areas of Parcel 1 between the buildings would also be subject to noise levels of up to 66 dBA DNL.

The future park expansion area would be subject to future noise levels of 66-69 dBA DNL, as is the existing Frank Santana Park. The south-facing facade of the proposed office building on Parcel 2 would be exposed to exterior noise levels of up to 70 dBA DNL.

The exterior noise levels at the project site are above the City's short- and long-term noise objectives of 55 dBA DNL and 60 dBA DNL, respectively. It is recognized, however, that along major roadways (such as South Monroe Street and I-280), achievement of noise quality objectives may not be achieved in the time frame of the General Plan. Without the addition of noise reduction measures, interior noise levels in some of the proposed residential units would exceed the City's interior noise goal of 45 dBA DNL.

It should be noted that a future extension of Hatton Street across the Santana Row property is planned as part of the future development on the Santana Row site, separate from the proposed project. At the time the road extension is proposed, the Santana Row development proponent will need to complete traffic and noise analyses to determine whether there are any noise impacts to their project and the subject site, and implement any necessary mitigation measures.

Emergency events are exempted from the City's noise ordinance and the planning guidelines. Due to the proximity of the fire station to the project site, sirens from emergency vehicles could occasionally disturb occupants of the residential units proposed adjacent to South Monroe Street, particularly if they occur during late night hours. However, emergency vehicles do not usually use sirens at night near stations in residential areas. About one to two emergency sirens were measured along South Monroe Street each day over a two-day noise monitoring survey. All of the emergency events measured over the two-day monitoring period along both South Monroe Street and Tisch Way took place during daytime or evening hours. More events could occur over weekends. Instantaneous maximum noise levels from sirens are calculated to reach 83 to 87 dBA  $L_{max}$  at the setback of proposed units. With the inclusion of the mitigation measures indicated below, interior noise levels generated by sirens is anticipated to be 58 to 60 dBA  $L_{max}$ . During daytime and evening hours, these events are not anticipated to substantially disturb residents. Late night emergency events could wake residents, but are not anticipated to occur frequently.

**Impact NOI – 1:** The proposed project would be exposed to exterior noise levels above the City's exterior short- and long-term noise goals of 60 and 55 dBA DNL, respectively. Without the addition of noise reduction measures, interior noise levels in some project units would exceed 45 dBA DNL. **(Significant Impact)**

**Mitigation Measures:** The project proposes to implement the following mitigation measures to reduce exterior and interior noise impacts to a less than significant level:

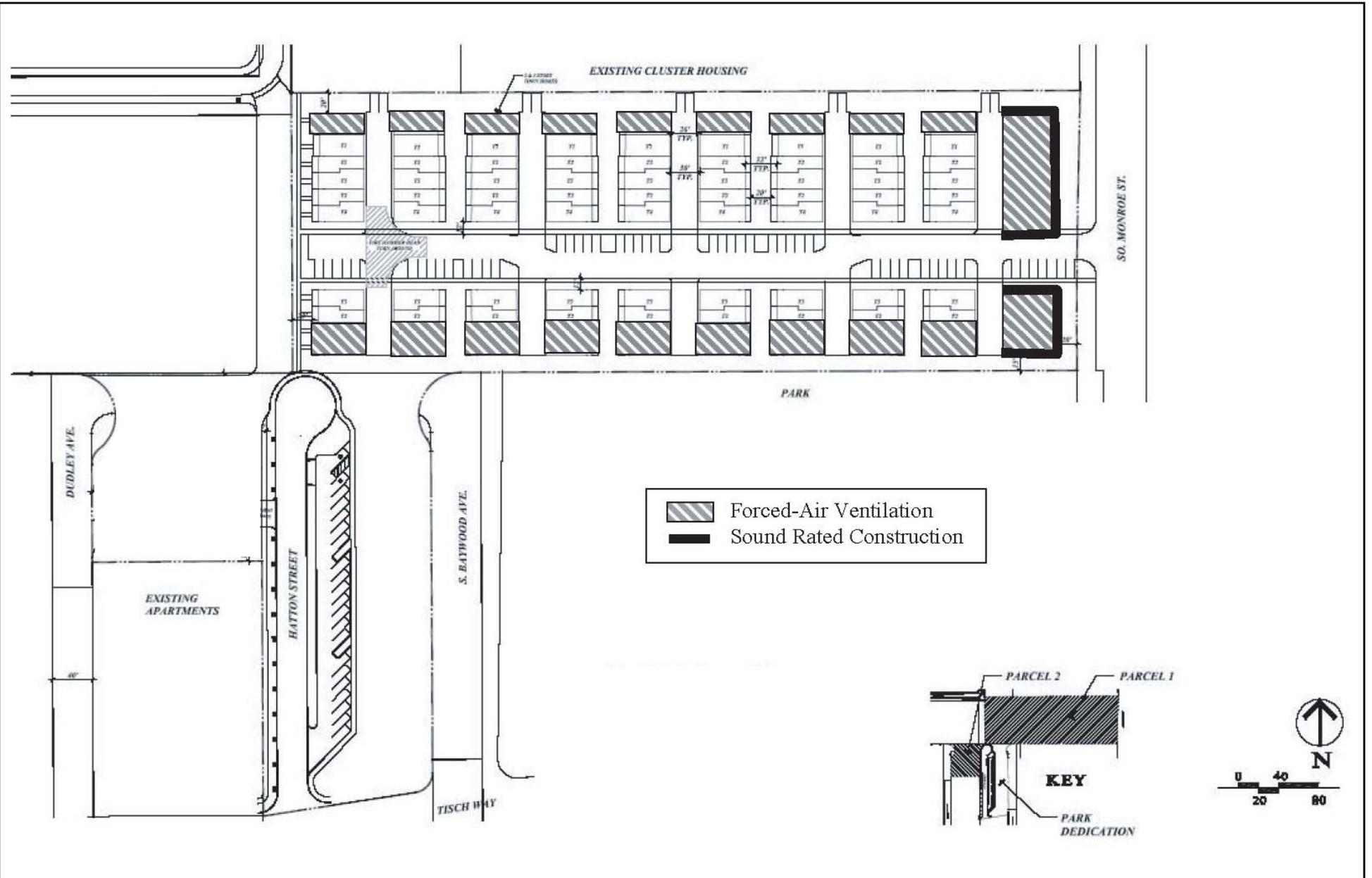
- MM NOI – 1.1:** The project shall implement the following measures to reduce interior noise levels to 45 dBA DNL:
- Provide forced-air mechanical ventilation, satisfactory to the local building official, for townhouses with facades fronting South Monroe Street and/or the northern or southern facades of Parcel 1 (refer to Figure 9). This would allow occupants the option of keeping windows closed to control noise. Prior to issuance of building

permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.

- Special building construction techniques may be required for townhouses fronting South Monroe Street to achieve an interior noise level of 45 dBA DNL or lower. These treatments could include, but are not limited to, sound rated windows and doors. The specification of necessary acoustical treatments shall be conducted by a qualified acoustical consultant during the final design stage. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans, and approved prior to issuance of a building permit.

**MM NOI – 1.2:** The project shall implement the following measures to reduce exterior noise levels:

- Install 42-inch high solid railings at all patios and elevated decks of units having a direct or side view of Monroe Street and/or Tisch Way.
- Ensure that all units on Parcel 1 have some private open space that is acoustically attenuated to a minimum 65 dBA DNL, to the satisfaction of the Director of Planning.
- Post-construction mechanical equipment shall conform to the City's General Plan limitation of 55 DNL at residential property lines and 60 DNL at commercial property lines.



Note: This figure reflects a previous version of the site plan. The mitigation measures noted on building facades on this figure are still appropriate to the currently proposed site plan.

#### 4.12.2.2 *Noise Impacts From the Project*

##### **Short-Term Construction Noise**

Construction on the project site would generate noise and would temporarily increase noise levels at adjacent land uses. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily occur when construction activities take place during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time.

Construction-related noise levels are normally highest during the demolition and grading phase and during the construction of project foundations and framing. These phases of construction require heavy equipment that normally generates the highest noise levels over extended periods of time. Substantial noise generating construction activities, including demolition, grading, and heavy construction, would be completed within 12 consecutive months. Additional construction activities, such as interior finishing work, would continue after this period, but would generate much lower noise levels. Pile driving would not be used for the construction of the project.

Nearby noise sensitive land uses include residences north of Parcel 1 and southwest of Parcel 2 (refer to Figure 3). There are also residences located east of the site, east of South Monroe Street. Portions of construction activity would be adjacent to existing residences north of Parcel 1 and southwest of Parcel 2, however, due to the size of the project site, most construction activity would be considerably further from individual residences.

Typical hourly average construction generated noise levels are about 81 dBA to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor; therefore, at 100 feet from the noise source, exterior hourly average noise levels would be approximately 75 to 82 dBA  $L_{eq}$  during busy construction periods. At 500 feet from the noise source, exterior hourly average noise levels would be approximately 61 to 68 dBA  $L_{eq}$ .

Existing residences adjacent to noisy construction activities would be exposed to an increase of ambient noise levels of more than five dBA  $L_{eq}$ . Construction-related noise levels are normally less during building framing, finishing, and landscaping phases. There would be variations in construction noise levels on a day-to-day basis depending on the actual activities occurring at the site. As the project develops, shielding by new buildings on-site would provide an additional five to 10 decibels of attenuation at more distant receptors.

While the construction of the proposed project would be temporary (12 months for the noisiest construction activities), given the proximity of nearby residences and the estimated construction noise levels, the project would result in significant, short-term construction-related noise impacts.

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

**Mitigation Measures:** The project proposes to implement the following mitigation measures to reduce short-term construction noise impacts to a less than significant level:

- MM NOI – 2.1:** Construction will be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- MM NOI – 2.2:** The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- MM NOI – 2.3:** Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- MM NOI – 2.4:** Acoustically shield stationary equipment located near existing residential receivers.
- MM NOI – 2.5:** The contractor shall prepare a construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- MM NOI – 2.6:** Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

### **Project-Generated Traffic**

Based on the transportation impact analysis completed by *Hexagon Transportation Consultants* for the project (refer to Appendix I), project-generated traffic would increase the noise levels along adjacent roadways by approximately one decibel or less, which would not be audible to the human ear (typically, three decibels is the minimum increase generally perceptible by the human ear). Project traffic, therefore, would not result in a long-term noise impact.

#### **4.12.3 Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above mitigation measures, would not result in significant noise impacts. **(Less Than Significant Impact with Mitigation incorporated)**

**4.13 POPULATION AND HOUSING**

**4.13.1 Setting**

In 2007, the City had a population of 974,000. In 2008, the City had a total of 369,450 jobs and 309,350 dwelling units, resulting in a jobs/housing ratio of 1.194 jobs per household.

According to the Association of Bay Area Governments (ABAG) *Projections 2007*, for the year 2010, the City of San José’s projected to have a population of 1,059,200, 329,270 households, 405,170 jobs, and 486,030 employed residents.<sup>24</sup> Based on the 2010 projections, the City would have a jobs/housing ratio of 1.2 (1.2 jobs per household).

It is projected that the buildout of the current 2020 General Plan would result in a total of 625,000 jobs and 391,460 dwelling units, which would result in a jobs/housing ratio of 1.597 jobs per household.

The site is developed with an office building, which is currently unoccupied. If the existing office building were to be fully occupied, it could have approximately 380 employees. There is no housing on-site.

**4.13.2 Environmental Checklist and Discussion of Impacts**

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

Since no housing exists on the project site, the project would not result the displacement of existing housing or people or require the construction of replacement housing.

The proposed project would allow for the development of up to 104 dwelling units on the site and an 89,342 square foot office building. Assuming 3.24 persons per household, the proposed project

<sup>24</sup> Association of Bay Area Governments. *Projections 2007*. December 2006.

would increase the population of the City of San José by about 337 persons.<sup>25</sup> It is anticipated that the office building could have approximately 306 employees. Considering the current overall population of over one million in the City of San José, the proposed project would not represent a substantial increase in population. The addition of the proposed residential units and office building would not substantially change the City's existing or projected jobs/housing ratio.

In addition, the project would not 1) induce growth in an area where urbanization is not already planned, 2) create a precedent for growth outside the existing urban envelope, or 3) create a significant demand for new infrastructure in an area where urban infrastructure does not already exist.

#### **4.13.3            Conclusion**

The project would not result in significant population and housing impacts. **(Less Than Significant Impact)**

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<sup>25</sup> The persons per household number is based on 2000 Census data from the City.

## **4.14 PUBLIC SERVICES**

### **4.14.1 Setting**

#### **4.14.1.1 *Fire Protection***

Fire protection to the project area is provided by the San José Fire Department (SJFD), which serves a population of approximately 920,000 and an area of 205 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. In 2007-2008 (most recent data available), approximately 84 percent of the emergency calls received by the SJFD were medically-related, 10 percent were classified as other, and six percent were fire-related.<sup>26</sup> It is the SJFD's goal not to exceed four minutes for the "first response" and six minutes for the "second response" times.

The nearest fire station is station No. 10, located at 511 South Monroe Street, immediately adjacent to the project site, abutting Frank Santana Park.

#### **4.14.1.2 *Police Service***

Police protection services in San José are provided by the City of San José Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters located at 201 West Mission Street. The SJPD employs more than 1,300 sworn officers in four Bureaus comprised of 11 divisions with more than 67 specialized units and assignments. In 2009, the City had 22,755 reported property crimes, 3,439 reported violent crimes, 2,867 reported domestic crimes, and 43 reported hate crimes.<sup>27</sup>

#### **4.14.1.3 *Schools***

The project site is located in the Campbell Union School District and the Campbell Union High School District. Nearby schools include Sherman Oaks Elementary School located approximately 2.5 miles southeast of the site, Monroe Middle School located approximately 0.7 miles south of the site, and Del Mar High School located approximately 1.5 miles southeast of the site.

#### **4.14.1.4 *Parks***

The City of San José manages approximately 3,650 acres of regional and neighborhood parkland. The City provides developed parkland, open space, and community facilities to serve its residents. Park and recreational facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City's Departments of Parks, Recreation, and Neighborhood Services, General Services, and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.

The project site is adjacent to Frank Santana Park (refer to Figure 3). This park includes a softball field and playground, as well as picnic and barbeque facilities.

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<sup>26</sup> City of San José, Fire Department. "SJFD Response By Station: Fiscal Year 2008-2009." Accessed March 24, 2009. Available at: <http://www.sjfd.org/Stats/0708Station.asp>.

<sup>27</sup> City of San José, Police Department. "Official Crime Statistics." March 5, 2010. Available at: <http://www.sjpd.org/CrimeStats/crimestats.html>.

#### 4.14.1.5 *Regulatory Overview*

##### **State Law and City Ordinances**

All future development allowed by the proposed land use designation changes will be subject to the following state law and City ordinances that offset the demand created by residential development upon schools and parkland, respectively:

- State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school impacts under the Government Code, including setting the school impact fee amount consistent with state law.
- The City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO) require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO.

##### **General Plan Policies**

In addition to the above state law and City ordinances, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating impacts to public services resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to applicable policies listed in Chapter 4, Goals and Policies, of the City's General Plan, regarding public services including the following:

- Level of Service Policy #1: The City's urban service delivery priorities should be ordered as follows:
  - Provide services and facilities designed to serve existing needs.
  - Prevent the deterioration of existing levels of service.
  - Upgrade City service levels, when feasible.
- Level of Service Policy #2: Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.
- Level of Service Policy #3: The Urban Service Area should not be expanded without taking into consideration the funding necessary to adequately provide for the long term, without degrading services in the existing urban areas, for all City services and facilities including operations and maintenance required by the development anticipated in the area proposed for expansion.
- Level of Service Policy #4: The City should be proactive in promoting consolidation of overlapping services between governmental jurisdictions where it would increase efficiency and quality of service delivery, both Countywide and regionally.

- Level of Service Policy, Other Services #16: Utilize the following Citywide level of service measures as benchmarks to be used to evaluate major General Plan land use and policy changes, such as expansions of the Urban Service Area or land use changes from non-residential to residential:
  - For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, achieve a response time of 11 minutes or less for 60 percent of all Priority 2 calls.
  - For fire protection, a four-minute average response time to all calls.
  - For parks and recreation: 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum is 1.5 acres of neighborhood, community or local serving regional/City-wide park lands and up to two acres of school playgrounds, and all of which is located within a reasonable walking distance of the project; 7.5 acres of regional/City-wide park lands per 1,000 population; and 500 square feet of community center floor area per 1,000 population.
  
- Schools Policy #21: The City supports a system of open communication between the City, the public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.
  
- Schools Policy #22: Residential development should be approved only in conformance with the School Facility Availability Ordinance and City Council Policy.<sup>28</sup> The City encourages school districts and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably immediately preceding or following land acquisition.
  
- Schools Policy #23: The City should cooperate with school districts in identifying and evaluating the impacts of population and demographic changes which may affect the need for new schools, may lead to school closures, may require the re-opening of closed schools or may lead to the decision that existing school sites should be preserved for meeting future needs.
  
- Schools Policy #25: The City and school districts should cooperate in the joint planning, development, and use of public school facilities combined with other public facilities and services, such as open space, recreation facilities, libraries, fire stations, and community service/ programs. The City should provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.
  
- Fire Hazards Policy #2: All new development should be constructed, at a minimum, to the fire safety standards contained in the San José Building Code.
  
- Fire Hazards Policy #5: Anticipated fire response times and fire flows should be taken into consideration as a part of the Development Review process.

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<sup>28</sup> School Facility Availability Policy and Ordinance (1995): A task force of school district officials and developers explored ways to compensate cash-strapped school districts for the impacts of new development. Using a variety of resources, including a survey of the actual student population generated in new housing (projects up to five years old), the task force developed a policy and ordinance requiring residential developers to pay an additional school impact fee to support those districts requiring additional assistance.

- Fire Hazards Policy #6: New development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.
- Parks and Recreation Policy #1: The City should consider as an objective the provision of neighborhood or community park within reasonable walking distance for each resident. That portion of a Citywide or regional park which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.
- Parks and Recreation Policy #3: Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees and visitors that will be generated by that development.
- Parks and Recreation Policy #16: The City should facilitate the creation and improvement of neighborhood and community parks by using the Parkland Dedication Ordinance, the Parallel Impact Fee Ordinance, and the Construction and Conveyance Tax.

**4.14.2 Environmental Checklist and Discussion of Impacts**

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: – Fire Protection? – Police Protection? – Schools? – Parks? – Other Public Facilities?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	1 1 1 1 1

#### **4.14.2.1      *Fire Protection Service***

The development of the proposed project would incrementally increase the demand for fire protection services in the area. Given the infill location of the site and the size of the proposed development project, it is not anticipated that the project would create the need for a new or expanded fire station in the project area. In addition, the proposed project would be constructed in conformance with current codes, including features that would reduce potential fire hazards. For these reasons, the project would not have a significant impact on fire protection service.

#### **4.14.2.2      *Police Protection Service***

The development of the proposed project would incrementally increase the calls for police service, however, given the infill location of the site and the size of the proposed development project, it is not anticipated that the project would create the need for a new or expanded police facilities. In addition, the design for the project, including landscaping, surveillance, access control, and lighting will be reviewed by the SJPD to ensure that the design does not adversely affect the SJPD’s ability to provide adequate service to the project site. For these reasons, the project would not have significant impact on police protection service.

#### **4.14.2.3      *Schools***

The project would add additional residents to the area and, therefore, increase the demand on local schools. As described above, students from the proposed project would likely attend Sherman Oaks Elementary School, Monroe Middle School, and Del Mar High School.

Assuming an elementary and middle school student generation rate of 0.67 students per residential unit, the proposed project would generate approximately 70 new elementary and middle school students.<sup>29</sup> Assuming a high school student generation rate of 0.17 high school students per residential unit, the proposed project would generate approximately 18 new high school students.<sup>30</sup>

As required by law, the project shall pay an impact fee to the school districts to offset the increased demands on school facilities caused by the project. Through the payment of the impact fee, the project would not have a significant impact on schools.

**Standard Measure:** The project proposes to implement the following standard measure to reduce school impacts to a less than significant level:

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

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<sup>29</sup> Thurston, Dale. Campbell Union School District Assistant Superintendent, Administrative Services. Personal communication. June 5, 2007.

<sup>30</sup> Selzler, Toni. Campbell Union High School District Business Services Secretary. Personal communication. September 2010.

#### 4.14.2.4 *Parks*

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient space to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. These ordinances are intended to reduce the extent to which new development would exacerbate the existing shortfall of park and recreational facilities. The acreage of parkland required is based on the Acreage Dedication Formula outlined in the PDO.<sup>31</sup>

The proposed PD zoning would allow for 104 residential units on-site. Based on the Acreage Dedication Formula, the project would be required to dedicate 0.80 acres parkland.<sup>32</sup> As discussed in **Section 1.0 Project Description**, the project proposes to dedicate 0.81 acres of the project site to the City as parkland. The project, therefore, would meet the City’s PDO/PIO requirement.

**Standard Measure:** The project proposes to implement the following standard measure to reduce impacts to parks:

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

#### 4.14.3 **Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above standard measures, would not result in significant impacts to public services. **(Less Than Significant Impact)**

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<sup>31</sup> Acreage Dedication Formula = # units x (3.23 persons per single-family attached unit or 2.29 persons per multi-family unit) x 0.003 acres per person.

<sup>32</sup> [32 units (grouped in 4 unit buildings) x 3.23 persons per single-family attached unit x 0.003 acres per person] + [72 units (grouped in 6-8 unit buildings) x 2.29 persons per multi-family unit x 0.003 acres per person] = 0.80 acres

## **4.15 RECREATION**

### **4.15.1 Setting**

As described previously in **Section 4.14 Public Services**, the City of San José manages approximately 3,650 acres of regional and neighborhood parkland. The City provides developed parkland, open space, and community facilities to serve its residents. Park and recreational facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City's Departments of Parks, Recreation, and Neighborhood Services, General Services, and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service level goal of 3.5 acres of neighborhood and community serving parkland per 1,000 residents, of which a minimum of 1.5 acres is City-owned and up to two acres is school playground/fields, all of which should be located within three-quarters of a mile walking distance of each residence. In addition, the City seeks to provide 7.5 acres of regionally serving parkland and 500 square feet of community center space per 1,000 residents.

The project site is adjacent to Frank Santana Park. This park includes a softball field and playground, as well as picnic and barbeque facilities.

#### **4.15.1.1 *General Plan Policies***

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating recreation impacts resulting from planned development within the City. All future development allowed by the proposed project would be subject to the recreation-related policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Parks and Recreation Policy #1: The City should consider as an objective the provision of neighborhood or community park within reasonable walking distance for each resident. That portion of a Citywide or regional park which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.
- Parks and Recreation Policy #3: Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees and visitors that will be generated by that development.
- Parks and Recreation Policy #16: The City should facilitate the creation and improvement of neighborhood and community parks by using the Parkland Dedication Ordinance, the Parallel Impact Fee Ordinance, and the Construction and Conveyance Tax.

In addition, all future development allowed by the proposed land use designation changes will be subject to the City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO). These ordinances require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland

created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO.

**4.15.2 Environmental Checklist and Discussion of Impacts**

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

Future residents of the proposed project would use recreational facilities in the area. Given the size of the project and the existing recreational facilities in the area, the project would not create significant new demand for recreational services or facilities. In addition, the proposed project would be required to provide both private and common open space in order to conform to the City’s adopted *Residential Design Guidelines*.

The City of San José has adopted the PDO and PIO requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland required is based on the Acreage Dedication Formula outlined in the PDO.<sup>33</sup> Based on the Acreage Dedication Formula, the project would be required to dedicate 0.80 acres parkland.<sup>34</sup>

As discussed in **Section 1.0 Project Description**, the project proposes to dedicate 0.81 acres of Parcel 2, located between South Baywood Avenue and the Hatton Street extension, to the City for future parkland. The project, therefore, would meet the City’s PDO/PIO requirements. As part of the project, an additional 0.36 acres of Parcel 2 (to be purchased by the City) and 0.45 acres of South Baywood Avenue (City right-of-way) would be committed to future parkland. The land dedicated and purchased for future parkland totals 1.62 acres and would be developed in the future as an expansion of Frank Santana Park.

<sup>33</sup> Acreage Dedication Formula = # units x (3.23 persons per single-family attached unit or 2.29 persons per multi-family unit) x 0.003 acres per person.  
<sup>34</sup> [32 units (grouped in 4 unit buildings) x 3.23 persons per single-family attached unit x 0.003 acres per person] + [72 units (grouped in 6-8 unit buildings) x 2.29 persons per multi-family unit x 0.003 acres per person] = 0.80 acres

Given the number of residents generated by the proposed development and the fact that the proposed project would comply with the City’s PIO/PDO, the project would not result in substantial physical deterioration of existing park facilities or require construction of new facilities.

**Standard Measure:** The project proposes to implement the following standard measure to reduce impacts to parks:

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

#### **4.15.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above standard measure, would not result in significant recreation impacts. **(Less Than Significant Impact)**

## **4.16 TRANSPORTATION**

The following discussion is based upon a transportation impact analysis prepared by *Hexagon Transportation Consultants* in January 2008, and a traffic memorandum prepared by *Hexagon Transportation Consultants* in August 2010. Copies of these reports are provided in Appendix I of this Initial Study.

### **4.16.1 Setting**

#### **4.16.1.1 *Existing Conditions***

The existing conditions for all of the major transportation facilities in the vicinity of the project site, including the roadway network, transit service, and bicycle and pedestrian facilities are described below.

#### **Existing Roadway Network**

The existing roadway network serving the project site is described below and shown in Figure 10. Regional access to the project site is provided by I-880 and I-280.

I-880 is a six-lane freeway in the vicinity of the site. It extends north to Oakland and south to I-280 in San José, at which point it makes a transition into SR 17 to Santa Cruz. Access to the site is provided via its interchange with Stevens Creek Boulevard.

I-280 is an eight-lane freeway in the vicinity of the site. It extends northwest to San Francisco and east to King Road in San José, at which point it makes a transition into I-680 to Oakland. Access to the site is provided via its interchange with Winchester Boulevard.

Local access to the project site is provided via Stevens Creek Boulevard, Winchester Boulevard, South Monroe Street, and Tisch Way. These roadways are described below.

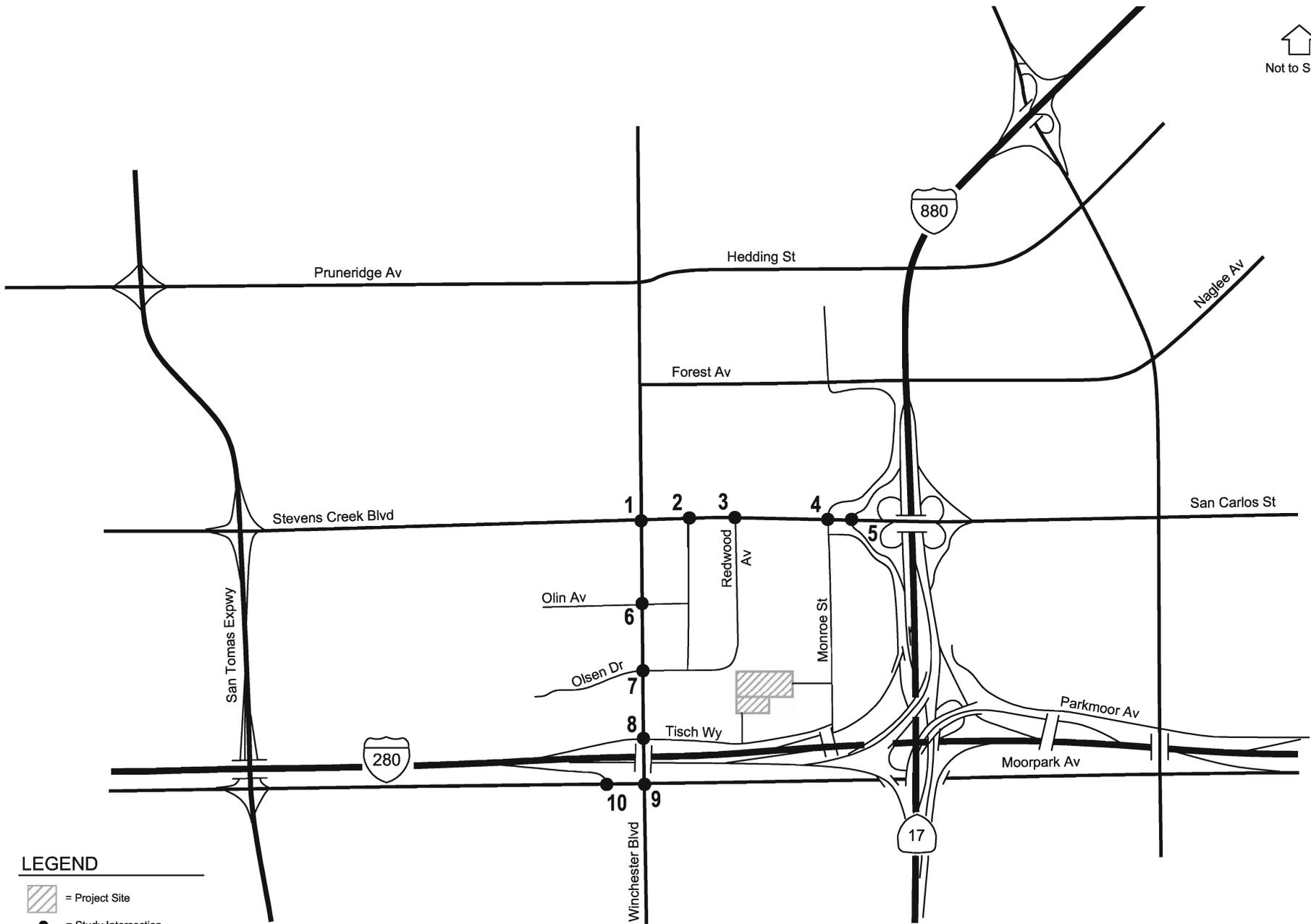
Stevens Creek Boulevard is a divided six-lane east-west roadway in the vicinity of the project site. It extends from Cupertino eastward to I-880, at which point it makes a transition into San Carlos Street to Downtown San José. Access to the site is provided via South Monroe Street.

Winchester Boulevard is a divided six-lane north-south roadway that runs from Los Gatos to Lincoln Street in Santa Clara. Access to the site is provided via Tisch Way.

South Monroe Street is a two-lane north-south roadway that provides direct access to Parcel 1. The roadway extends north from Tisch Way to Stevens Creek Boulevard.

Tisch Way is a two-lane east-west roadway that provides access to Parcel 2. The roadway extends east from Winchester Boulevard to South Monroe Street.

There will be no vehicular connection from Parcel 1 or South Monroe Street to any of the vehicular areas within Santana Row.



Source: Hexagon Transportation Consultants, Inc.

EXISTING ROADWAY NETWORK AND STUDY INTERSECTIONS

FIGURE 10

### **Existing Transit Service**

The Santa Clara Valley Transportation Authority (VTA) provides existing bus service on the surrounding roadway network. The project area is served by three bus routes: routes 60, 25, and 85. The existing transit service in the project area is shown on Figure 11.

Route 60 provides service between the Winchester Transit Center and Great America via Winchester Boulevard, with 20-30 minute headways during commute hours. Route 60 stops near Winchester Boulevard and Olsen Drive.

Route 25 provides service between the Alum Rock Transit Center and De Anza College, with 10-30 minute headways during commute hours.

Route 85 provides service between Lawrence Expressway/Moorpark and 10<sup>th</sup> Street/Hedding Street, with 30-minute headways during commute hours.

The nearest bus stops for these three bus routes are approximately 1,500 feet from the project site. Routes 25 and 85 both stop near South Monroe Street and Moorpark Avenue, across I-280. These stops can be accessed by the pedestrian footbridge located over I-280 at South Monroe Street.

### **Existing Bicycle and Pedestrian Facilities**

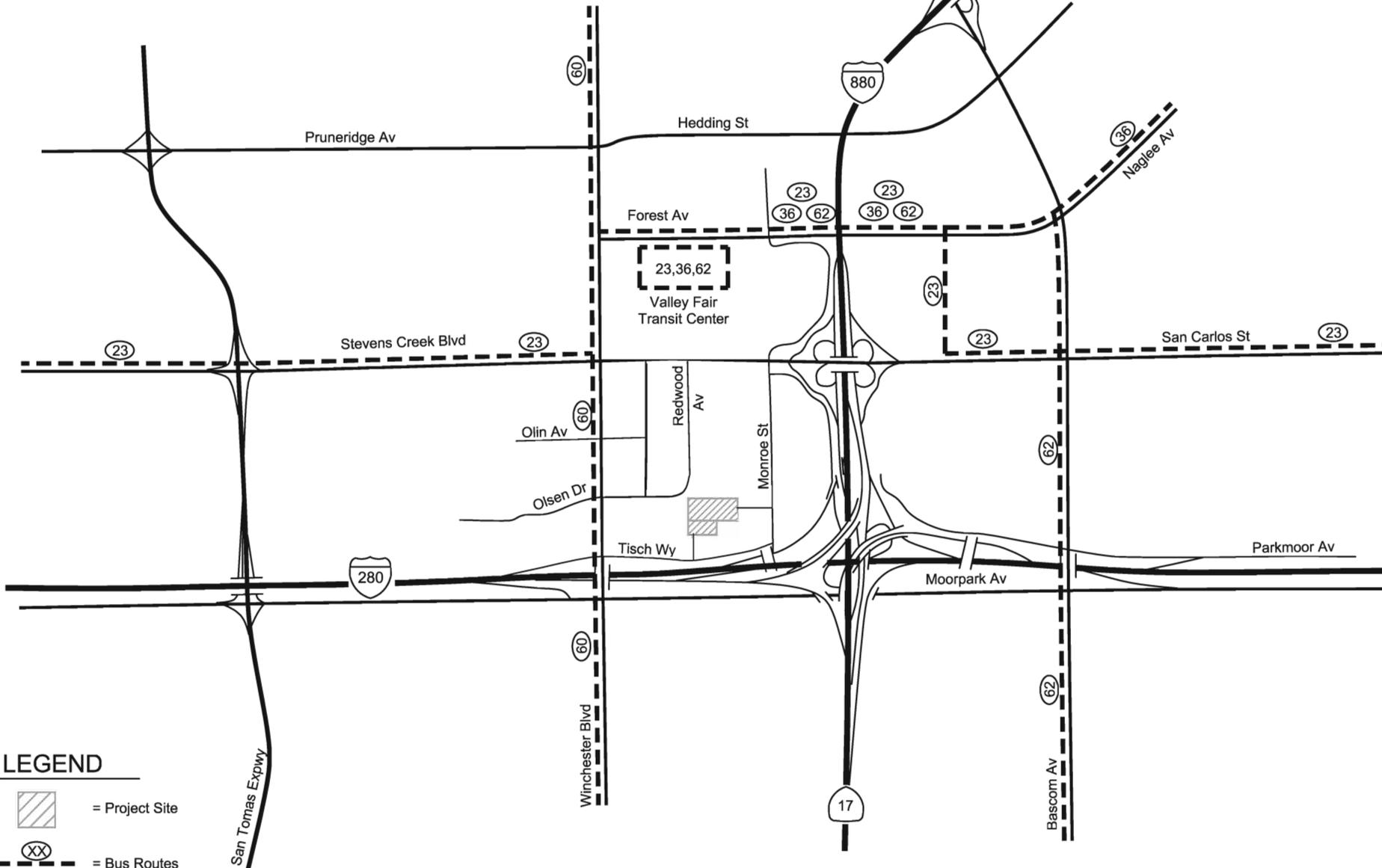
There are no designated bike lanes within the project area, although Stevens Creek Boulevard and Winchester Boulevard are identified bike routes. Both Stevens Creek Boulevard and Winchester Boulevard are rated as “extreme” routes due to heavy traffic volumes, high traffic speeds, and narrow-width travel area for bicycles. Moorpark Avenue, located south of the site, across I-280, is rated as an alert route due to moderate traffic volumes, moderate traffic speeds, and medium-width travel area for bicycles.

Existing pedestrian facilities in the project area consist primarily of sidewalks along streets. Sidewalks are available along South Monroe Street, Tisch Way, Winchester Boulevard, Stevens Creek Boulevard, and Dudley Avenue. At South Monroe Street and Tisch Way, there is a pedestrian footbridge over I-280 to South Monroe Street and Moorpark Avenue.

#### **4.16.1.2 Intersection Level of Service Methodology**

Level of Service (LOS) is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, free-flow conditions with little or no delay, to LOS F, jammed conditions with excessive delays. When volumes exceed capacity, stop-and-go conditions result, and operations are designated as LOS F.

All of the signalized study intersections are located in the City of San José and are therefore subject to the City of San José level of service standards. The City of San José level of service methodology is TRAFFIX, which is based on the Highway Capacity Manual (HCM) 2000 method for signalized intersections. TRAFFIX evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection.



**LEGEND**

-  = Project Site
-  = Bus Routes

Source: Hexagon Transportation Consultants, Inc.

**EXISTING TRANSIT SERVICE**

**FIGURE 11**

Since TRAFFIX is also the VTA’s Congestion Management Program (CMP)-designated intersection level of service methodology, the City of San José methodology employs the CMP default values for the analysis parameters. The City of San José level of service standard for signalized intersections is LOS D or better. The level of service standard for CMP-designated intersections is LOS E or better.

The correlation between average delay and level of service is shown in Table 6 below.

<b>Table 6: Signalized Intersection Level of Service Definitions</b>		
<b>Level of Service</b>	<b>Description of Operations</b>	<b>Average Control Delay* (seconds/vehicle)</b>
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	Up to 10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.	Greater than 80.0
Note: * Average Control Delay includes the time for initial deceleration delay, queue move-up time, stopped delay, and final acceleration. Source: Highway Capacity Manual. <i>Transportation Research Board</i> . 2000.		

**4.16.1.3 Study Intersections and Traffic Scenarios Analyzed**

**Study Intersections**

The transportation impacts related to the proposed project were evaluated following the standards and methodologies set forth by the City of San José and the VTA. The traffic study included an analysis of AM and PM peak hour traffic conditions for ten signalized intersections. Since the project is not projected to add one percent to any freeway segments in the area, a freeway analysis for the CMP is not required.

The study intersections are identified below and shown on Figure 10.

1. Stevens Creek Boulevard and Winchester Boulevard\*
2. Stevens Creek Boulevard and Santana Row
3. Stevens Creek Boulevard and Redwood Avenue
4. Stevens Creek Boulevard and Monroe Street

5. Stevens Creek Boulevard and I-880 SB off-ramp\*
6. Winchester Boulevard and Olin Avenue
7. Winchester Boulevard and Olsen Avenue
8. Winchester Boulevard and I-280 WB on-ramp
9. Winchester Boulevard and Moorpark Avenue
10. I-280 EB off-ramp and Moorpark Avenue\*

\* Denotes CMP intersection.

### **Traffic Scenarios Analyzed**

Traffic conditions at the intersections were analyzed for the weekday AM and PM peak hours of traffic. The AM peak hour of traffic is generally between 7:00 and 9:00 AM, and the PM peak hour is typically between 4:00 and 6:00 PM. It is during these periods that the most congested traffic conditions occur on an average day. Traffic conditions were evaluated for the following scenarios:

Scenario 1: *Existing Conditions.* Existing conditions are represented by existing peak-hour traffic volumes on the existing roadway network.

Scenario 2: *Background Conditions.* Background conditions are represented by future background traffic volumes on the near-term future roadway network. Background traffic volumes are estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments. Background conditions represent the baseline conditions to which project conditions are compared to for the purpose of determining project impacts (see discussion below).

Scenario 3: *Project Conditions.* Project conditions are represented by future traffic volumes, with the project, on the near-term future roadway network. Future traffic volumes with the project (hereafter called project traffic volumes) are estimated by adding background traffic volumes to the traffic generated by the project. Project conditions are evaluated relative to background conditions in order to determine potential project impacts.

CEQA Guidelines Section 15125(a) states that the existing environmental setting will normally constitute the baseline physical conditions against which the impacts of a project are to be evaluated. The courts have held that a Lead Agency has the discretion to use an alternate baseline, as long as the exercise of discretion is supported by substantial evidence. For the analysis of traffic impacts, the City of San José uses an alternate baseline, background condition, the rationale for which is described in the following paragraphs.

In 2001, the Santa Clara County Congestion Management Agency (CMA) adopted a Congestion Management Program for the County. Subsequently, the CMA also adopted an implementation methodology, with specific direction on how to calculate an impact on a CMP facility and identification of what constituted a “significant impact” on regional roadway intersections and on freeways in Santa Clara County. The methodology was developed through a joint technical working group and was reviewed with all relevant stakeholders and went through a public review and comment period. The methodology was accepted by all of the jurisdictions in Santa Clara and became the threshold of significance for impacts to regional roadways and freeways in Santa Clara County.

The methodology requires recent intersection counts and identifies a process for updating roadway traffic counts. It also defines and formalizes the inclusion of “background” information in the calculation of traffic impacts. In part because of the rapid growth and constantly changing physical conditions that periodically occur in Silicon Valley, it is not unusual for traffic conditions to change substantially between the time a CEQA document is prepared and the point in time when the project is fully implemented. The traffic methodology therefore includes provision for incorporating the traffic from approved projects but not yet constructed or occupied (projects that have completed their own CEQA review and require no new discretionary action to be implemented or occupied) to be added to existing conditions, creating the baseline against which the impacts of a new project’s traffic will be calculated. The methodology also allows traffic from an existing vacant building or complex to be calculated and included in background conditions.

The purpose of identifying a background condition for calculating impacts is to ensure that all possible care is taken to identify the actual capacity of the roadways that will be available to accommodate any newly proposed development project. This methodology also more accurately characterizes the real world conditions under which the newly proposed project would be implemented, should it be approved.

**4.16.1.4 Existing Intersection Levels of Service**

The results of the level of service analysis under existing conditions are summarized in Table 7.<sup>35</sup> The results show that, measured against the City of San José level of service standards, all of the signalized study intersections currently operate at acceptable LOS D or better under existing conditions.

<b>Table 7: Existing and Background Intersection Levels of Service</b>					
<b>Intersection</b>	<b>Peak Hour</b>	<b>Existing Conditions</b>		<b>Background Conditions</b>	
		<b>Average Delay</b>	<b>LOS</b>	<b>Average Delay</b>	<b>LOS</b>
1. Stevens Creek Boulevard and Winchester Boulevard*	AM	35	C	37	D
	PM	48	D	<b>60</b>	<b>E</b>
2. Stevens Creek Boulevard and Santana Row	AM	16	B	22	C
	PM	33	C	44	D
3. Stevens Creek Boulevard and Redwood Avenue	AM	4	A	6	A
	PM	14	B	23	C
4. Stevens Creek Boulevard and Monroe Street	AM	26	C	35	D
	PM	36	D	<b>84</b>	<b>F</b>
5. Stevens Creek Boulevard and I-880 SB off-ramp*	AM	23	C	25	C
	PM	23	C	27	C
6. Winchester Boulevard and Olin Avenue	AM	12	B	15	B
	PM	15	B	19	B

<sup>35</sup> A traffic report was prepared for the project in 2008. A subsequent traffic memorandum was prepared in 2010 for the project to determine whether the existing traffic conditions had substantially changed since the 2008 report was completed. As discussed in the traffic memo (refer to Appendix I), the existing traffic volumes have not substantially changed since the completion of the 2008 report. The existing conditions described above and in Table 7 are based on the most recent, available traffic counts taken in 2007 and 2008.

<b>Table 7: Existing and Background Intersection Levels of Service</b>					
<b>Intersection</b>	<b>Peak Hour</b>	<b>Existing Conditions</b>		<b>Background Conditions</b>	
		<b>Average Delay</b>	<b>LOS</b>	<b>Average Delay</b>	<b>LOS</b>
7. Winchester Boulevard and Olsen Drive	AM	10	A	12	B
	PM	14	B	16	B
8. Winchester Boulevard and I-280 WB on-ramp	AM	20	B	21	C
	PM	31	C	39	D
9. Winchester Boulevard and Moorpark Avenue	AM	39	D	40	D
	PM	45	D	47	D
10. I-280 EB off-ramp and Moorpark Avenue*	AM	10	A	10	B
	PM	12	B	12	B
Note: * CMP intersection					
<b>Bold</b> text indicates an intersection operating at an unacceptable LOS standard.					

**4.16.1.5 Background Conditions**

The following discussion describes background traffic conditions. Background conditions are defined as conditions just prior to completion of the proposed development. Traffic volumes for background conditions comprise volumes from existing traffic counts plus traffic generated by other approved developments in the vicinity of the site.

**Background Transportation Network**

As part of the Valley Fair expansion and other Santana Row development, there are several roadway improvements planned along Stevens Creek Boulevard and Winchester Boulevard. It is assumed that the planned improvements listed below will be complete under background conditions:

Stevens Creek Boulevard

- Widening of Stevens Creek Boulevard along its north side to accommodate right-turning traffic (into Valley Fair driveways);
- Lengthening of turn pockets along Stevens Creek Boulevard from Winchester Boulevard to Monroe Street;
- Pedestrian enhancements at the intersection of Santana Row/Stevens Creek Boulevard. The intersection will be modified to provide safer pedestrian crossing by realigning the intersection, removing exclusive right-turn lanes, and improving crosswalk treatments and pedestrian waiting areas;

Winchester Boulevard

- Adding a second southbound left-turn lane at Stevens Creek Boulevard;
- Adding a second northbound left-turn lane at Olin Avenue; and
- Adding a second northbound left-turn lane at Olsen Drive.

### **Background Intersection Levels of Service**

Background peak-hour traffic volumes were estimated by adding to existing traffic volumes the estimated traffic from approved, but not yet constructed, developments. The added traffic from approved but not yet constructed developments was provided by the City. Traffic for the existing office building on-site (if it were fully occupied) is included in the background conditions

The results of the intersection level of service analysis under background conditions are summarized in Table 7. The results show that, measured against the City of San José level of service standards, the intersections of Stevens Creek Boulevard and Winchester Boulevard, and Stevens Creek Boulevard and Monroe Street are projected to operate at an unacceptable LOS E during the PM peak hour under background conditions. All other study intersections would operate at an acceptable LOS D or better under background conditions.

Measured against CMP level of service standards, all of the CMP study intersections would operate at an acceptable LOS E or better under background conditions.

#### **4.16.1.6 General Plan Policies**

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating transportation and traffic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the transportation policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Level of Service Policy #5: Maintain specified levels of service.
- Transportation Policy #3: Provide right-of-way dedication and improvements.
- Transportation Policy #8: Factor safety for all modes into the design of streets and roadways.
- Transportation Policy #9: Discourage through traffic on neighborhood streets.
- Transportation Policy #16: Encourage pedestrian travel by providing pedestrian facilities.
- Transportation Policy #53: Priority improvements to the transportation bicycle network.

**4.16.2 Environmental Checklist and Discussion of Impacts**

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,21,22
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21,22
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
6) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

#### **4.16.2.1      *Significant Impact Criteria***

##### **City of San José Intersections**

The project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

- The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under project conditions, or
- The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

##### **CMP Intersections**

A significant level of service intersection impact at a CMP intersection is the same for the City of San José, except that the CMP standard for acceptable level of service at a CMP intersection is LOS E or better. A significant impact by CMP standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection conditions to LOS E or better.

#### **4.16.2.2      *Project Conditions***

The project proposes to demolish an existing 111,000 square foot office building and develop 104 townhouses and an 89,342 square foot office building on the project site. The proposed General Plan Amendment does not generate enough peak hour trips to warrant a CUBE traffic model run. The project would not affect air traffic patterns or substantially increase hazards due to design features (e.g., sharp curves) or incompatible land uses (also refer to **Section 4.11 Land Use**).

##### **Transportation Network Under Project Conditions**

It is assumed in this analysis that the transportation network under project conditions would be the same as described under background conditions.

##### Project Trip Estimates

The amount of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. The first step estimates the amount of added traffic to the roadway network. The second step estimates the direction of travel to and from the project site. The trips are assigned to specific street segments and intersection turning movements in the third step.

Trip Generation

Based on the residential and office trip generation rates recommended by the City of San José, the project is estimated to generate 2,299 gross daily trips, with 271 trips occurring during the AM peak hour and 286 trips during the PM peak hour. Trips assumed for the existing office building, which would be removed as part of the project, were then subtracted from the project estimated trips. Additionally, the trip estimates for the proposed residential and office uses were reduced by three percent to account for the internalization of trips associated with residential and employment uses. As a result, the proposed project would generate a net 412 daily trips, with 25 net additional trips in the AM peak hour and 22 net additional trips in the PM peak hour. The project trip generation estimates are shown in Table 8 below.

<b>Table 8: Project Trip Generation Estimates</b>												
Land Use	Size	Daily Trip Rate	Average Daily Trips	AM Peak Hour			PM Peak Hour					
				In	Out	Total	In	Out	Total			
<b>Proposed Uses</b>												
Townhouses	104 units	17.0	1,519	178	20	197	43	170	213			
Office	89,342 square feet	7.5	780	27	51	78	51	27	78			
			<i>Subtotal</i>	2,299	205	70	275	93	197	291		
				<i>Mixed-use Internalization Reduction (3%)</i>			-2	-3	-5	-3	-2	-5
				<i>Gross Project Trips (A)</i>			203	67	271	90	196	286
<b>Existing Use</b>												
Office (B)	111,000 square feet	17.0	1,887	221	25	245	53	211	264			
			<b>Net Project Trips (A-B)</b>	<b>412</b>	<b>-17</b>	<b>43</b>	<b>25</b>	<b>37</b>	<b>-16</b>	<b>22</b>		

Trip Distribution

The trip distribution pattern for the proposed project was estimated based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The trip distribution pattern is provided in Appendix I.

Trip Assignment

The net peak-hour trips generated by the proposed development were assigned to the roadway system in accordance with the trip distribution pattern discussed above. The project trip assignment is provided in Appendix I.

**Project Intersection Level of Service**

Project trips, as represented in the above project trip assignment, were added to background traffic volumes to obtain background plus project traffic volumes. Background traffic volumes plus project trips are typically referred to simply as project traffic volumes.

The results of the intersection level of service analysis under project conditions are summarized in Table 9.

Table 9: Existing and Background Intersection Levels of Service							
Intersection	Peak Hour	Background Conditions		Project Conditions			
		Average Delay	LOS	Average Delay	LOS	Increase in Critical Delay	Increase in Critical V/C
1. Stevens Creek Boulevard and Winchester Boulevard*	AM	37	D	37	D	0.0	0.000
	PM	<b>60</b>	<b>E</b>	<b>60</b>	<b>E</b>	0.0	0.000
2. Stevens Creek Boulevard and Santana Row	AM	22	C	22	C	0.0	0.000
	PM	44	D	44	D	0.0	0.000
3. Stevens Creek Boulevard and Redwood Avenue	AM	6	A	6	A	0.0	0.000
	PM	23	C	23	C	0.0	0.000
4. Stevens Creek Boulevard and Monroe Street	AM	35	D	36	D	1.1	0.015
	PM	<b>84</b>	<b>F</b>	<b>85</b>	<b>F</b>	2.3	0.006
5. Stevens Creek Boulevard and I-880 SB off-ramp*	AM	25	C	25	C	0.1	0.000
	PM	27	C	28	C	0.3	0.007
6. Winchester Boulevard and Olin Avenue	AM	15	B	15	B	0.0	0.001
	PM	19	B	19	B	0.0	-0.001
7. Winchester Boulevard and Olsen Drive	AM	12	B	12	B	0.0	0.001
	PM	16	B	16	B	0.0	0.001
8. Winchester Boulevard and I-280 WB on-ramp	AM	21	C	22	C	0.7	0.011
	PM	39	D	39	D	-0.4	-0.004
9. Winchester Boulevard and Moorpark Avenue	AM	40	D	40	D	0.0	0.000
	PM	47	D	47	D	0.2	0.004
10. I-280 EB off-ramp and Moorpark Avenue*	AM	10	B	10	B	0.0	0.000
	PM	12	B	12	B	0.0	0.002

Note: \* CMP intersection  
**Bold** text indicates an intersection operating at an unacceptable LOS standard.

The results show that, measured against the City of San José level of service standards, the intersections of Stevens Creek Boulevard and Winchester Boulevard, and Stevens Creek Boulevard and Monroe Street are projected to operate at an unacceptable LOS E and F, respectively, during the PM peak hour under project conditions. However, intersections would not be significantly impacted by the project according to the City of San José thresholds. All other study intersections would operate at an acceptable LOS D or better under project conditions.

The level of service results for the CMP intersection under project conditions show that, measured against the CMP level of service standards, the intersection of Stevens Creek Boulevard and Monroe Street would operate at an unacceptable LOS F in the PM peak hour under project conditions. This intersection, however, would not be significantly impacted by the project according to CMP thresholds. All other CMP intersections would operate at an acceptable LOS E or better under project conditions.

### **Transit, Pedestrian, and Bicycle Impacts**

Although no deduction was applied to the estimated trip generation for the project, it can be assumed that some project trips could be made by transit. Assuming up to a three percent transit mode share, an estimate of one transit trip would occur during both peak hours. Given the number of estimated transit trips and the existing bus service in the project area, these riders could be accommodated by the existing service. It is not anticipated the additional transit riders generated by the proposed project would adversely affect transit services or facilities.

Sidewalks are found along all streets that are near the project site. These sidewalks are adequate to serve the anticipated pedestrian demand, and the project would not adversely impact pedestrian facilities or their safety.

The bikeways within the project area are limited to sidewalks on most of the major roadways. These facilities would remain unchanged under project conditions. The project would not decrease the performance or safety of the bikeways.

### **Neighborhood Traffic**

Speed and tube count data were taken at two locations along South Monroe Street for a 24-hour period on a weekday. The count showed a volume of approximately 5,400 daily vehicles. An average of 64 percent of vehicles exceeded the speed limit (30 mph) at these locations. The 85<sup>th</sup> percentile speed was found to be 36 mph. These speeds are considered high for a residential neighborhood. The City of San José has implemented on-street parking and new striping to aid in the reduction of speed along Monroe Street.

South Monroe Street was also surveyed to determine the amount of cut-through traffic using Monroe Street and Tisch Way to avoid Stevens Creek Boulevard and Winchester Boulevard. Significant cut-through traffic was observed during both AM and PM peak hours. Cut-throughs constitute about 53 percent of daily traffic volumes on South Monroe Street. The project is not expected to affect the percentage or volume of cut-through traffic. Even though Parcel 1 is adjacent to the Santana Row neighborhood, no connection from Santana Row to the project site.

### **Emergency Access**

Based on analysis of the proposed site plan, the internal roadway network would have dead-end drive aisles. Dead-end aisles on residential streets generally are undesirable for large trucks from a circulation standpoint because upon reaching the end of an aisle, drivers must either back out or perform a three-point turn. Thus, dead-end aisles could pose a problem for large trucks. The design and layout of the on-site roadways is adequate to accommodate circulation of passenger vehicles and emergency vehicles.

#### **4.16.3 Conclusion**

The proposed project, in conformance with applicable General Plan policies, would not result in significant transportation impacts. **(Less Than Significant Impact)**

## **4.17 UTILITIES AND SERVICE SYSTEMS**

### **4.17.1 Setting**

Water service to the project site is provided by San José Water Company. The project site is served by a six-inch water line located in Dudley Avenue, a 10-inch water line located in Tisch Way, and a 12.75-inch water line located in South Monroe Street.

Storm drainage lines and sanitary sewer lines in the project area are provided and maintained by the City of San José Public Works Department. Runoff from Parcel 1 enters a 21-inch storm line at the west end of the site that drains north to Olsen Way. Parcel 2 drains to a 15-inch lateral storm drain linking Baywood Avenue and Dudley Avenue that also connects to the 21-inch storm drain line in Olsen Drive. In the event all local storm drainage infrastructure failed during a severe storm event, the project site drains via an overland release across the adjacent property to the northwest (Santana Row). Stormwater is eventually conveyed to Los Gatos Creek.

The site is served by an eight-inch sewer line in South Monroe Street and a six-inch sewer line in Dudley Avenue. Wastewater from the site is treated at the San José/Santa Clara Wastewater Treatment Plant (WPCP). The WPCP has a capacity to treat 167 million gallons per day (gpd) of sewage. Of this total capacity, San José is allocated approximately 108 mgd. The sewer flow from San José between 2000 and 2007 was approximately 98 mgd (average dry weather influent flow).<sup>36</sup>

Solid waste and recycling collection services for the site are provided by Garden City Sanitary and California Waste Solutions, respectively.

Natural gas and electric service is provided to the site by Pacific Gas & Electric (PG&E).

The existing office building on-site is currently unoccupied; therefore, water, sewer, solid waste, and electricity use at the site is minimal, if any.

#### **4.17.1.1 *General Plan Policies***

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. All future development allowed by the proposed land use designations will be subject to the utility and service policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Level of Service Policy #2: Capital and facility needs generated by new development should be financed by new development.
- Level of Service Policy #6: Standard is level of service "D" for sanitary sewer lines.
- Level of Service Policy #7: Monitor and regulate growth so that cumulative sewage treatment demand can be accommodated by the San José/Santa Clara Water Pollution Control Plant.
- Level of Service Policy #9: Encourages use of water conservation programs.

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<sup>36</sup> Guo, Shelley. City of San José Department of Public Works. Personal communications. April 2010.

- Urban Design Policy #7: Undergrounding of utility lines serving new development.

In addition to the above-listed policies of the San José General Plan, new development in San José is required to comply with programs that mandate the use of water-conserving features and appliances and the City’s Integrated Waste Management Program, which minimizes solid waste.

Also, the City’s *Green Vision* provides a comprehensive approach to achieved sustainability through new technology and innovation. Of the 10 *Green Vision* goals the City established to achieve by 2022, Goal #5 calls for diverting 100 percent of waste from landfill and convert waste to energy (also see discussion in Section 2.12.1.2). As part of implementing the *Green Vision*, the City adopted a *Zero Waste Strategic Plan* in 2008 with the specific objectives of 75 percent diversion by 2013 and zero waste by 2022. Under the *Zero Waste Strategic Plan*, the City is improving downstream reuse and recycling, implementing upstream strategies to reduce the volume and toxicity of discarded products, and supporting the reuse of discarded materials. The City is also currently collaborating with the local community and businesses to promote waste reduction and focusing on personal action and behavior change leading to less wasteful lifestyles. Other specific actions by the City to reduce waste and divert solid waste from landfills include:

- Implementing program enhancements to the residential Recycle Plus program to capture more materials and compost food waste;
- Redesigning the commercial solid waste management program to allow capture of more recyclables and compostables and greater service and rate equity for businesses;
- Targeting increased diversion and recovery of construction debris under the City's Construction & Demolition Diversion Deposit (CDDD) Program;
- Maximizing sorting to capture food and other hard to recycle materials and supporting use of conversion technology that convert waste to energy; and
- Supporting changes to state and local policies needed to change the material flows and create incentives for diversion.

**4.17.2 Environmental Checklist and Discussion of Impacts**

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

**4.17.2.2 Water Supply**

The project proposes to replace the existing approximately 111,000 square foot office building with 104 townhouses and an 89,342 square foot office building. The existing office building, if occupied, would use approximately 15,540 gpd of water. In comparison, the proposed project would use approximately 38,510 gallons per day (gpd) of water, for a net increase in water demand of 22,970 gpd.<sup>37</sup> The incremental increase in water demand for the project is not anticipated to require new or expanded water supply entitlements.

<sup>37</sup> Residential water usage rate was assumed to be 250 gallons per day (gpd), and office water usage rate was assumed to be 0.140 gpd per square foot.

**4.17.2.3 Wastewater Treatment**

**Wastewater Treatment and Sanitary Sewer Capacity**

Sewage generation is roughly 85 percent of a site’s water use. Given the project’s estimated water use, the project is estimated to generate 32,734 gallons of sewage a day. Given the available treatment capacity at the WPCP and the estimated amount of sewage the project would generate, there would be sufficient capacity at the WPCP to treat wastewater from the project.

<b>Table 10: Estimated Project Sewage Flow and Flow Split</b>		
	<b>Percent Flow to Each Line</b>	<b>Estimated Amount of Sewage (gallons per day)</b>
8-inch sewer line in South Monroe Street	68	22,100
6-inch sewer line in Dudley Avenue	32	10,634
<b>TOTAL</b>	<b>100</b>	<b>32,734</b>

Table 10 summarizes the estimated sewage flow and flow split. There is sufficient capacity in the existing sewer lines to serve the project. The project would not require the expansion or construction of wastewater treatment facilities.

**Wastewater Treatment Requirements**

Wastewater generators, such as the WPCP, have a permit to discharge their wastewater. Pursuant to the federal Clean Water Act and California’s Porter-Cologne Water Quality Control Act, the San Francisco Bay RWQCB regulates wastewater discharges to surface waters, such as the San Francisco Bay, through a NPDES program. The RWQCB also requires waste discharge requirements (WDRs) for some discharges in addition to those subject to NPDES permits. For example, SFWQCB issues WDRs for wastewater recycled for reuse. Wastewater permits contain specific requirements that limit the pollutants in discharges. As required by the RWQCB, the WPCP monitors its wastewater to ensure that it meets all requirements. The RWQCB routinely inspects treatment facilities to ensure permit requirements are met.

Sewage from the proposed project would be treated at the WPCP in accordance with their existing NPDES permit and WDRs. It is not anticipated that the sewage generated by the project would exceed wastewater treatment requirements of the RWQCB.

**4.17.2.4 Storm Drain Capacity**

As discussed in **Section 4.9 Hydrology and Water Quality**, the proposed project would decrease the amount of impervious surface on the site by 33 percent, which would result in a decrease in runoff from the site compared to existing conditions. Since the amount of runoff from the site would decrease under project conditions, it is anticipated that the existing storm drain system has sufficient capacity to accommodate project runoff flows.

In the event all local storm drainage infrastructure failed during a severe storm event, the project proposes to continue utilizing the overland release across the adjacent private property to the northwest (Santana Row). The project proponent either has an existing legal right to the overland release of storm flow across the adjacent property, or they will secure new rights through an easement with Federal Realty (the property owner of the adjacent property) prior to receipt of the PD Permit for the project. In the event the project proponent is unable to obtain an easement, if it is required, the project proponent would propose an alternative storm drainage solution that would be subject to additional environmental review.

#### **4.17.2.5      *Solid Waste***

Solid waste generated by the proposed project would be disposed of at Newby Island Sanitary Landfill (NISL). It is estimated that the project would generate 1,455 tons of solid waste a year.<sup>38</sup> The generation of solid waste resulting from the proposed project would be minimized through implementation of the City's Integrated Waste Management Program, which includes the following services:

- Curbside collection of residential recyclables including aluminum, glass, tin, mixed paper, mixed plastic bottles, waste oil, and small scrap;
- Collection of bulky goods from residences, city corporation yards, and City sponsored neighborhood clean-up events for potential reuse and recycling;
- Processing and marketing of recyclables at material recovery facilities and community relations/education programs; and
- Curbside collection of yard trimmings.

According to the operator of Newby Island Landfill, as of December 31, 2007, the landfill has approximately 10.7 million cubic yards of capacity remaining.<sup>39</sup> The City of San José has a contract with Newby Island for 320,000 tons of residential and commercial solid waste per year through December 31, 2020, with a provision for the City to extend the contract as long as capacity exists.

In recent years, the City has generated approximately 200,000 tons of residential solid waste a year that is landfilled at Newby Island. The volume of residential waste that is disposed of at landfills is expected to decrease as new pilot programs and zero waste strategies are implemented.

Given Newby Island Landfill's existing capacity, the City's contract with Newby Island Landfill, the existing amount of waste the City disposes at the landfill, and the amount of waste the project is estimated to generate, there is sufficient capacity within the City's contract with Newby Island to serve the proposed project.<sup>40</sup>

In addition, the project would participate in the City's Construction and Demolition Debris Recycling Program by recycling or diverting at least 50 percent of materials generated for discards by the project in order to reduce the amount of demolition and construction waste going to the landfill.

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<sup>38</sup> It is assumed that a single-family dwelling unit generates approximately 31.6 pounds of solid waste a week and office uses generate 0.084 pounds of solid waste per square foot per day.

<sup>39</sup> Allied Waste Services of North America, LLC. Personal communications. April 2008.

<sup>40</sup> Note that an application is on file (file no. PDC07-071) at the City for a height expansion at Newby Island Sanitary Landfill, which would add approximately 15 million cubic yards to the capacity of the landfill.

**4.17.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and the City’s Integrated Waste Management Program, would not result in significant utilities and services impacts. **(Less Than Significant Impact)**

**4.18 MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	p. 16-122
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	p. 16-125
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	p. 16-122

The proposed project would not result in significant environmental impacts with the implementation of the mitigation measures included in the project and described in this Initial Study (refer to **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**).

In regards to cumulative impacts, the project area is generally built out. The following projects are included in the cumulative analysis:

1. Santana Row Parcel 11 (City of San José) – replacement of 229 residential units and 20,000 square feet of retail space with 100,000 square feet of office space;
2. Santana Row Parcel 2 (City of San José) – conversion of the approved 190-room hotel and 25,500 square feet of retail space at Santana Row to 60,000 square feet of office space with 23,000 square feet of retail space;
3. BAREC Residential Development (City of Santa Clara) – 110 single-family residential units and 165 senior housing units, located along the west side of Winchester Boulevard and Forest Avenue.

4. Improvements to I-880/Stevens Creek Boulevard Interchange, SR-17/I-280/I-880 Interchange, and I-280/Winchester Boulevard Interchange - Caltrans, in cooperation with VTA and the City of San José, proposes to 1) reconstruct the existing I-880/Stevens Creek Boulevard interchange, including widening the Stevens Creek Boulevard overcrossing, 2) construct a new direct connector ramp from northbound I-280 to northbound I-880, and 3) construct a new off-ramp from northbound I-280 to Winchester Boulevard.

#### Cumulative Traffic Impacts

One of the design options under consideration for the proposed off-ramp to Winchester Boulevard ramp for cumulative project #4 includes converting Tisch Way to a one-way westbound only roadway in the project site area. Primary access to the project site would remain via South Monroe Street with this design option. Therefore, it is not anticipated that the project would result in significant cumulatively considerable traffic impacts as a result of this ramp design option.

The traffic volumes for cumulative conditions were estimated by adding traffic associated with pending developments to project traffic volumes. The results of the intersection levels of service analysis under cumulative conditions show that the cumulative project would not result in a significant level of service impact at the study intersections (refer to Appendix I for more details).

For the above reasons, the cumulative projects (including the proposed project) would not result in significant cumulative traffic impacts.

#### Cumulative Aesthetic Impacts

The construction of the cumulative projects would incrementally change the visual character of the area, intensifying the level of development in an already developed, urbanized environment. However, visual and aesthetic effects would be lessened through compliance with the City's design guidelines, incorporating parks and open space, using aesthetically-pleasing architectural features in building design, and/or installing landscaping. For this reason, the cumulative projects are not anticipated to result in a significant cumulative aesthetic impact.

The cumulative projects, in compliance with the City's Outdoor Lighting Policy, would not result in significant light or glare impacts.

#### Cumulative Air Contaminant Exposure

According to BAAQMD, a project would have a cumulatively considerable air contaminant exposure impact if the aggregate total of all past, present, and foreseeable future sources within a 1,000 foot radius from the fence line of a source, or from the location of a receptor, plus the contribution from the project, exceeds the following:

- Non-compliance with a qualified risk reduction plan;
- An excess cancer risk level of more than 100 in one million or a chronic non-cancer hazard index (from all local sources) greater than 10.0; or
- 0.8 µg/m<sup>3</sup> annual average PM<sub>2.5</sub>.

Other existing or planned sources of air contaminant exposure that could increase the cancer risk, hazard, or PM<sub>2.5</sub> concentrations are not present in the project area. Therefore, the cumulative risk to future residents at the project site would be the same as estimated in **Section 4.3 Air Quality** and is considered less than significant.

#### Cumulative Construction-Related Impacts

The project, in combination with future development on the adjacent Santana Row property could result in cumulative construction-related noise and air quality impacts. However, each project is required to implement the City's standard measures to reduce construction-related noise and air quality impacts. Given the fact that all construction projects are temporary and the project would implement mitigation measures to reduce their construction-related impacts, the cumulative short-term noise and air quality impacts associated with the cumulative projects are not anticipated to be significant.

#### Cumulative Utilities and Service Systems Impacts

The cumulative projects would require water, sewer, storm drain, solid waste, and electricity services. As part of each project's environmental review and approval process, the City requires appropriate upgrades and extensions to the existing utility systems as necessary. Given the WPCP's available capacity, it is anticipated that the WPCP would be able to treat sewage from the cumulative projects. It is anticipated that the cumulative projects, with the implementation of the City's standard waste reduction measures (e.g., participation on the City's Construction and Demolition Diversion Deposit Program, use of recycled and/or salvaged materials, and recycling), would not result in significant cumulative solid waste impacts.

#### Other Cumulative Impacts

Each cumulative project is required to comply with the City's PDO/PIO to mitigate for impacts to parks, pay a school impact fee (as applicable) to mitigate impacts to local schools, and comply with applicable laws and regulations (e.g., Clean Water Act, NPDES permit) to mitigate hydrology and water quality impacts. Therefore, the cumulative projects would not result in significant cumulative impacts in regards to parkland, schools, or hydrology and water quality.

The project's contribution to global climate change is discussed in **Section 4.7** in terms of the project's greenhouse gas emissions.

Other project impacts, including those to trees, cultural resources, geology and soils, and hazardous materials are specific to the project site and would not contribute to cumulative impacts elsewhere. The project would not result in impacts to mineral resources and therefore, would not result in significant cumulative impacts to mineral resources. Based on the above discussion, the project would not result in significant cumulative impacts.

### Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
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## SECTION 5.0

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